

United States Mission to the OSCE

Session 2: Fundamental Freedoms I

*Freedom of thought, conscience, religion or belief;
Follow-up to the Supplementary Human Dimension Meeting
on Freedom of Religion or Belief*

As prepared for delivery by Ron McNamara
to the OSCE Human Dimension Implementation Meeting
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Thank you, Mr./Madam Moderator,

In his speech at Cairo University in June, President Obama observed that, “freedom in America is indivisible from the freedom to practice one’s religion.” Indeed, the quest for freedom of religion or belief is an enduring element of the American experience.

Similarly, OSCE participating States pledged in 1975 to ensure respect for freedom of thought, conscience, religion and belief in Principle VII of the Helsinki Final Act. Indeed, the various OSCE commitments are rooted in the free exercise by the individual, alone or in community with others, of the right to *profess* and *practice* religion or belief. Furthermore, violations of this right almost inevitably are also linked to violations of other basic rights, including freedom of speech, press, association, or assembly. Therefore, given the linkages among these rights and the deeply personal nature of this fundamental freedom supporting the inner sanctorum, the core of human dignity, efforts by the state to encroach in this area are of particular concern.

Despite the body of OSCE commitments on freedom of religion or belief, some participating States persist in efforts to place unjustified regulations and limitations on this right. We welcome the Supplementary Human Dimension Meeting in July, where participants identified areas in which we need to improve implementation of commitments.

The U.S. delegation commends to the attention of participating States the “Guidelines for Review of Legislation Pertaining to Religion or Belief,” issued by the OSCE Advisory Panel of Experts on Freedom of Religion or Belief. If participating States were to heed these “Guidelines,” then laws on religion would avoid unnecessary restrictions on, and discrimination against, the peaceful practice of religion.

Currently, many states have laws on religion that have a discriminatory impact (whether intended or not) with arbitrary thresholds for recognition, effectively favoring some groups over others in status or benefits. At the extreme, a state’s non-recognition of a religious group is sometimes used to criminalize worship in complete violation of our commitments to respect freedom of religion and belief.

Indeed, religion laws in some OSCE states have authorized government agencies, sometimes consisting of religious authorities with special relationships with the state, to violate the inner sanctum of conscience by inspecting the codified beliefs of other faith communities, thereby sending strong negative messages to society and often creating serious practical and legal difficulties for these minority religious communities. These difficulties include denial of access to meeting or worship space, confiscation of publications, prohibitions against circulation of religious tracts, and even sacred books, and censorship of religious materials. In the past year, several participating States have established official agencies to regulate, and possibly restrict, the peaceful activities of religious groups. In Kyrgyzstan, the body is the Coordinating Council on the Struggle against Religious Extremism. Russia's Expert Council for State Religious Studies is empowered to recommend investigations of, and actions against religious organizations. Moreover, the Chairman of that Expert Council is known for his public expressions of intolerance towards various religious minorities in Russia.

Some participating States have set onerous requirements for legal recognition that favor or discriminate against certain religious groups. Other OSCE states, such as Uzbekistan and Belarus, have criminalized religious activities by unregistered groups, while Turkmenistan, Kyrgyzstan and Tajikistan penalize such activities. Some OSCE states, such as Slovakia, also set high numerical thresholds for registration that result in less favorable status or treatment of smaller religious groups. Austria's law divides religious communities into categories with different legal rights. Some participating States, such as Moldova, reportedly refuse to register numerous religious groups, including Muslim and Protestant communities. In Macedonia, the law favors the Macedonian Orthodox Church and Islamic Community of Macedonia, and discriminates against other religious groups. In Serbia, seven so-called "traditional" religious communities were granted automatic registration, while those labeled "non-traditional" were required to go through an onerous registration process. Eleven of the groups labeled by Serbia as "non-traditional" managed to register, but many, such as the Jehovah's Witnesses, Seventh Day Adventists, and some Protestant communities, still do not have legal status.

In Uzbekistan, authorities continue to use coercion against members of registered and unregistered religious groups, including raids by police and security forces. Such raids typically result in detentions and confiscation of Bibles, Qu'rans, and other religious materials, and one can be charged with "illegally producing, storing, importing and distributing materials of a religious nature." Several thousand Muslims, most recently also including readers of the Turkish philosopher and theologian Said Nursi, have been accused of alleged religious extremism, denied due process, and imprisoned for lengthy prison terms. Religious minority groups, especially those perceived as engaging in proselytism, are among the religious communities targeted by the Uzbek government.

In Belarus, the government maintains strict controls over places of worship and requires state permission to conduct services even by registered religious groups, while any activity by unregistered groups remains technically illegal. The authorities' attempts to oust the New Life Full Gospel Church from its Minsk worship space persist. Foreign Catholic and Protestant religious workers have been expelled from the country in recent years.

Tajikistan's law on religion, adopted in March of this year, codified many restrictive policies and practices governing faith communities. Special restrictions are in effect against the country's majority Muslim population. Among numerous provisions which violate OSCE commitments, the law allows only one "Friday" mosque per 15,000 residents. These include restrictions on when and where one can pray, on the teaching of Islam to children and the presence of children under 16 in mosques. Furthermore, a 2004 Council of Ulama fatwa prohibiting women from praying in mosques remained in effect. Among other provisions, the law stipulates that all religious groups undergo a process of re-registration by next year. Jehovah's Witnesses remain under a ban imposed in 2007. The Grace Sunmin Protestant Church in Tajikistan's capital Dushanbe has been under official pressure, in an attempt to forcibly evict the community from its own building.

The government in Azerbaijan monitors religious activity and exerts control over religious communities, including certain Muslim groups. This year, the legislature passed amendments that may restrict religious freedoms in part by prohibiting foreign-trained clergy from leading prayers at mosques and requiring state approval of Muslim clerics. Recently, the government closed a number of mosques. Azeri security services have reportedly raided meetings of Baptists and Jehovah's Witnesses and confiscated religious literature. The security services have allegedly shaved the beards of devout Muslims, though this is not a widespread practice.

Proposed changes under consideration in Armenia could limit the sharing of one's faith as well as institute a series of restrictive measures, including an increase in the numerical threshold required by religious groups seeking registration. We remain concerned over treatment of minority religious groups, including the situation of Jehovah's Witnesses who conscientiously object to alternative military service.

In Macedonia, the lack of effective implementation of the registration provisions of the 2007 Law on the Legal Status of Churches, Religious Communities and Groups helps to further an atmosphere of apparent discrimination against the non-establishment religious organizations.

In some OSCE States anti-extremist legislation has been used to restrict the rights of peaceful religious communities. In Russia, the religious literature of several religious communities has been declared extremist and banned throughout the country. The official list of banned Russian texts does include some extreme nationalist and virulently anti-Semitic materials. Islamic materials, however, constitute most of the theological entries. Leaders of Russia's large Muslim community have protested the banning of some of these Islamic texts, but their protests have not resulted in meaningful change by the Justice Ministry which compiles the list.

Earlier this year, the Russian Federation General Prosecutor's Office reportedly contacted local prosecutors ordering investigations to target communities of local Jehovah's Witnesses, and at least eight cases have been filed under Russia's Law on Counteracting Extremism with the aim of banning Jehovah's Witness religious literature as extremist. Despite a Russian Supreme Court ruling to the contrary, a regional court in Rostov declared much of Jehovah's Witness religious literature to be extremist, as requested by the prosecutor.

While the Kazakh Constitutional Court ruled earlier this year against the highly restrictive religion law adopted in 2008, there are concerns that the law may be revisited. Meanwhile, two articles of the Administrative Code continue to punish unregistered religious activity through fines and detentions, including by certain Baptist and other communities. For example, the New Life Full Gospel Pentecostal church in Aktau has been under surveillance by the regional Department for the Fight against Extremism, Separatism, and Terrorism. Hare Krishnas continue to have difficulties with their properties. The United States will continue to monitor these developments closely.

The OSCE Vienna Concluding Document adopted 20 years ago, contained commitments on freedom of religion or belief, including the right to train religious personnel in appropriate institutions. In this vein, I renew President Obama's call for the Turkish authorities to reopen the Halki Seminary and ensure that the full rights of individuals from all peaceful minority religious communities in that country are respected.

Recently, several participating States have instituted sometimes controversial public school curricula on religion. The United States notes the useful contribution of the "Toledo Guiding Principles on Teaching About Religions and Beliefs in Public Schools," issued in 2007 by the ODIHR Advisory Council of Experts on Freedom of Religion or Belief. This publication represents an effort to "ensure that teaching *about* different religions and beliefs is carried out in a fair and balanced manner."

Thank, Mr./Madam Moderator.