



**2014 OSCE Human Dimension Implementation Meeting, Working session 14, Wednesday 1 October 2014: Fundamental freedoms II (freedom of religion or belief)**

***Written statement by the following organizations: International Partnership for Human Rights (Belgium), the Norwegian Helsinki Committee, Kazakhstan International Bureau for Human Rights and Rule of Law, Nota Bene (Tajikistan) and the International Human Rights Association “Fiery Hearts Club” (Uzbekistan, in exile in France)***

**Worrying trends regarding religious freedoms in the OSCE region**

At this time, we are witnessing an increase in efforts to stifle opposition and dissent in parts of the OSCE region where there is a widespread fear of political change. As part of this trend, religious freedoms are also being trampled upon by governments that exploit arguments about ensuring national security and stability to defend policies that impose excessive restrictions on religious activities, undermine religious pluralism, and result in violations in particular of the rights of members of so-called non-traditional religious communities.

We would like to use this opportunity to raise a number of major concerns in this area that are common to many OSCE participating States, as well as to briefly describe a few examples that illustrate broader trends. In this context, we would also like to highlight a new report that the Norwegian Helsinki Committee is launching today and that provides a detailed analysis of freedom of religion or belief issues in Kazakhstan and Kyrgyzstan on the basis of information obtained through field visits and research on these two countries.

Major concerns:

- **The enforcement of compulsory registration of religious groups, typically coupled with complicated and cumbersome registration procedures and sanctions for unregistered religious activities.** For example, in Kazakhstan the 2011 religion law requires religious communities to have at least 50 members and to pass an “expert review” in order to gain registration. Groups that have failed to register or re-register under these rules or that refuse to register as a matter of principle are vulnerable to raids on their meetings and sanctions. The new Criminal Code adopted this summer further toughens sanctions by classifying leading, participating in and funding unregistered religious communities as criminal offences.

- **Policies that make the conduct of core religious activities, such as worship, religious education, missionary activities, and the distribution of religious material subject to state approval.** As an example, legislation in force in Tajikistan provides for penalties for holding religious ceremonies in non-approved places; prohibits religious education for children elsewhere than in state licensed institutions; and requires government permission for the production and distribution of written, audio and video material with religious content, contacts with foreign religious organizations, as well as religious studies abroad.
- **Patterns of intolerance and discrimination against members of religious minorities, as well as the lack of adequate measures to counteract these.** As documented by the SOVA Center for Information and Analysis<sup>1</sup>, so-called non-traditional religious minorities in Russia are, among others depicted “sects” and targeted by initiatives of authorities at different levels to prevent the spread of their “dangerous” teachings; stigmatized by inflammatory and discrediting coverage in federal and regional media; and increasingly subjected to physical attacks motivated by religious hatred, which authorities have failed to take adequate measures to prevent. Members of religious minority communities in other countries of the region face similar harassment.
- **The prosecution of individuals on grounds that appear motivated by their religious convictions and activities and the conviction of them in processes that fall short of international standards.** As only one example, the recent list of political prisoners in Azerbaijan compiled by civil society activists using criteria developed by the Parliamentary Assembly of the Council of Europe details a number of cases of detention and imprisonment of religious activists following processes marred by due process and fair trial violations, as well as allegations of torture and ill-treatment.<sup>2</sup> It is also of concern that individuals continue to be imprisoned for their refusal to carry out compulsory military service, in the absence of an alternative civilian service, in some countries of the region.
- **The extradition of individuals charged with broadly worded religious extremism offenses to countries where they face an overhanging risk of torture and other serious human rights violations.** Human rights defenders have in particular sounded alarm about a growing number of cases where Uzbek citizens accused of these kinds of offenses have been returned to their home country from other CIS states, in spite of the well-documented pattern of torture and other abuses against this category of individuals in Uzbekistan. Cases where wanted individuals have been abducted by Uzbek security services on foreign territory have also been reported.<sup>3</sup>

## Recommendations

### OSCE participating States should:

- Refrain from exploiting security concerns to advocate and enforce restrictions on freedom of religion that are inconsistent with their international human rights obligations, and publicly acknowledge that freedom of religion is an inherent right of all citizens that cannot be denied.

- Abolish requirements of compulsory registration of religious communities, as well as any offences for unregistered religious activity laid down by national legislation, and ensure that all religious groups that so wish can obtain registration in a simple, transparent and fair process.
- Bring all legislation and practice affecting freedom of religion into compliance with relevant international human rights standards, including the strict criteria for any permissible limitations of this right set out in article 18, par. 3 of the International Covenant on Civil and Political Rights. To this end, States should consult with international and national experts and make use of the guidelines and assistance offered by the ODIHR and other human rights bodies.
- Publicly condemn intolerance and discrimination toward religious minority groups; investigate and hold accountable those guilty of religiously motivated discrimination and attacks; and work with civil society and different faith communities on promoting religious tolerance in practice.
- Ensure that no one is arrested or imprisoned for their peaceful exercise of freedom of religion and that any individuals charged in relation to their religious activities are granted fair proceedings in full accordance with requirements set out by international law and that any allegations of torture or ill-treatment against them are promptly and impartially investigated.
- Refrain from returning or cooperating in the return of individuals charged with offenses of a religious nature to countries where they would be at risk of torture and other serious human rights violations.

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<sup>1</sup> See SOVA Center for Information and Analysis, *Freedom of conscience in Russia: Restrictions and challenges in 2013*, at [http://www.sova-center.ru/en/religion/publications/2014/06/d29645/#\\_Toc389421364](http://www.sova-center.ru/en/religion/publications/2014/06/d29645/#_Toc389421364)

<sup>2</sup> This list is available at: <http://www.nhc.no/filestore/Dokumenter/Land/Azerbaijan/THELISTENGLISHFINAL.pdf>

<sup>3</sup> See statement by the International Human Rights Association “Fiery Hearts Club” on the occasion of the World Refugee Day, 20 June 2014, at <http://jarayon.com/ru/index.php/2012-04-04-14-31-53/item/796-zayavlenie-po-sluchayu-vsemirnogo-dnya-bezhentsev-20-iyunya>