

Address by Ambassador Janez Lenarčič  
Director of the OSCE Office for Democratic Institutions  
and Human Rights (ODIHR)

Supplementary Human Dimension Meeting

on

*'Freedom of Religion or Belief'*

Neuer Saal, Hofburg, Vienna

9 December 2010



---

Check against delivery!

Excellencies,

Ladies and Gentlemen,

It is with pleasure that I welcome you to this year's third - and last - Supplementary Human Dimension Meeting, on Freedom of Religion or Belief. This is the second year in a row that an SHDM is devoted to this topic, reflecting the importance of this issue across the entire OSCE region.

The presence of numerous civil society representatives in this room today further confirms the interest in this set of topics is shared also by religious or belief communities and by many NGOs. The high-level participation of representatives of the United Nations' Office of the High Commissioner on Human Rights and the Venice Commission further underscores its relevance.

Ladies and gentlemen,

The issue of 'freedom of religion or belief' in all its variations has acquired a prominent position in public discourse over the last decade. Issues such as the relation of freedom of religion or belief and other human rights, religious education,

and the display of religious symbols in public life have been a matter of some controversy, and also feature on our agenda this afternoon and tomorrow.

Before starting our discussions today, I would like to make two sets of remarks on the status of freedom of religion or belief in the OSCE area.

My first point is that we must work to make sure that two equally important, partially overlapping and mutually reinforcing sets of OSCE commitments are effectively implemented. The first relates to fostering a climate of tolerance and mutual understanding, and the second relates to guaranteeing the right to freedom of religion or belief.

These two sets of commitments should not be confused with each other. Though promoting tolerance is a worthwhile undertaking, it cannot substitute for ensuring freedom of religion or belief. An environment in which religious or belief communities are encouraged to respect each other but in which, for example, all religions are prevented from engaging

in teaching, or establishing places of worship, would amount to a violation of freedom of religion or belief.

We have in our work sometimes seen a tendency of endorsing and supporting the notions of tolerance, interfaith dialogue and co-operation while failing to protect religious rights, including those of smaller and less popular groups. So let me repeat: tolerance among familiar and prevailing religions is positive and to be encouraged, but it is not a substitute for protecting the religious freedom rights of all.

\*

My second point concerns the persistent challenges to freedom of religion or belief in constitutional law and legal frameworks of participating States. While all States have - to some degree - formally complied with commitments on freedom of religion or belief to this extent, not all legislation in the OSCE area fully conforms to OSCE standards, and there are larger deviations in practice.

Under applicable limitation clauses, restrictions on manifestations of religion are permissible only if they are prescribed by law and necessary to protect public safety, order, health, or morals, or the rights and freedoms of others.

Too often, state practices fail to meet these requirements. Either the legitimating grounds for restrictions are construed too broadly, or the limitations are not strictly necessary. In either case, the result is that freedom of religion or belief is correspondingly narrowed. Be it

- the freedom to worship;
- the right to establish and maintain charitable and humanitarian institutions;
- the freedom to use articles and materials related to rites and customs;
- the right to write and disseminate relevant publications; and
- to teach a religion or belief in places suitable for this purpose;
- the right to train and designate religious leaders;
- and to observe days of rest, to name a few.

There are still cases in the OSCE area where individuals and groups cannot freely study religion, assemble to worship, read and disseminate religious literature or establish charitable organizations. In some cases, they face serious administrative and criminal charges for engaging in these activities. This, frankly, is not in line with the 1989 Vienna Concluding Document which states that participating States should ensure

that restrictions are not abused and not applied in an arbitrary manner but in such a way that the effective exercise of these rights is ensured (para 21).

\*

Ladies and Gentlemen,

Our Organization has developed an extensive practical and normative *acquis* on freedom of religion or belief. I am sure that events like this one contribute to the discussion on these topics and are conducive to better implementation of our shared commitments.

I believe that we are now in a good position to start the first session on 'emerging issues and challenges'. Let us quickly rearrange the head-table.