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## Swedish Presidency of the European Union

**Human Dimension Implementation Meeting  
Warsaw, 29 September 2009**

### **EU Statement, Working Session 2: Fundamental Freedoms I**

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Mr Chairman/Madame Chairperson, Excellences, Ladies and Gentlemen,

This year marks 20 years since the adoption of OSCE's Vienna Concluding Document which reflects the shared values that the OSCE is based upon. The document specifically addresses the responsibilities of States to guarantee the full and effective exercise of the freedom of religion or belief. All EU member States are steadfastly committed to this freedom and consider it one of the founding principles of the European Union.

However, to this day serious violations of religion or belief continue to occur in countries in the OSCE area. The EU, therefore, reaffirms the importance of implementing the OSCE commitments in the field of freedom of religion or belief with their stress on the international human rights standards and rejects any hierarchy among religions and beliefs. The EU promotes the elimination of all forms of

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intolerance and discrimination based on religion or belief, and has repeatedly sponsored initiatives in this area.

The greatest challenge we face is the integral protection of the freedom of religion and belief. The EU stresses that manifesting one's religion or belief forms an inalienable part of this freedom. Expression is a key element in the manifestation of freedom of thought, conscience, religion or belief. Freedom of expression and freedom of religion or belief are, therefore, complementary rather than competing rights.

Implementing freedom of religion or belief includes not interfering with the right of individuals to express their views on religion or belief or on related issues. The recognition, respect and practice of pluralism should encompass room to criticise, discuss and question each other's values. Mere criticism of a religion or belief should not elicit limitations on or denial of human rights, including the freedom of expression.

The EU reiterates its commitment to the Charter for European Security, in which Heads of State or Government of the participating States reaffirmed "that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security. We commit ourselves to counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief...".

As participating States have reaffirmed that violations of freedom of religion or belief are threats to security, the EU recalls that article 18

of ICCPR and article 9 of ECHR carefully list the only permissible grounds for limiting the freedom to manifest one's religion or belief. In this respect the EU also recalls General Comment 22 on article 18 of ICCPR. Only when public safety, public order, health or morals, or the rights and freedoms of others are being compromised, can the freedom of manifesting one's religion and belief be curtailed.

All OSCE countries face challenges in this respect. Against the background of the threat of extremism, it is imperative to prevent legitimate security concerns from corroding non-derogable rights, such as the freedom of religion or belief. As article 4 of the ICCPR states, this right may not be derogated from even "in time of public emergency which threatens the life of the nation". It is, therefore, a pressing task for OSCE participating States to clarify, monitor and discuss any national restriction on freedom of religion or belief in the light of the international human rights standards. Most importantly, it should be stressed that the restrictions permitted by international human rights standards are only applicable to a highly limited set of situations and that the best remedy to extremism is respect for the rule of law and the promotion of human rights.

In a number of OSCE participating States certain communities of faith or belief are perceived to be socially dangerous. Authorities are tempted to exert control over these communities and to infringe on their rights. Even peaceful attempts by civil society groups to protect these communities are met with suspicion and retribution. We call upon these States to end such violations and to honour their commitments.

A persistent problem is the introduction and application of registration procedures as a precondition for the right to exercise freedom of religion or belief. According to article 18 of ICCPR, however, the right to freedom of religion shall include freedom to manifest one's religion or belief in worship, observance, practice and teaching. The EU reiterates that freedom of religion or belief is not contingent upon registration of the communities of faith or belief concerned. Any registration procedure should be transparent, non-discriminatory and should never pose limitations on the right to exercise freedom of religion or belief.

Neither the number of adherents of a certain religion or belief nor whether a religion or belief has traditionally been present in a certain country should be a precondition for the exercise of the right. Freedom of religion or belief is a non-derogable right, part of the indivisible body of human rights.

Worrying developments are taking place in some States within the OSCE region, where the legislative process concerning the laws on religion remains opaque and civil society organizations are not adequately consulted. Registration is made increasingly difficult, controls on religious literature abound and religious activities are being penalised. The EU urges governments to refrain from interfering in the internal practices of communities of faith or belief and to guarantee citizens their fundamental rights.

The EU, furthermore, stresses that it is the duty of States to be attentive to attacks on places of worship and to ensure that all perpetrators of such attacks are properly prosecuted and tried. People particularly vulnerable with regard to their freedom of religion or belief, e.g. women, children, minorities, migrants and refugees,

should enjoy special protection. States should abstain from arbitrary detention for reasons of religion or belief.

It is clear that within the OSCE area further efforts need to be made at the international and national levels in order to implement our commitments regarding the freedom of religion or belief. Therefore, the EU notes with satisfaction the continued efforts by the ODIHR, the UN and other organisations to further the implementation of the freedom of religion or belief.

The EU expresses its warm support for the vital contribution of the ODIHR and its Panel of Experts on Freedom of Religion or Belief, as well as the UN Special Rapporteur on Freedom of Religion or Belief. It commends them for their work in this area, which was noted in July by many participants in this year's Supplementary Human Dimension in Vienna.

The freedom of religion or belief is also at the heart of the Council of Europe. The EU welcomes the existing cooperation between the OSCE and the Council of Europe, and encourages both organisations to enhance their cooperation in this field. The work of the OSCE Advisory Council of Experts on Freedom of Religion or Belief, along with the Venice Commission of the Council of Europe, in reviewing legislation has proved itself to be a valuable tool in helping participating States to support and make use of the ODIHR's readiness to assist them in this way.

The support expressed by many at the SHDM for the need to move from commitments to implementation sent an encouraging signal of the acknowledged importance of freedom of religion or belief. The

EU welcomes the call from the Civil Society Roundtable for work on this to be mainstreamed, and the many calls in the SHDM itself for concrete work on how to implement OSCE commitments on both the status of communities of religion or belief, and on places of worship.

It is clear that moving from commitments to implementation should be a priority for future Chairpersons-in-Office, and the EU is committed to supporting them in implementing our common commitments.

In conclusion, the EU reiterates the continued need to implement the Vienna Concluding Documents' commitment that all 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". The EU will continue to take action in support of implementing this commitment in the OSCE area.

Thank you for your kind attention.

The Candidate Countries Croatia and the former Yugoslav Republic of Macedonia\*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, and Serbia, EFTA countries Iceland and Norway, members of the European Economic Area, as well as Ukraine, the Republic of Moldova, Armenia and Georgia align themselves with this statement.

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- \* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.