

**OSCE Supplementary Human Dimension Meeting
Freedoms of Peaceful Assembly and Association,
With Emphasis on Freedom of Association**

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**Session II: Non-discrimination and the freedom of peaceful assembly
and association**

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When dealing with the relationship between the principle of non-discrimination and freedom of association, there is a specific, but very relevant, aspect that should be taken in due consideration: the right of religious organizations to be free in admitting new members or in excluding existing ones.

In a general way it should be noted that the concept of association is discriminatory *per se*. In an association, people join with others in order to pursue certain goals and according certain ideals. Such goals and ideals are different from one association to another and represent the distinctive character of each association. This happens not only in ideologically orientated associations (such as religious or political ones), but in every kind of association.

Under this perspective, there is a right of every association to preserve its own identity and it would run counter to the very effectiveness of the freedom at stake if associations had no control over their membership.

I would also preliminarily note that commitments on non-discrimination and freedom of association cannot be considered apart from the longstanding commitments on freedom of religion or belief, due to indivisibility, interdependence and interrelation of all human dimension commitments.

Freedom of religion or belief encompasses, *inter alia*, the principle of autonomy of religious organizations. In accordance with this principle, public authorities are prohibited from obliging a religious organization to admit new members or to exclude existing ones. Similarly, freedom of religion or belief does not guarantee any right to dissent within a religious body; in the event of a disagreement between a religious organization and one of its members, the individual's freedom is exercised through his/her freedom to leave the organization. On the other hand, religious

organizations have the right to exclude or not admit members whose way of life or public statements are flagrantly at odds with the religion in question, especially when the religion is supposed to govern the private life and personal belief of its followers.

Without these guarantees, there is a danger of people joining an organization to undermine it from within, changing in a radical way its identity or damaging its credibility. But allowing this, States would concur to limit a true and effective freedom of association.