



Associazione culturale “**Giuseppe Dossetti: i Valori**”  
**TUTELA E SVILUPPO DEI DIRITTI**

Osservatorio per la Tolleranza e la Libertà Religiosa  
Observatory for Religious Tolerance and Freedom

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Despite many commitments adopted by the participating States, in the OSCE Area – both East and West of Vienna – violations of freedom of religion or belief and episodes of intolerance and discrimination still subsist against Christians, not only where they are minority but also where they are majority. It is therefore necessary to avoid an improper hierarchy, implying that such events against majority religions are less serious than those against minority ones: the human dignity is breached exactly in the same way in both cases.

Especially East of Vienna there are recurring hate-motivated incidents and hate crimes against Christian properties or people, including murders. The situation of Christian communities in Kosovo and Turkey is a real threat to security of the Euro-Atlantic and Eurasian Region and may give rise to conflict and violence on a wider-scale. Profanations of Christian cemeteries and churches recently took place in several OSCE Countries both East and West of Vienna. The first responsibility rests with the participating States: it is not satisfactory that violence does not derive from the States, since public authorities have the duty to actively support and protect the religious freedom of their citizens. Regrettably in some case even the police or other governmental agencies harass Churches and Christian communities.

Undue restrictions remain against the registration of Churches: civil authorities do not recognize the legal personality of Christian communities and these are therefore subjected to limitations in other several issues often linked to acquiring legal personality (as such acquiring property for a place of worship and other religious use; eligibility to establish educational institutions for training clergy; arranging visits and ministries in hospitals, prisons, and the military; and so forth). In the same way undue restrictions persist against the importation and distribution of religious material as well as against visas for missionaries or volunteers so legitimate proselytism is strongly constrained.



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By arguing from the article 18 of the International Covenant on Civil and Political Rights, the UN Human Rights Committee has sustained – in the General Comment No. 22 and in the case *Raihon Hudoyberganova v. Uzbekistan* – that freedom of religion or belief encompasses the right to wear religious symbols and attire in public space. According to the VII Principle of the Helsinki Final Act, in the field of human rights and fundamental freedoms participating States should fulfil their obligations as set forth in the International Covenants on Human Rights. Consequently legal measures (such as the French or the Belgian one) seeking to restrict the wearing of religious symbols and attire in public area seem to be in contrast with the OSCE commitments.

The OSCE participating States not always respect the right of parents to ensure the religious and moral education of their children in conformity with their own convictions, as happens for example in Spain. Children should not be forced to a compulsory sexual, religious or ethical teaching which can be not consistent with the convictions of the children’s parents: in this case participating States should provide non-discriminatory opt-out possibilities. On the other side, the raising multiculturalism is in no way contrary to a facultative confessional religious teaching in public schools.

The existing OSCE commitments expressly recognize the conscientious objection only to military service. But nowadays participating States should guarantee the right of conscientious objection also to other ethical sensitive questions (as abortion, same sex marriage, children adoption by homosexuals, research on human embryo *et cetera*) in regard to the fact that religious freedom includes, *inter alia*, the right to live and act in accordance with the dictates of the conscience.

Freedom of religion or belief derives from the inherent dignity of the human persons and protects their transcendent dimension. Only the full respect of this freedom could guarantee the free and full development of our democratic societies.

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