



## *Session 2 - Freedoms of thought, conscience, belief and expression - ODIHR and OSCE activities*

Marking the 20th anniversary of the Copenhagen Document, OSCE Chairperson-in-Office, Kazakhstan's Foreign Minister Kanat Saudabayev, said that "respect for and the protection of fundamental rights and freedoms, the development of democracy, combating intolerance and discrimination, are integral parts of a unified and indivisible security." We can all fully agree with Minister Saudabayev's words, for as Ambassador Lenarčič remarked on the same occasion: "democracy and the protection of human rights are the best guarantee for creating free and open societies, thereby preventing possible human security threats from emerging or from causing harm to the stability of the OSCE area".

Freedom of thought, conscience and belief is inseparably linked with the rule of law and the other fundamental freedoms and human rights affirmed in human dimension commitments. This Working Session's topics of freedom of thought, conscience, belief and expression, along with ODIHR and OSCE activities, points to both the indissolubly interlinked nature of fundamental freedoms - and the need for this to be reflected in activities supporting their implementation. This is made very clear in the ODIHR's excellent *Guidelines for Review of Legislation Pertaining to Freedom of Religion or Belief* - whose next edition is eagerly awaited - and *Guidelines on Freedom of Peaceful Assembly* - drafted with the help of now imprisoned Kazakh human rights defender Yevgeni Zhovtis.

"I was only obeying orders." Those words - said to Forum 18 by an Uzbek policeman defending his participation in a raid on a group in a flat talking about Baptist ideas - tell us how far we have to go in implementing human dimension commitments. Two of the group, one a Soviet-era prisoner of conscience, were recently convicted of - I quote - "teaching religious beliefs privately". Note that this is both a violation of both freedom of thought, conscience, belief and of freedom of expression - freedom, as the Copenhagen Document put it, "to hold opinions and to receive and impart information and ideas without interference by public authority".

As the policeman's comment makes clear, some participating States violate rather than implement their commitments - and this has been getting worse since the 1999 Review Conference, bringing with it dangers. The OSCE is a security organisation, and the intention behind OSCE commitments and their implementation is to create a comprehensive framework for peace and stability - and we can see in Kyrgyzstan why such a framework is necessary. There are many dimensions to that situation, but a vital component of resolving it - and indeed resolving and defusing other points of tension in the OSCE region - is the human dimension. As the ODIHR has noted, "no government can claim they have to establish political or economic security before addressing human rights and democracy".

In Kyrgyzstan under former President Bakiev, there were from 2005 systematic violations of commitments to freedom of religion or belief along with other fundamental freedoms. Increasing state controls on all religious activity were imposed, and further legislative restrictions were planned up to the point Bakiev lost power. The state showed little understanding that genuine security depends on genuine respect for human rights. This had damaging consequences; as a Baha'i put it to Forum 18: "Our country has so many urgent problems - poverty, the lack of medicine, AIDS, crime, corruption. Why don't officials work on these instead of making life harder for religious believers?"

Lack of implementation of OSCE commitments has contributed to making the current situation difficult to resolve peacefully. As Kyrgyz NGO Foundation for Tolerance International found, ordinary Kyrgyz people think that - and I quote:

- repressions and terror implemented by the government are the main causes of the expression of violence on part of certain groups and individuals;
- and the authorities use terrorism as an excuse to carry out repression, knowingly exaggerating the threat of terrorism in order to divert public discontent from the actual causes of discontent to the issues of terrorism and extremism.

The relevance of these findings to Kyrgyzstan today - and to other participating States - is clear, as repression on the part of public authorities increases public support for extremism and even violence.

Public authorities in some participating States may realise that trying to control all religious activity encourages extremism. Islamist insurgents from Russia's North Caucasus republic of Dagestan have stepped up attacks in recent months - conducting suicide bombings in both Moscow and Dagestan - but Forum 18 has found that local state authorities are beginning to relax their strict control on Muslim public life. "The authorities are beginning to understand that they can't keep raiding everywhere and trying to control things in that way, that constant pressure doesn't make people regard them positively," local human rights lawyer Ziyautdin Uvaisov stated. Such pressure also affects other religious communities as it, along with failure to defend everyone's freedom of religion or belief, fuels the extremism which led to the murder of Dagestan Protestant Pastor Artur Suleimanov. He told Forum 18 just before his murder in June of increasing hostility work with drug addicts and convicts faced from some officials, and that lack of freedom was overwhelmingly due to public attitudes.

Freedom of religion or belief is sometimes seen as a freedom of separate groups - for example the separate categories of 'Anti-Semitism', 'Muslims', and 'Christians and Members of Other Religions'. Naming particular kinds of intolerance and discrimination - for example against women - can indeed be helpful. But it is profoundly mistaken to isolate victims of freedom of religion or belief violations against followers of one belief from victims from other beliefs, as the worst violators - participating States - normally target all who they see as actually or potentially outside their control. Human dimension commitments such as the Helsinki Final Act firmly state that freedom of thought, conscience, belief and expression are for all people, without exception, as fundamental freedoms "derive from the inherent dignity of the human person" - all human persons.

Kazakhstan, as OSCE Chair-in-Office, has indicated its wish to be seen in the light of its OSCE commitments. So it is disturbing that there continue to be violations. As the 1990 Copenhagen Document stated violations must be rectified, and this offers an opportunity to show leadership in implementing commitments. One issue - out of many others such as revision of the Administrative Offences Code, and raids on social care centres - which offers a chance to show leadership is intolerance in education, as reflected in a controversial school textbook, "Introduction to Religious Studies". It has caused controversy in Kazakhstan, not least as it is a symptom of a wider problem of the encouragement of intolerance against people exercising their freedom of religion or belief.

The ODIHR has published the *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools*, which used Kazakh expertise. This offers tools to implement OSCE commitments to ensure that teaching about different religions and beliefs is carried out in a fair and balanced manner. There is here an opportunity for Kazakhstan to actively address intolerance in the field of religious education - and so also in society - by using the tools offered by the *Toledo Guiding Principles* in co-operation with civil society activists such as Ninel Fokina of the Almaty Helsinki Committee, Professor Artur Artemyev, and Vyacheslav Abramov of MediaNet/Freedom House.

Implementing the approach reflected in human dimension commitments - that security is far more than the absence of war and violence - has been shown, for example in the north of Ireland, to be a highly effective way of addressing the root causes of insecurity. So recommendations for participating States, as well as OSCE institutions, would include:

- freedom of religion or belief violations to be seen as not only attacks on particular people or communities, but also as attacks on the fundamental rights and freedoms of all people;
- to affirm the dependence of genuine dialogue, understanding, tolerance and non-discrimination on effective protection for fundamental human rights and the rule of law;
- insisting that politically binding human dimension commitments are for implementation by all participating States;
- OSCE institutions and field operations - and participating States - mainstreaming freedom of religion or belief in human dimension work, taking full advantage of the ODIHR's expertise;
- and fully supporting the work of the OSCE/ODIHR Advisory Council of Experts on Freedom of Religion or Belief - for example in expediting work on the *Guidelines for Review of Legislation Pertaining to Religion or Belief*.

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