

Religious Freedom Commitments Within the OSCE

Since the signing of the Helsinki Final Act in 1975, the political landscape has significantly changed in many of the countries of the Organization for Security and Cooperation in Europe (OSCE). During the Cold War era, the OSCE (formerly the Conference on Security and Cooperation in Europe) was one of the few forums for dialogue between East and West where human rights issues could be discussed and norms could be agreed upon. Today, the OSCE remains an important arena for discussion and action regarding human rights. All of the countries formerly under communist governments have acceded to the Helsinki Final Act and subsequent OSCE agreements.

Religious liberty has been an integral part of the OSCE process. From the Helsinki Final Act, to the Vienna and Copenhagen Concluding Documents, the OSCE participating States have affirmed time and time again that religious liberty is a fundamental human right. The freedom to profess and practice a religion alone or in community, the freedom to meet with and exchange information with co-religionists regardless of frontiers, the freedom to freely present to others and discuss your religious views, and the freedom to change one's religion have all been enshrined in the OSCE documents. Participating States have also committed to eliminating and preventing discrimination based on religious grounds in all fields of civil, political, economic, social and cultural life. Non-interference in the affairs of religious communities, such as selection of personnel, is also central to the OSCE understanding of religious liberty. Religious education in any language is protected along with the right for parents to ensure religious education of their children in line with their own convictions. Participating States have also pledged to allow the training of religious personnel in appropriate institutions.

The following are excerpts of the religious liberty commitments entered into by the participating States to the OSCE. This list is not exhaustive but is intended to give an overview of the obligations that bind OSCE participating States.

Helsinki Final Act (1975)

***Basket I Section VII** Respect for human rights and fundamental freedoms, including the freedom of thought, conscience and religion or belief*

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

Within this framework the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

Basket III Section 1d Travel for Personal or Professional Reasons

[The participating States] confirm that religious faiths, institutions and organizations, practicing within the constitutional framework of the participating States, and their representatives can, in the field of their activities, have contacts and meetings among themselves and exchange information.

Madrid Concluding Document (1983)

Questions Relating to Security in Europe -- Principles

The participating States reaffirm that they will recognize, respect and furthermore agree to take the action necessary to ensure the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

In this context, they will consult, whenever necessary, the religious faiths, institutions and organizations, which act within the constitutional framework of their respective countries.

They will favorably consider application by religious communities of believers practicing or prepared to practice their faith within the constitutional framework of their States, to be granted the status provided for in their respective countries for religious faiths, institutions and organizations.

Human Contacts Section

They will further implement the relevant provisions of the Final Act, so that religious faiths, institutions, organizations, and their representatives can, in the field of their activity, develop contacts and meetings among themselves and exchange information.

Vienna Concluding Document (1989)

Questions Related to Security in Europe -- Principles

(11) They confirm that they will respect human rights and fundamental freedom, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

(16) In order to ensure the freedom of the individual to profess and practice religion or belief, the participating State will, *inter alia*,

- (16.1) --take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers;
- (16.2) --foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers;
- (16.3) --grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their States, recognition of the status provided for them in the respective countries;
- (16.4) --respect the right of these religious communities to
- o establish and maintain freely accessible places of worship or assembly,
 - o organize themselves according to their own hierarchical and institutional structure,
 - o select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their States,
 - o solicit and receive voluntary financial and other contributions.
- (16.5) --engage in consultation with religious faiths, institutions and organizations in order to achieve a better understanding of the requirements of religious freedom;
- (16.6) --respect the right of everyone to give and receive religious education in the language of his choice, whether individually or in association with others;
- (16.7) --in this context respect, *inter alia*, the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions;
- (16.8) --allow the training of religious personnel in appropriate institutions;
- (16.9) --respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of

religion or belief;

(16.10) --allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials;

(16.11) --favorably consider the interest of religious communities to participate in public dialogue, including through the mass media.

(17) The participating States recognize that the exercise of the above mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief.

(32) They will allow believers, religious faiths and their representatives, in groups or on an individual basis, to establish and maintain direct personal contacts and communication with each other, in their own and other countries, *inter alia*, through travel, pilgrimages and participation in assemblies and other religious events. In this context and commensurate with such contacts and events, those concerned will be allowed to acquire, receive and carry with them religious publications and objects related to the practice of their religion or belief.

(68) They will ensure that persons belonging to national minorities or regional cultures on their territories can give and receive instruction on their own culture, including instruction through parental transmission of language, religion and cultural identity to their children.

Copenhagen Concluding Document (1990)

(9.1) [The participating States reaffirm that] everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards.

(9.4) [The participating States reaffirm that] everyone will have the right to freedom of thought, conscience, and religion. This right includes freedom to change one's religion or belief and freedom to manifest one's religion or belief, either alone or in community with others, in public or in private, through worship, teaching, practice and observance. The exercise of these rights may be subject only to such restrictions as are prescribed by law and are consistent with international standards.

[The participating States]

(18.1) - note that the United Nations Commission on Human Rights has recognized the right of everyone to have conscientious objections to military service;

(18.2) - note recent measures taken by a number of participating States to permit exemption from compulsory military service on the basis of conscientious objections;

(18.3) - note the activities of several non-governmental organizations on the question of conscientious objections to compulsory military service;

(18.4) - agree to consider introducing, where this has not yet been done, various forms of alternative service, which are compatible with the reasons for conscientious objection, such forms of alternative service being in principle of a non-combatant or civilian nature, in the public interest and of a non-punitive nature;

(18.5) - will make available to the public information on this issue;

(18.6) - will keep under consideration, within the framework of the Conference on the Human Dimension, the relevant questions related to the exemption from compulsory military service, where it exists, of individuals on the basis of conscientious objections to armed service, and will exchange information on these questions.

Budapest Summit Declaration (1994)

Chapter VIII.(27) Reaffirming their commitment to ensure freedom of conscience and religion and to foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers, they expressed their concern about the exploitation of religion for aggressive nationalistic ends.

Charter for European Security (1999)

19. We reaffirm that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security. We commit ourselves to counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism.

Maastricht Ministerial Council, Decision No. 4, Tolerance and Non-Discrimination (2003)

9. Affirms the importance of freedom of thought, conscience, religion or belief, and condemns all discrimination and violence, including against any religious group or individual believer. Commits to ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others, where necessary through transparent and non-discriminatory laws, regulations, practices and policies. Encourages the participating States to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief. Emphasizes the importance of a continued and strengthened interfaith and intercultural dialogue to promote greater tolerance, respect and mutual understanding;