



HELSINKI COMMISSION BRIEFING

UNITED STATES COMMISSION ON
SECURITY AND COOPERATION IN EUROPE

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Testimony :: The Honorable Christopher H. Smith

Co-Chairman - The Helsinki Commission

Ladies and gentlemen, I'd like to welcome everyone to this briefing today, convened by the Commission on Security and Cooperation in Europe, to address an issue of great importance in the promotion of religious freedom, religious registration policies in the OSCE. The Commission strives to monitor and encourage compliance with the Helsinki Final Act and other commitments of the Organization for Security and Cooperation in Europe.

As Co-Chairman, over the past decade I have observed a troubling drift away from a robust and vibrant protection of religious freedom in a growing number of OSCE States. I have become alarmed with how some OSCE countries have developed new laws and regulations that serve as a roadblock to the free exercise of religious belief. These actions have not been limited to emerging democracies, but also include Western European countries, with the definitive example being Austria.

Considering the gravity of this issue, I am pleased by the panel of experts and practitioners assembled today who have been kind enough to travel from Europe to share their thoughts and insights. Our distinguished panel includes Dr. Sophie van Bijsterveld, who is currently serving as Co-Chair of the OSCE Advisory Panel of Experts on Freedom of Religion or Belief, as well as a law professor at Catholic University in The Netherlands. Dr. Gerhard Robbers has also participated with the OSCE Advisory Panel of Experts, and is a professor of law at the University of Trier in Germany. Vassilios Tsirbas serves as interim executive director and senior legal counsel for the European Centre for Law and Justice, and he is based in Strasbourg. Lastly, Col. Kenneth Baillie is the commanding officer for the Salvation Army in Eastern Europe. He has experienced first hand registration laws which not only have impeded, but actually "liquidated," a religious group, as he has been very involved with the Salvation Army's ongoing action to register in Moscow.

During today's briefing, the panel will provide critiques of religious registration policies throughout the 55-country OSCE region. In addition, panelists will provide the "big picture" of religious registration issues throughout that region; including States which formerly were part of the Soviet Union. I feel the upcoming dialogue will be very helpful in developing a better understanding of these "roadblocks" to religious freedom.

From what I have seen through the work of the Helsinki Commission, many of these laws are crafted with the intent to repress religious communities deemed nefarious and dangerous to public safety. Certainly after the September 11th tragedies, one cannot deny that groups have hidden behind the veil of religion in perpetrating monstrous and perfidious acts. Yet, while history does hold examples of religion employed as a tool for evil, these are exceptions and not the rule. In our own country, during the Civil Rights Movement, religious communities were the driving force in the effort to overturn the immoral "separate but equal" laws and provide legal protections. If, during that time, strict religious registration laws had existed, government officials could have clamped down on this just movement, possibly delaying long overdue reform. While OSCE commitments do not forbid basic registration of religious groups, governments often use the pretext of "state security" to quell groups which espouse views contrary to the ruling powers' party line.

Another practice I have observed is the creation of registration laws designed on the premise that minority faiths are inimical to governmental goals, like respect for human rights and rule of law. Often, proponents of these provisions cite crimes committed by individuals in justifying stringent registration requirements against religious groups. Still, as I previously mentioned, the history of religious movements is one of good will and benevolence, not hate and misdeeds. Clamping down on the ability for a religious group to exist not only contravenes numerous, long-standing OSCE commitments, but also serves to remove from society forces that operate for the general welfare. The Salvation Army in Moscow is a lucent example.

In other situations, some governments have crafted special church-state agreements, or concordats, which exclusively give one religious group powers and rights not available to other communities. By creating tiers or hierarchies, governments run the

risk of dispersing privileges and authority in an inequitable fashion, ensuring that other religious groups will never exist on a level playing field, if at all. In a worst case scenario, by officially recognizing “traditional” or “historic” communities, governments declare their ambivalence, and sometimes hostility, towards minority religious groups, which can serve as the catalyst for violence. The persistent violence against Jehovah’s Witnesses and other, evangelical groups in Georgia is a prime example.

Notably, religious registration laws do not operate in a vacuum; other rights, such as freedom of association or freedom of speech, are often enveloped by these provisions. Accordingly, it is with great concern that I convene this briefing to discuss religious registration roadblocks. My heightened level of concern is only equaled by my strong desire to encourage participating OSCE States to fully comply with their OSCE commitments.

In working towards this goal, I was pleased to learn of the Bush administration’s shared commitment to religious freedom. In a March 9, 2001 letter, Dr. Condoleezza Rice, Assistant to the President for National Security, stated: “President Bush is deeply committed to promoting the right of individuals around the world to practice freely their religious beliefs.” She also expressed her concern about religious discrimination. In a separate letter on March 30th of this year, Vice President Dick Cheney echoed this commitment when he referred to the promotion of religious freedom as “a defining element of the American character.” He went on to declare the Bush administration’s commitment “to advancing the protection of individual religious freedom as an integral part of our foreign policy agenda.”

While some may construe the Administration’s “war” on terrorism as a move away from religious freedom, Mr. Bush has repeatedly made it clear, as he stated in his address to the country, “the enemy of America is not our many Muslim friends. . . . Our enemy is a radical network of terrorists and every government that supports them.” His statement that “the terrorists are traitors to their own faith, trying, in effect, to hijack Islam itself” demonstrates his distinction between terroristic acts and religion. Accordingly, it is my belief that this administration will not stray from supporting religious freedom during this challenging time.

In closing, the Helsinki Commission is greatly appreciative to our panelists for agreeing to come and share their thoughts on this critical issue. In addition, the Commission will continue to monitor the activities of governments in light of their OSCE obligations and encourage compliance. We will now proceed with the panelists’ presentations, which will be followed by an opportunity for questions.

Thank you.