



Working Session 10: Freedom of thought, conscience, religion or belief

*As delivered by Paul Coleman
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Freedom of religion is one of the foundations of a democratic society. But to be considered a true fundamental right, freedom of religion must not be limited merely to freedom of private acts of worship, as some would like it to be. Freedom of religion is not simply the freedom to believe whatever we want in our own mind, or the freedom to attend a place of private worship, or the freedom to hold beliefs in the privacy of our own home. Freedom of religion, as recognized in international human rights law, includes the right to publicly act on the religious beliefs that we hold.

As the Advocate General of the Court of Justice of the European Union recently stated in the case of *Y and Z v Germany*, if religious belief was comprised only of “private conscience”, it would render any protections for “the external manifestation of that freedom” effectively “meaningless”. He went on to state that “the manifestation of religion is inseparable from faith and is an essential component of freedom of religion, whether it be practiced in public or in private.” The European Court of Human Rights has similarly held that “bearing witness in words and deeds is bound up with the existence of religious convictions”.

It is therefore surprising and disappointing that some participating OSCE States continue to draw a sharp distinction between religious belief and religious practice, when both are protected under well-established human rights law.

For example, when four high-profile religious liberty cases were argued before the European Court of Human Rights last month, the Government of the United Kingdom argued that the rights of four Christians, who had been discriminated against in the workplace, were only protected in private, and that they could not “insist on being able to manifest their beliefs in any way they choose”.

The Government also argued that Christian employees, who are forced to violate their deeply held religious beliefs or risk losing their job, are not discriminated against if they have the choice of “resigning and moving to a different job.”

If “freedom of religion” simply means “freedom to resign”, it cannot be considered one of the foundations of a democratic society.

Therefore, in order to protect the fundamental right of freedom of thought, conscience and religion, Alliance Defending Freedom strongly urges participating OSCE States to recognize the freedom to act on religious beliefs, as well as the freedom to hold them.