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*The right to believe, to worship and witness*  
*The right to change one's belief or religion*  
*The right to join together and express one's belief*

ENGLISH only

## ***WS I - Freedom of Religion or Belief and fostering mutual respect and understanding in the OSCE area - opportunities and challenges***

The *OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities*<sup>1</sup> opens with the words “freedom of religion or belief is a fundamental right, recognized in international instruments and in OSCE commitments. International standards specify that everyone will have the right to freedom of thought, conscience and religion”. Unless participating States, as Kyiv Ministerial Decision 3/13 puts it, “fully implement OSCE commitments on the freedom of thought, conscience, religion or belief” there can be no basis for fostering mutual respect and understanding. Implementation by participating States of their commitments is the major challenge in the OSCE area.

As the OSCE is a security organisation, the lack of implementation of commitments on freedom of religion or belief and related freedoms is dangerous, as it fuels radicalisation. Implementing freedom of religion or belief and related rights including democracy is the best counter to radicalisation, as an Azeri Islamic scholar has noted.<sup>2</sup> As Helsinki 2008 put it, participating States “reaffirm the inseparable connection between ensuring respect for human rights and maintaining peace, justice, well-being for peoples and stability”.<sup>3</sup> This surely provides an opportunity for participating States, given their repeated claims that security is their concern. But the political will to grasp the opportunities presented by working with civil society to implement human dimension commitments is missing.

Many participating States systemically violate their commitments. Azerbaijan, for example, has increasing numbers of jailed human rights defenders with Muslim and Jehovah's Witness prisoners of conscience. Religious communities without state permission to exist are illegal. Sunni mosques are systemically forcibly closed, violence against people arrested in raids on meetings to study religious texts and worship is common. There is strict state censorship, including a ban on the Old Testament, works by Islamic theologian Said Nursi, and some Jehovah's Witness texts.

The *Joint Guidelines* also state: “State permission may not be made a condition for the exercise of the freedom of religion or belief. The freedom of religion or belief, whether manifested alone or in community with others, in public or in private, cannot be made subject to prior registration or other similar procedures.” Or as UN Special Rapporteur on Freedom of Religion or Belief Heiner Bielefeldt told the 2012 HDIM, it is a “non-negotiable right of all human beings that the State has to respect”.

There is in the OSCE region a need, as the European Union's *Guidelines on the promotion and protection of freedom of religion or belief*<sup>4</sup> state, to “challenge attempts to make the exercise of human rights conditional upon state permission”. What can constructively be done? Participating States, OSCE institutions and field operations could:

- insist that human dimension commitments are implemented in full by all participating States;
- situate the fostering of mutual respect and understanding within a human rights for all perspective, prioritising respect for the freedoms of religion or belief, expression, assembly, and other human rights and fundamental freedoms including the right to be free from torture;
- mainstream work to ensure and promote freedom of religion or belief with its interlinked human rights, building on the other work of the ODIHR Human Rights Department;
- use tools such as the *EU Guidelines on the promotion and protection of freedom of religion or belief*, the *OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities* and the *OSCE Guidelines on the Protection of Human Rights Defenders*.

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<sup>1</sup> [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2014\)023-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)023-e)

<sup>2</sup> [http://www.forum18.org/archive.php?article\\_id=338](http://www.forum18.org/archive.php?article_id=338)

<sup>3</sup> [http://www.forum18.org/archive.php?article\\_id=1351](http://www.forum18.org/archive.php?article_id=1351)

<sup>4</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/137585.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137585.pdf)