



## United States Mission to the OSCE

### **Session 2: Combating intolerance and discrimination against Christians and members of other religions**

As prepared for delivery by the United States Delegation to the OSCE Tolerance and Non-Discrimination Conference, Tirana, Albania, May 21, 2013

On Monday, Secretary of State Kerry released the 2012 *International Religious Freedom Report* – a demonstration of the abiding commitment of the entire U.S. Government to the advancement of freedom of religion worldwide. Secretary Kerry stated: “The freedom to profess and practice one’s faith, to believe or not to believe, or to change one’s beliefs, that is a birthright of every human being. ... These rights are rightly recognized under international law. The promotion of international religious freedom is a priority for President Obama, and it is a priority for me as Secretary of State. I am making certain, and will continue to, that religious freedom remains an integral part of our global diplomatic engagement.” Among the disturbing global trends Secretary Kerry noted are the persecution by governments of people for their religious beliefs and the failure of governments around the world to protect members of religious minorities from discrimination and violence.

The Helsinki Final Act states that “participating States will respect...the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language, or religion.” Commitments under the 2002 Porto Ministerial Tolerance Decision further “protects against attacks directed at any religious group whether on persons or on places of worship or on religious objects.”

Despite these and other commitments, efforts to restrict the ability of individuals to freely profess and practice their faith continue in the OSCE region. While participating States have many tools at their disposal to address intolerance, including education, interreligious dialogue, and legal protections against discrimination and hate crimes, more must be done to implement them. Laws in a number of participating States discriminate against so-called “nontraditional” religious communities and criminalize proselytizing, resulting in members of religious communities—including Protestants, Jehovah’s Witnesses, Hare Krishna, and others—being targeted for harassment and legal sanctions by government authorities. In a number of participating States, the Church of Scientology is under pressure and its activities are restricted; in some countries its status is unresolved, in others, it has been denied official recognition.

In several former Soviet states, many so-called “nontraditional” denominations reported an array of bureaucratic obstacles to building, renting or purchasing places of worship. And in Russia numerous religious organizations, including Roman Catholic parishes, Pentecostal communities, and Jehovah’s Witnesses, faced arbitrary and intrusive administrative

inspections, ostensibly due to suspicion that they are so-called “foreign agents” or violators of the “extremism” law.

Some participating States use so-called “extremism” laws to target peaceful expression of religious beliefs, to unjustly imprison or conduct raids against Jehovah’s Witnesses, Baptists, readers of Said Nursi, Falun Gong, Scientologists, and others. In Uzbekistan, for example, the government has branded some Protestants and Jehovah’s Witnesses “extremists” for practicing outside state-sanctioned structures.

A number of OSCE participating States have registration requirements that discriminate against minority religious groups. The denial of registration can have legal consequences. In some countries, those denied registration may be prohibited from building houses of worship, excluded from teaching religion in schools, refused access to co-religionists in the armed forces, social or health care facilities, or denied recognition of marriage. In the worst instances, individuals have faced criminal sanctions for engaging in unregistered religious activity, as is the case in Kazakhstan, Tajikistan, Turkmenistan, and Uzbekistan.

Governments that act to restrict or repress freedom of religion are, in effect, sending the message to their citizens that it is acceptable to discriminate against members of certain religious communities or religious practices. Restrictive government actions such as these can set the stage for prejudiced beliefs, discriminatory practices, and even violence towards members of these and other religious communities. We are deeply disturbed by the targeting of members of religious minorities and outbreaks of interreligious violence in the OSCE region. These worrying developments demonstrate the need for concerted action by governments, religious communities, religious leaders, and civil society leaders generally to challenge stereotyping, discrimination, and violence.

According to the OSCE’s most recent hate crimes report, desecration of places of worship and cemeteries continues to take place throughout the region.

While fourteen participating States have reported they collect hate crimes data on Christians and other religions, only three States have provided this information to ODIHR. Participating States **need** to comply with their OSCE commitments to provide disaggregated data on crimes motivated by anti-religious bias. Better data will help states assess the problem and implement more effective strategies. We urge participating States to better utilize ODIHR’s Tolerance and non-Discrimination Unit’s capacity building and training programs for civil society and law enforcement, its vital Annual Hate Crimes Report, and its Practical Guide on Hate Crime Laws. Additionally, we urge participating States to utilize the reports, recommendations, and visits of the three Personal Representatives of the Chair in Office (CiO), who respond to distinct and specific forms of intolerance at a political level. We also strongly encourage states to draw on the expertise and good offices of the High Commissioner on National Minorities.

For our part, the United States remains committed to working with governments around the world to promote and protect freedom of religion through global instruments such as United Nation’s Resolution 16/18 “combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion

or belief.” We must work together to protect and promote both religious freedom and freedom of expression, and to combat intolerance.

The Civil Rights Division at the Department of Justice works to protect people of all faiths from discrimination and violence based on anti-religious bias. Using the Church Arson Protection Act of 1996 and our hate crimes statutes, we have prosecuted and secured significant jail sentences for perpetrators who vandalized or set fire to places of worship, including a predominantly African American church set ablaze on the night President Obama was elected in 2008.

The land-use provisions of the Religious Land Use and Individual Protection Act (RLUIPA), enacted in 2000, ensure that people of all faiths can enjoy the simple right to rent or build places of worship, as well as engage in other religious activities. Our RLUIPA cases fall into three categories: racial animus by a jurisdiction against a place of worship or religious school; cases barring houses of worship in zones where secular assemblies such as clubs, lodges, or community centers are permitted; and cases where local governments have placed substantial burdens on the religious exercise of congregations, religious schools, or faith-based social service providers.

We also combat religious discrimination in employment, housing and policing. We have challenged the practices of two towns in Arizona and Utah that are majority Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS), also known as Mormons, alleging that the police force has failed to provide police protection for non-FLDS members, selectively enforced laws against them, and enforced religious edicts of the FLDS church.

And our most senior government officials denounce acts of religious hatred and violence, sending a strong signal that these acts are not tolerated and will be thoroughly investigated. In August of 2012, members of a Sikh Gurdwara in Oak Creek, Wisconsin suffered a horrific attack when a gunman entered before services. He fired repeatedly, killing six worshippers, wounding three others, and wounding a police officer who had come to their aid. The United States Attorney General spoke at the memorial service for the victims, and the Assistant Attorney General who heads the Civil Rights Division visited the Gurdwara and the community four months later.

Much can be done to fight hatred without restricting speech, or prohibiting the so-called “defamation of religion.” The response to hateful speech should be to condemn it, not to criminalize it. Because when we protect freedoms for all, we also ensure that each of us will be able to express our own views and practice our own faith or belief without fear. Governments, civil society organizations and human rights defenders have a vital role to play in our joint efforts to promote religious freedom and tolerance. We are pleased that the European Council of Religious Leaders jointly organized this conference with the CiO and ODIHR, and we welcome religious leaders’ participation at today’s meeting. We call on participating States to ensure that religious leaders, human rights defenders, and other representatives of civil society are protected from acts of violence and harassment perpetrated by intolerant groups or individuals, as well as from malicious prosecution by governments.

Our government has a history of protecting religious freedom and working with faith leaders for the betterment of our society. Through the White House Office of Faith-based and Neighborhood Partnerships and its related Advisory Council, comprised of experts from diverse religious backgrounds, we focus on ways in which government and communities, including interfaith members, can work together to improve our country. Our government's work in this area is often complemented by faith leaders. Faith leaders from around the country, representing diverse creeds, were some of the first to call for national peace and solidarity in the wake of the Sikh temple tragedy in Oak Creek, Wisconsin. More than 100 religious leaders, again from many different faiths and from around the country, also signed an open letter requesting that a mosque be allowed to be built in Murfreesboro, Tennessee, in the face of vandalism, arson, bomb threats and legal challenges by its opponents. Religious communities throughout the OSCE space can and do play an invaluable role in combating hate crimes and other forms of intolerance and discrimination, partnering with government at all levels, and with each other, crossing religious divides to emphasize the importance of tolerance and respect for all people's beliefs.

America stands with men and women of faith and conscience around the globe who courageously defend the rights of all to believe, speak, gather, teach, and worship as they choose.