



Associazione culturale “**Giuseppe Dossetti: i Valori**”
TUTELA E SVILUPPO DEI DIRITTI

Osservatorio per la Tolleranza e la Libertà Religiosa
 Observatory for Religious Tolerance and Freedom

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Statement by Dr. Mattia F. Ferrero
 Coordinator of the
Observatory for Religious Tolerance and Freedom
Associazione “Dossetti: i Valori”
 (Italy)

Despite many and longstanding commitments adopted by the participating States, Christians suffer violations of religious freedom in the whole OSCE area.

Especially East of Vienna undue restrictions remain against the registration of Churches: civil authorities arbitrarily do not recognize the legal personality of Christian communities and these are therefore subjected to a number of limitations stemming from the lack of legal personality (such as acquiring property for a place of worship or establishing educational institutions for training clergy and so forth). It also happens that places of worship and other religious properties are illegitimately expropriated or that confiscated properties are not returned to the original owner but assigned for different use than original. In the same way undue restrictions persist against the importation and distribution of religious material as well as against visas for missionaries or volunteers, so that legitimate proselytism is strongly constrained.

Both East and West of Vienna individuals are prevented to live and act in accordance with the dictates of their conscience (a right recognised already by the Helsinki Final Act). Especially West of Vienna it is more and more widespread the tendency to deny the public role of religion as well as the false idea that religions are a negative fact, instead a positive factor for building and well-being of our democracies. According to such trend religiously inspired behaviours should have no room in our societies, such as in case of circumcision or ritual slaughter.

The right of everybody to identify him/herself through religious symbols and attire is not fully guaranteed. The UN Human Rights Committee has repeatedly sustained – by arguing from the article 18 of the International Covenant on Civil and Political Rights – that freedom of religion or belief encompasses the right to display religious symbols and wear religious attire in public space. We should always bear in mind that, according to the VII Principle of the Helsinki Final Act, in the



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field of human rights and fundamental freedoms participating States should fulfil their obligations as set forth in the International Covenants on Human Rights.

Legal measures that forbid *tout court* to wear religious wearing in public space or on the workplace not only violate freedom of religion but are also seriously discriminatory. The fact that they affect in the same manner the believers of all religious communities is not sufficient to exclude their discriminatory nature. In this case, in fact, discrimination does not take place between believers of different religious communities, but between those who wish manifest publicly their religious beliefs and those who manifest through their wearing or symbols other kinds of beliefs (such as political ideas or trade unionist affiliation and so on).

Moreover, the right of conscientious objection is often challenged, in different ways. Participating States are required to recognize it, not only with regard to military service but also to other morally sensitive matters (such as services related to health-care and education), provided that the rights of others to be free from discrimination are respected and that the access to lawful services is guaranteed. In our pluralistic societies conscientious objection is crucial to permit a coexistence of values: in fact in this manner people who do not subscribe to certain majority views are fully entitled to coexist with those who do.

Attention should be drawn also to denial of Christian Churches' public role and to the attempt to exclude Christian believers from public discourse. Not only does it deny a rightful participation in politics but it can also easily slide into more overt discrimination or intolerance. According to Principle 16 of Vienna 1989 Concluding Document, the OSCE and its participating States should engage in consultations with religious communities and promote the participation of these communities in public dialogue, even through the mass media. Consequently participating States should welcome the interventions of the representatives of religious communities that give their view – based on moral convictions deriving from faith – about everyday's life and, in particular, on legislative and administrative provisions of their Countries.

Freedom of religion or belief derives from the inherent dignity of human persons and protects their transcendent dimension. Only the full respect of this freedom could guarantee the free and full development of our democratic societies.