

SUPPLEMENTARY HUMAN DIMENSION MEETING

FREEDOM OF RELIGION OR BELIEF

Closing remarks by Ambassador Janez Lenarčič

Director of the Office for
Democratic Institutions and Human Rights

Vienna, 10 July 2009

Ladies and Gentlemen,

You have all heard the reports of the moderators, so my aim here is not to repeat what has already been said but to simply highlight a few key points that were brought out of each discussion.

During the opening session, we had the benefit of hearing from Professor Carulli, who emphasized that the OSCE commitments imply that freedom of religion or belief is a **legal entitlement** that needs protection. As she put it, “religious freedom is a litmus test for the respect of all other human rights.” We also had the benefit of hearing from the three Personal Representatives of the Chair-in-Office on Tolerance and Non-discrimination.

The first session, then, relating to the implementation of commitments on religion or belief, started with a review of challenges. In her presentation, Professor Fylypovych raised a number of them, namely -

- interference of the state in matters of religious institutions,
- persecution of individuals and communities because of their faith, and
- the weaknesses of courts in resolving claims by citizens in relation to the breach of freedom of religion.

From the lively discussion that followed, we conclude that these issues affect many OSCE States. Participants stressed that the respect of the **rule of law** is a **prerequisite** for the full enjoyment of freedom of religion or belief, and mentioned the restrictive implementation of legislation for the registration of communities. Also, the misuse of “anti-extremism”-legislation and policy was criticised as it curtailed freedom of religion or belief in many instances.

Additionally, several participants mentioned the relationship between **hate speech** legislation and freedom of religion or belief. Another topic concerned the occurrence of violent manifestations of **intolerance** against individuals because of their supposed belonging to a religious or belief group. Finally, I am pleased to note that participants recommended that States make use of the assistance of the ODIHR Advisory Panel.

The second session, devoted to the status of religious or belief communities, started with a presentation by Professor Schanda who stressed the need for providing **legal personality** for religious groups, and reviewed whether existing models can ensure the autonomy of religious or belief communities. One focus of concern raised in this context was that legal requirements in some countries make registration a **precondition** for the right to exercise freedom of religion or belief. In general, the OSCE commitments emphasizing the right to acquire legal entity status were reaffirmed.

Finally, the third session moved into an area which is of great interest across the OSCE region, the situation of places of worship. The first presenter, Professor Durham underlined the need to ensure that freedom of worship — including access to places of worship — is guaranteed in order to ensure that freedom of religion or belief is fully exercised. He added that the challenges pertaining to places of worship are varied and often **embedded in complex issues** such as land use, safety-, traffic- and other legitimate issues.

The second presenter, Ms. Ninel Fokina, emphasized the importance of **non-discrimination** in public processes involved in establishing and maintaining places of worship. She also drew attention to special contexts, such as places of worship in prisons and military premises. She further pointed to the special needs of small religious communities that sometimes meet simply in the homes of their members. Comments from participants addressed a range of problems arising in various local settings, including “not in my back yard” reactions opposing new religious buildings in their neighbourhoods. Numerous participants expressed concern about religious sites being **desecrated** and places of worship **vandalised**. They called for increased protection of these places and for adequate investigation and prosecution of incidents.

We further heard the summary of ideas and recommendations emanating from the civil society side event brought to our attention by Rev. Jenkins. The discussions there have given food for thought and will help ODIHR develop its assistance programs. May I also say that I am pleased to have seen more than 100 representatives from civil society organizations, faith organizations and academic institutions participate. Their discussion was particularly **passionate** and **respectful**. While there were many points of disagreement and a wide diversity of views, the importance of OSCE commitments in this area has been underlined. This gathering has started an important process of dialogue between different groups, laying the foundation for common positions in the future.

So, I would like to thank all of you have attended over the last two days, and contributed your time, your knowledge and your suggestions for how we can improve the implementation of commitments pertaining to freedom of religion or belief.

I would like particularly to thank the introducers who have thoughtfully analyzed the issues for discussion, and the moderators who have ensured that the discussions were free-flowing and relevant.

Finally, my thanks to the interpreters as well as the ODIHR team that worked hard to make this meeting a success.

With this, I close this Supplementary Human Dimension Meeting. Have a safe travel back.