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**Organization for Security and Co-operation in Europe
High Commissioner on National Minorities**

S T A T E M E N T

on behalf of Ambassador Rolf EKÉUS

**THE OSCE HIGH COMMISSIONER ON NATIONAL
MINORITIES**

to the

Human Dimension Implementation Meeting

13th Working Session on Fundamental Freedoms II

Freedom of Thought, Conscience, Religion and Religion or Belief

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Warsaw, 10 October 2006

Mr. Chairman,

It is a great pleasure for me to address you on behalf of Ambassador Rolf EKÉUS, the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe. My name is Krzysztof Drzewicki and I am a senior legal adviser to the Commissioner. Allow me, Mr Chairman, to formulate a few reflections on the relationship between freedom of religion or belief and the mandate of High Commissioner. As was stressed by the Commissioner in his speech during the Opening Session last week here, there is a reciprocal relationship between conflict prevention and human rights. This rule is equally applicable to freedom of religion or belief. Consequently, unimpeded enjoyment and protection of freedom of religion or belief contribute essentially to durable stability and effective conflict prevention. On the other hand, violations of human rights, including freedom of religion or belief, particularly if they are large-scale, gross and persistent, constitute a root cause of tensions and conflicts.

From the perspective of the High Commissioner's mandate it is clear that his conflict-prevention role was defined "*in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the*

potential to develop into a conflict.” (Para. 3, Helsinki Document, 1992).

What should however be borne in mind is that “*not all ethnic, linguistic or religious differences lead to the creation of national minorities*” (Geneva 1991). In other words, the High Commissioner does not address issues regarding groups or communities which are characterised solely as religious minorities. Therefore whenever ethnic and linguistic elements overlap with religious components of the identity of minorities the High Commissioner can legitimately consider such factor in his “judgement” of the situation within his conflict-prevention diplomacy.

In addressing these and other situations from the conflict-prevention perspective the High Commissioner may resort to the potentials of Paragraph 6 of his mandate whereby in considering a situation he “*will take fully into account the availability of democratic means and international instruments*”. For instance, on a number of occasions the High Commissioner has been reviewing legislation on different aspects of national minority issues, including those concerning freedom of religion or belief.

In cases where legislative review on religious matters is at stake there are also other OSCE institutions performing similar task. This has prompted the High Commissioner to invite members of the Advisory Council of the

ODIHR Advisory Panel of Experts on Freedom of Religion or Belief for consultations. The Seminar, which was held in The Hague on 15 September 2006, allowed for a wide exchange of views on country and thematic issues. The Hague consultation demonstrated its mutual usefulness for the institutions involved and will be continued, notably in cases of legislative review on specific countries.

The High Commissioner wishes to declare his continuous readiness to further consultations with the ODIHR Advisory of Experts on Freedom of Religion or Belief. Furthermore, it should be stressed that such a pragmatic and flexible, and not formally bureaucratized co-operation will pave the way for speaking one voice by the OSCE and avoiding cases of 'forum shopping' on complex issues examined in the course of legislative review. For the High Commissioner such a consultation will essentially facilitate his role of the so-called 'Focal Point' on minority issues, the role he had assumed on behalf of the whole OSCE within the 'Enhanced Co-operation' with the Council of Europe. Above all the High Commissioner is convinced that such a mode of co-operation within the OSCE and between partner international institutions will contribute to reducing tensions arising from such sensitive issues as those concerning national minorities and freedom of religion or belief in the OSCE area.

Thank you very much for your attention.