



Forum 18 News Service <http://www.forum18.org>
The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

Implementation: the key issue for freedom of thought, conscience, religion or belief

Religious freedom, understood in international law to protect the right of all to believe and not to believe, is rightly seen as a “fundamental freedom.” The Helsinki Final Act of 1975, the OSCE’s foundation charter, states that “participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.” Religious freedom is fundamentally impossible to separate from other human rights. It is a litmus test of the state of freedom and the rule of law in any society embracing among others, freedom of speech and association, freedom to promote and change one’s beliefs, freedom of the media, freedom to think differently. Religious freedom inevitably leads to other freedoms for all and the rule of law for all.

Experience shows the wisdom of the drafters of the Helsinki Final Act in seeing that human rights such as religious freedom must be implemented “for all without distinction.” It is sadly true that, year on year, there is a worsening of respect for religious freedom within the OSCE region, for example in Belarus and in the countries of Central Asia. The worst violators of and threats to religious freedom in the OSCE are some participating States themselves, repeatedly breaking their international religious freedom and wider human rights commitments. In Ambassador Strohal’s words at the start of this HDIM, “we are witnessing an implementation crisis.” As the Helsinki Final Act recognises, challenges to religious freedom are challenges to the freedom of all, not just to the freedom of some. Then as now, the governments which are the OSCE’s worst violators of religious freedom attack the religious freedom of all, not just the freedom of some.

Uzbekistan is arguably the OSCE’s current worst violator of religious freedom and other human rights. One thinks of the tragedy of Andijan and the jailing of journalists, including one last month incarcerated in a psychiatric hospital. A core element of religious freedom is that everyone has the right to peacefully and non-coercively expound and promote religious or conscientiously held non-religious beliefs (such as conscientious objection). One could argue that religious freedom includes much of what we are doing here in this HDIM session. Uzbekistan bans this as a criminal offence. Demonstrating Uzbekistan’s record of religious freedom violations being for all, a meeting this summer of representatives of state-registered religious organizations - Muslims, Orthodox Christians, Catholic Christians, Jews, and Protestant Christians – heard the following demand from the state Religious Affairs Committee:

Religious leaders must stop those who regularly attend places of worship from sharing their beliefs with anyone outside places of worship. For a first "offence," Forum 18 was told, it is intended to impose a fine of between 200 and 600 times the minimum monthly salary. The second time an "offence" is committed, it is intended to jail the “offender” and the leader of their religious community for between 3 and 8 years.

All unregistered religious activity is – against international human rights standards - illegal in Uzbekistan, so the leaders of unregistered communities were denied the dubious pleasure of being at that meeting to witness this blatant and serious violation of religious freedom. Sadly, in both Kyrgyzstan and Tajikistan there have also been indications this year that the sharing of beliefs may in future be banned.

Within the overall picture of total state hostility to religious freedom, there are particular problems facing particular religious communities. Uzbekistan appears to seek the repression and total control from within of Islam – for example through control of the clergy and the imprisonment of devout Muslims. In the case of other faiths, Uzbekistan appears to be uninterested in control from within. For Protestants in the north-west, extinction appears to be the aim, as their legitimate religious activity is illegal in that region and is severely repressed. Also repressed are the Jehovah’s Witnesses, who have for two years running been the targets of national clearly central-government co-ordinated raids on their memorial of Jesus’ death. There are very many other examples of Uzbek state hostility to religious freedom.



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The OSCE approach to religious freedom has been to follow the Helsinki Act in addressing violations holistically, as human rights threats affecting all without distinction. However, religious freedom has been moved from the ODIHR Human Rights Dept. to the Tolerance Programme, which brings the danger that it may be institutionally addressed as following from tolerance, and not as a fundamental human right in itself. To address particular challenges facing different communities, Personal Representatives of the Chairman-in-Office have been appointed to address the issues of anti-Semitism, Intolerance and Discrimination against Muslims and Racism, Xenophobia and Discrimination, also focusing on Christians and Members of Other Religions. The Tolerance Programme and the Personal Representatives have important and demanding tasks, and their tasks' immense pressures bring a danger of downgrading the Helsinki Act's holistic approach to religious freedom. This would put a barrier in the way of a real understanding of religious freedom violations, their causes and the contexts within which they take place.

Belarus has, amongst many other violations, in recent months threatened to prosecute a Jewish kindergarten teacher for celebrating a Jewish religious holiday with Jewish children, expelled two Catholic priests and threatened 12 priests and nuns with expulsion, jailed a Protestant religious freedom lawyer, ignored the ruling of the UN Human Rights Committee that it must register a national Hare Krishna association, and is currently trying to expel a Protestant church from its building. It is impossible to adequately understand and address these human rights violations against particular communities without understanding and addressing the overall context. Otherwise, a blindfold is imposed on understanding the reality of state policy and actions. The same principle applies when looking at other OSCE states which attack religious freedom. Institutionally therefore, the OSCE and ODIHR need to ensure that religious freedom is both addressed holistically and addressed with other fundamental human rights – such as freedoms of assembly and association – with which it is inescapably linked.

As some OSCE states commit increasing, persistent violations of OSCE commitments, what can and should be done? In states like Turkmenistan and Azerbaijan, fear may prevent victims from speaking out openly. Also, as a Turkmen Protestant told Forum 18, “our government wants to hide what is going on in our country - not only from the outside world but from its own people also. Internal pressure will by itself bring no significant change in the overall situation. Pressure has to come from outside.” Suggestions, made to Forum 18 News Service by victims of religious freedom violations, are:

- Insist on the concrete implementation in practice of OSCE human rights commitments. Conferences and assurances that all is well – as Kazakhstan for example repeatedly claims – should not be mistaken for concrete implementation.
- Openly name and raise questions about specific religious freedom and other human rights violations official talks and publications, even if the state dislikes this. As a Turkmen victim told us, “this would be very painful for our government, and would help it keep its promises.”
- If it is safe to do so, seek dialogue with peaceful religious communities that a state dislikes, not just with state-favoured communities. Make it clear through concrete actions – for example visa bans on officials - that policy towards OSCE states which violate religious freedom will be strongly influenced by the practical actions towards all communities, not just paper commitments.
- In the case of serious violations, issue clear public warnings with a fixed deadline for specified practical improvements. If the situation does not improve in independently verifiable ways, press for concrete penalties up to and including suspension of that country from OSCE membership.

It is essential, in the view of victims, to directly address the intolerant attitudes and actions of officials. One such was the Kazakh Justice Ministry official who, just before this year's Almaty Tolerance Implementation Meeting, told Forum 18 – when we enquired why unregistered Baptists were attacked by the state and in the media for refusing to register - that “international agreements are nothing to us.” We still need to implement the Helsinki Final Act's call for “respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction.”

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