



Promoting freedom of religion or belief within the OSCE region

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As with all human rights states have a duty to respect, protect and promote the freedom of religion or belief of all those residing in their countries.

The duty to respect FORB demands that states ensure that the legislative framework is in harmony with international commitments and that rule of law is sufficiently strong so that legislation is implemented by officials at all levels in a non-discriminatory manner. Many OSCE participating states fail in this regard. Some appear to actively oppose FORB, introducing new legislation that clearly violates international commitments.

The duty to protect means that all participating states face the difficult challenge of working to prevent and address the rising number of hate crimes against people of a wide range of faith traditions.

And the long neglected **duty to promote** FORB gives states the task of working to build a greater public understanding of the nature of freedom of religion or belief in its various dimensions and of its fundamental value for democracy, peace and development.

In all three areas of duty there are significant challenges within the OSCE region, challenges that impact upon and cross-sect domestic and foreign policy.

So how shall we meet these challenges?

Firstly we need to have an approach that is grounded in some key principles

- *Firstly, we need a clear focus on freedom of religion or belief for all*
It is almost never the case that only one religious group faces repression in a country so a focus on FORB for all is the most relevant approach to take. It also grounds us firmly in the human rights framework and helps to avoid the instrumentalization of FORB for political ends. Which also means it is likely to be more effective. This doesn't mean we can't talk about violations against specific groups, what it means is that we look at the full picture and give a full response.
- *Secondly, we need a multidimensional, multi-actor approach.*
The problems we face are multidimensional and serious. No single approach is sufficient to meet these challenges.
 - o We need human rights based approaches to influence law and administrative practice. We need conflict resolution approaches, development approaches, educational approaches, inter-religious dialogue approaches and security approaches.

- And in relation to each of these approaches we need to be a combination of actors working together strategically combining diplomacy with civil society and faith based initiatives.
- *Thirdly we need a positive approach* highlighting freedom of religion or belief's potential to contribute to conflict prevention, development and other human rights. This positive approach to FORB as a means to contribute to other societal goals helps create a shift in our understanding. FORB is no longer a narrow special interest for religious minorities or even religious communities in general! It is a question of promoting the welfare of society as a whole.
Sadly this positive approach is largely lacking. Instead of celebrating religious freedom as a thing of worth, the political community in the West tends to focus on it as a something negative in the domestic debate and as a minorities issue internationally – as though FORB were a special privilege for minorities instead of a fundamental right for all citizens.

So what next steps do we need to take?

I would like to propose three steps

- Work to build a greater global consensus on the nature of FORB
- The development of strategies and methodologies for western foreign policy
- A renewed engagement with civil society and belief communities

Firstly work to build a greater global consensus on the nature of FORB

FORB is perhaps the most misunderstood human right we have. And yet there is a framework, with rights identified in UN conventions and in OSCE commitments and guidance to interpretation such as General Comment 22.

From these we see that religious freedom has seven dimensions

- the right to have, adopt, change, the religion or belief of our choice
- the right to manifest, with protection for a wide variety of forms of manifestation noted
- the right to freedom from discrimination
- the right to freedom from coercion
- there are rights for parents and for children
- and for employers and employees
- and we have the right to conscientious objection at the very least to military service

These are the rights that have been signed up to in international conventions and OSCE commitments and major violations are committed in relation to all of them within the OSCE region.

And yet there is no consensus on the nature of these rights. And some nations are beginning to introduce other concepts such as freedom of worship, for which we have no clear definition at all. This conceptual confusion and dissent is a fundamental problem that contributes to our inability to tackle violations.

In this context what next steps can we take? Clearly information and education is vital for decision-makers, public servants, teachers, children and faith communities. We need to know our rights, we need educational initiatives both at the domestic and international level.

But perhaps we also need to develop or clarify the human rights framework in relation to FORB

Since the abandonment of the process towards a global convention on intolerance and discrimination on the basis of religion or belief there has been no proactive agenda to create a greater consensus on FORB. This has created space for other agendas to flourish as exemplified in the infected defamation debate.

We need to set a different agenda focused on, to quote Malcolm Evans, “developing a better understanding of what FORB entails in a coherent and transparent fashion to which all interested parties can contribute”. One suggestion that Malcolm has been made is to work for a convention on FORB that clarifies its meaning and scope in relation to each of its dimensions. I am not best placed to judge if that is the right way forward at the UN level, but we certainly need to find other ways to develop this consensus.

The second step I would like to propose is the development of strategies and methodologies for foreign policy.

OSCE member states both individually and in coordinated groupings such the EU member states, need a strategy and practical instruments and tools for the long term promotion of FORB at the bilateral and regional level including through the forum of the OSCE.

Efforts are being made to develop strategies and methods both within the European External Action Service and by some individual OSCE member states and I would like to offer some suggestions for these.

It is my belief that we need to combine three methodologies:

- Mainstreaming
- A prioritised country focus
- A thematic focus.

Mainstreaming FORB involves ensuring that FORB issues are integrated into the primary human rights strategy for all relevant third countries. This means that FORB issues need to be analysed and that key messages and ways to convey these messages need to be identified in human rights strategies. Including ways to convey these messages through the forum of the OSCE.

Delegations to the OSCE need to be much more aware of which OSCE countries are highlighted as having FORB concerns in their national and in EU human rights strategies, what the key issues are and which key messages are to be conveyed. And delegations need to be much more active in conveying these messages.

But mainstreaming is not enough. The main risk of mainstreaming is that the issue disappears into the larger whole and remains neglected. Impetus to genuine mainstreaming is given by combining it with the identification of a more limited number of **priority countries for intensive action** over a particular time period. Intensive action that can include analysis, diplomacy, development financing in support of the rule of law and educational reform, conflict resolution initiatives, support for civil society initiatives including human rights based work and inter-religious dialogue. A multi-actor, multi-dimensional approach.

But a focus only on countries is also insufficient. There is an acute need for thematic engagement on key issues that are common to many countries. Most of the key issues we face recur in many countries. Key thematic issues include:

- Religious civil and family law
- Legal identity issues for belief communities
- Legislation concerning conversion
- FORB and children
- Gender dimensions of FORB

Opportunities for research, learning and experience exchange around these issues need to be created at regional and global levels, including within the framework of the OSCE. And states need to identify strategies outlining their approach to these issues in foreign policy. What are the UKs key messages on legal recognition for example?

So a combination of mainstreaming, country focus and thematic focus is a desirable way forward for the foreign policy of participating states. But for these approaches to be effective Foreign Service personnel need tools and knowledge to implement them.

- o A strategy is needed outlining what the mainstreaming, country focus and thematic focus will involve and how it will be implemented,
- o Foreign ministries need to train staff, with priority being given to staff located in prioritized countries.
- o Tools need to be developed including tools for analysis, indicators for monitoring and evaluation and training materials.
- o The EU need to be provided with concise analysis of new legislation concerning religion or belief in order to respond effectively.

Europe's action on FORB will be strongest when EU member states support the developing EU level strategy with practical bilateral action. We need to burden share. The Netherlands is doing this already, with a project focused on promoting FORB in 10 countries. It would be tremendous if other member states followed their example.

The third step I would like to recommend is a renewed engagement with civil society and belief communities

This engagement can take many forms given that civil society organisations and belief communities have the potential to play a wide range of roles. They can be a source of information about violations, provide analysis of developments at the country and regional level, or be actors for change through their engagement in human rights advocacy, development, dialogue or conflict resolution initiatives.

In developing a proactive foreign policy on FORB states need to make the most of expertise and experience within civil society, belief communities and the academic world and support the development of civil society initiatives.

- Expertise needs to be identified and made use of in the training of foreign-service personnel.
- Fora for meaningful consultation with and between civil society organisations and faith communities need to be enabled both internationally and in countries where serious

violations occur. In particular belief communities and NGOs need to be enabled to come together to identify and work for common concerns.

And finally civil society needs to take these issues far more seriously.

Freedom of religion or belief is not a minor special interest for particularly religious people. It is about the democratic development of society as a whole and violations form part of the wider pattern of human rights abuses and failings in the rule of law. Yet mainstream human rights agencies have a very limited visibility on the issue of FORB.

And we as faith based organisations need to act responsibly and work for rights for all. Let us be clear. If the state removes the rights of one group it removes the rights of all, because what we are then left with is privileges, privileges that the state can get remove at its leisure. It is only 20 years since the fall of communism; let us not forget that being a majority offers no guarantees of freedom. Freedom of religion or belief for all is what protects us and, however challenging faith communities may or may not find the increasing religious diversity that characterizes our globalized world, we restrict rights at our peril.

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