

**Working Session 6: Fundamental freedoms II, including:****– Freedom of thought, conscience, religion, or belief**

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**No. of statements: 52**

**Delegations: 13**

**Civil Society: 39**

**OSCE Institutions: -**

**International Organizations: -**

**Media: -**

**Rights of reply: 11**

During the Working Session 6 on freedom of thought conscience, religion and belief, the range of views and opinions expressed was wide though often divergent. The discussion on the role of religion and the pursuit of gender equality in 21<sup>st</sup> century society within the OSCE area produced less than a consensus view.

Some speakers focused on the absence of religious liberty in some participating States. Other speakers mentioned that anti-terrorism and security related legislation was being used in some participating States as a pretext to proscribe the activities of certain religions, for example The Church of Scientology and Jehovah's Witnesses.

There was argument, expressed by some, in favour of ensuring the basic respect in law for the autonomy of religious belief communities subject to the maintenance of public order and the common good. Religious liberty was a fundamental value in a secular democratic State but that allowed for certain legal limitations when there is obvious threat to an individual's entitlement to personal respect and personal freedom such as through the practice of forced marriages and honour killings.

Some speakers argued that the views of some religions were being voiced in such a way as to attempt to thwart long established secular values of some participating States. There were also contributions that advocated the clear distinction between the State and one's right to practice freely one's religious belief or to have the liberty to practice none at all. Religious liberty was for some understood to mean that the State was not to be the arbiter between what are the pros and cons of different forms of religious belief. Some speakers noted that in this regard the State has to remain neutral and respect the individual's right to choose what to believe or not to believe or for that matter the freedom to change from one particular religious faith to another without fear of personal threat.

Some speakers highlighted that in certain participating States women's rights were facing a backlash to the extent that it involved the public violation of women's bodily integrity by law enforcement agents.

One speaker questioned whether there was a consensus within the OSCE on the meaning of certain perjorative terms, such as discrimination, which, the speaker indicated, are not defined in OSCE commitments. Therefore, who has the right to define certain acts and actions, as examples of "bad" discrimination?

There was expression of view as to strict separation in the application of the law of the State and that of a particular religious doctrine or belief being underpinned by state law. Some of the speakers stated that, for example, Muslim Sharia law is incompatible with European values that relate to non-discrimination and that the European Court of Human Rights had so found.

Several speakers mentioned the appearance in public of women of Muslim faith wearing particular forms of apparel such as the hijab. For some this practice was seen as public expression of a woman's right to identify as a person of Muslim faith and for others it was seen an obstacle to enable women, regardless of their faith background, to strive for equality of opportunity. Some participating States of the OSCE area had decided in recent times to restrict by law the wearing of such head apparel by women in the public place.

Other speakers cited recent attempts in Europe to outlaw time honoured ritual religious practice of animal sacrifice in the name of animal rights and that these attempts were setting members of law abiding long established Muslim and Jewish faith communities in opposition to the State in that it is having the effect of stigmatising them among the general community.

The importance of the role of education was stressed by some speakers in combatting prejudice and discrimination against women as well as in combatting religious intolerance, in the OSCE area, generally.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Implement in good faith OSCE commitments and international standards on freedom of religion or belief;
- Respect the principle of autonomy of religious or belief communities, when considering the interrelationship between freedom of religion or belief and gender equality;
- Re-consider existing policies and practices to ensure full and effective protection of minorities, including Muslims;
- Co-operate with ODIHR's Tolerance and Non-Discrimination and Human Rights Departments in countering discrimination on various grounds and advancing freedom of religion or belief for all;
- Promote the respect for diversity and mutual understanding through education and promotion of interreligious dialogue;
- Recognize the role of youth in strengthening interreligious collaboration and involve youth in interreligious dialogue;
- Engage members of religious or belief communities and other relevant non-state actors in consultations prior adopting laws and policies affecting the functioning of their organizations/communities;
- Make use of the OSCE/ODIHR Guidelines on the Legal Personality of Religious or Belief Communities;
- Attend to the rights and freedoms of members of religious majorities;
- Ensure adequate protection of places of worship and holy sites;
- Ensure equal and effective participation of women in policy- and law-making processes;

- Act against promotion of Sharia law and take actions against those who promote laws and practices that are against democratic principles and values and human rights. Recognize incompatibility of Sharia law with democratic principles, Western values and human rights. Classify organizations and missions promoting anti-democratic values as 'political' rather than 'religious' (for example, those promoting Sharia law);
- Devote one meeting of the Human Dimension Committee to the discussion of the concept of freedom of religion or belief, in line with relevant OSCE commitments;
- Engage with the authorities of Georgia in order to prevent draft amendments to the Constitution of Georgia concerning freedom of religion or belief to be adopted;
- Seize funding of so-called anti-sect organizations, including those operating in the Russian Federation;
- Ensure unimpeded access of believers from South Ossetia to their places of worship and Holy sites in Georgia;
- Stop the persecution and prosecution of Imams, appointed by the community. Recognize the rights of the Muslim community to elect and appoint its own leaders. Recognize and respect the right of the members of the Muslim community to religious education;
- Re-consider asylum claims of members of some religious communities and their deportation;
- Stop persecuting members of religious groups in Crimea, including Muslim Tatars;
- Attend to the issue of political prisoners in Crimea and support their family members with psychological, financial and other type of assistance.

**Recommendations to the OSCE/ODIHR:**

- Work on non-discrimination and protection of other communities, in addition to Muslims, Christians and Jews.