



Organization for Security and Co-operation in Europe

Supplementary Human Dimension Meeting

**FREEDOM OF RELIGION OR BELIEF:
ISSUES, OPPORTUNITIES, AND THE SPECIFIC CHALLENGES OF
COMBATTING ANTI-SEMITISM AND INTOLERANCE AND
DISCRIMINATION AGAINST CHRISTIANS, MUSLIMS AND
MEMBERS OF OTHER RELIGIONS**

22- 23 June 2017

Hofburg, Vienna

ANNOTATED AGENDA

BACKGROUND

Commitments to implement the right to freedom of thought, conscience, religion or belief are among the original tenets of the OSCE and an integral aspect of its concept of comprehensive, co-operative, equal and indivisible security. In this connection, the 1975 Helsinki Final Act states that “participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States”, and acknowledges as one of the fundamental principles guiding mutual relations among OSCE participating States the “respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief”.

The 1989 Concluding Document of the Vienna Meeting, the 1990 Document of the Copenhagen Meeting, the 1990 Charter of Paris for a New Europe, the 1994 Budapest Document, the 1999 Charter for European Security, and Ministerial Council Decisions or Declarations adopted in Porto (MC(10).DEC/6), Maastricht (MC.DEC/4/03), Sofia (MC.DEC/12/04), Ljubljana (MC.DEC/10/05), Brussels (MC.DEC/13/06), Madrid (MC.DEC/10/07), Helsinki (MC.DEC.6/08), Athens (MC.DEC/8/09 and MC.DEC/9/09), Astana (SUM.DOC/1/10), and Kyiv (MC.DEC/3/13) have reiterated the importance and

relevance of respect for human rights and fundamental freedoms, including the right to freedom of religion or belief, to the OSCE's broad based understanding of security.

Additionally, throughout the last decade, the OSCE has attached great importance to fighting intolerance and discrimination and to promoting mutual respect and understanding. The OSCE has recognized in several Ministerial Decisions that tolerance and non-discrimination are important elements in the promotion of human rights and democratic values and that respect for human rights and fundamental freedoms, democracy and the rule of law are at the core of the OSCE's comprehensive concept of security.

A number of long-standing and recent developments in the OSCE region have underscored the importance of issues related to freedom of religion or belief and tolerance and non-discrimination. These include the view that some religions or beliefs are not part of the historical, cultural and traditional religious makeup of a country and therefore pose a danger to national identity and peaceful coexistence; tensions developing around migratory processes and the related security concerns; the perceived threat posed by a flourishing independent religious community life to the control of the State over society; and persistent misconceptions about the nature and role of religion in society.

The right to freedom of religion or belief for all is under significant pressure with differing impacts on men and women. Examples of interferences with the exercise of this universal right in the OSCE region include significant practical and legal obstacles to acquiring legal personality for religious or belief communities, unwarranted intrusion into the internal affairs of religious or belief groups, wholesale restrictions on the import and distribution of religious literature, religious profiling, and the application of immigration laws and policies in ways that unduly prevent the free movement of religious personnel and may discriminate against certain religious or belief communities. The growing instances of violations of freedom of religion or belief as well as of related human rights such as freedom of assembly, association and expression threaten internal and regional stability and security and obscure the potential of religious or belief communities to become positive factors for social cohesion and peace. Furthermore, many religious and belief communities continue to report, despite the efforts of participating States to prevent and respond to hatred and hostility, that intolerance and discrimination continues to exist in various forms, including discriminatory practices, hate speech, physical threats and assaults, desecration of burial sites and vandalism.

At the same time, there has also been a considerable range of normative and institutional activities, policies and programmes focusing on freedom of religion or belief in the region, as well as unilateral and multilateral state initiatives which supplement and reinforce these efforts and aim to advance this right for all. Further, renewed and growing interest in religion's role in peace-building efforts and sustainable development, including the distinctive contribution that religious or belief communities and faith-based organizations and can make in this regard, has brought to the fore the role of freedom of religion or belief in creating sustainable peace and security in the OSCE region.

The current situation, then, provides both an opportunity and a challenge to develop a better understanding of what freedom of religion or belief as a universal human right entails in light of the OSCE's comprehensive concept of security and to discuss concrete actions for its advancement. Additionally, it also provides an opportunity to review how participating States can further uphold principles of tolerance and non-discrimination in order to ensure that the rights of Jews, Muslims and Christians as well as of members of other religious or belief communities are respected. Mindful of this context, this Supplementary Human Dimension Meeting brings together a variety of actors, including OSCE participating States, OSCE institutions and executive structures, international organizations, civil society organizations, representatives of religious and belief communities, and academic experts to take stock of OSCE human dimension commitments in the sphere of freedom of religion or belief and tolerance and non-discrimination in the wake of current and emerging issues in the region, to clarify and explore the multi-faceted dimensions of this right and its contribution to security, exchange views on good practices, and to offer recommendations.

DAY 1, 22 JUNE 2017

15:00 – 16:00	<u>OPENING SESSION</u>
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Opening remarks:

Mr. Michael Georg Link, Director of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR)

Ambassador Clemens Koja, Chairperson of the OSCE Permanent Council, Permanent Representative of Austria to the OSCE

Keynote speech:

Professor Marco Ventura, Professor of law and religion, University of Siena; member, OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief

Technical information **Ms. Katarzyna Gardapkhadze**, First Deputy Director, OSCE/ODIHR

16:00 – 18:00 <u>SESSION I: Freedom of religion or belief, non-discrimination and other human rights and fundamental freedoms as the essential normative basis for peaceful coexistence and security in the OSCE region</u>

Introducers: **Dr. Susan Kerr**, Europe Advocacy Manager, Christian Solidarity Worldwide

Mr. Alexandr Klyushev, Chairperson, Association of Religious Organizations of Kazakhstan

Moderator:

Mr. Omer Fisher, Head, Human Rights Department, OSCE/ODIHR

OSCE participating States have recognized that there is no inherent antagonism between human rights and fundamental freedoms, including the right to freedom of religion or belief, and the State's responsibility to provide security. The explicit recognition of the integral role of human rights in ensuring a broad-based and sustainable security is affirmed in numerous documents adopted by consensus by participating States. For example, in the Astana Commemorative Declaration of 2010, the heads of state or government of the participating States expressed their conviction that "the inherent dignity of the individual is at the core of comprehensive security" and reiterated that "human rights and fundamental freedoms are inalienable, and that their protection and promotion is our first responsibility." More recently, the Kyiv Ministerial Decision 3/13 emphasized "the link between security and full respect for the freedom of thought, conscience, religion or belief". This link heightens awareness of freedom of religion or belief's contribution to a number of positive indicators of societal well-being, including economic development, democracy and good governance, and to building structures of mutual respect, understanding and equality among peoples of different religions, beliefs and cultures, without which internal and regional security cannot be assured.

This session will explore why full respect for human rights and fundamental freedoms, including freedom of religion or belief, is at the core of the OSCE's comprehensive concept of security. It will discuss how freedom of religion or belief and the principle of non-discrimination in conjunction with other human rights provide the normative basis and a minimum rule for the peaceful coexistence and co-operation of people belonging to different religions or beliefs, including non-believers. With this in mind, the session will examine how disproportionate restrictions on the universal right to freedom of religion or belief threaten the stability and security of countries as well as of the wider region; it will also discuss the benefits to society from full compliance with OSCE commitments and international standards in the area of freedom of religion or belief.

Questions for discussion

- How does freedom of religion or belief facilitate peace and security? How does tolerance and non-discrimination facilitate peace and security?
- How does freedom of religion or belief contribute to the strengthening of democratic governance based on the rule of law?
- Why would peace and security grounded in respect for human rights and fundamental freedoms, including freedom of religion or belief, stand a better chance of sustainability than a societal order organized around other principles and approaches, such as control or suppression of religious or belief diversity?
- What other societal benefits does full respect for everyone's freedom of religion or belief engender? What is the evidence for this?
- How can OSCE participating States provide an open, inclusive space which ensures non-discriminatory implementation of the right to freedom of religion or belief for all?

- How can OSCE institutions and executive structures better engage with OSCE participating States and civil society around the idea that promoting freedom of religion or belief for all is a key way of creating the conditions conducive to peace and security?

18:30 – 21:00 Reception hosted by the Austrian Chairmanship at Volksgarten

DAY 2, 23 JUNE 2017

09:00 – 10:30 SESSION II: Revisiting the normative status and scope of the right to freedom of religion or belief – issues of conceptualization and the challenge of implementing OSCE commitments

Introducers: **Ambassador Jean-Christophe Peaucelle**, Advisor for Religious Affairs, Ministry of Foreign Affairs of France

Professor Brett Scharffs, Director, International Center for Law and Religion Studies, Brigham Young University

Moderator: **Ms. Stacy Bernard Davis**, Unit Chief for Europe and Eurasia, Office of International Religious Freedom, US Department of State

The nature, status and scope of the right of freedom of religion or belief as an inalienable and universal human right embracing individual, collective, institutional, educative and communicative dimensions is often underestimated. Lack of clarity and understanding in this regard has practical consequences for the implementation of OSCE commitments in this area as misperceptions and inadequate conceptualizations may lend intellectual support to excessive restrictions on the exercise of this right. Such conceptual clarity around the nature and scope of freedom of religion or belief, including the relationship between a human right to a freedom and its possible limitations, would seem necessary if participating States, working closely with international organizations, civil society organizations and religious or belief communities, are to build a common and coherent approach to further strengthen implementation of their commitments to this and related human rights, including the prevention of violations, in the OSCE region.

The 1989 Concluding Document of the Vienna Meeting and the 1990 Document of the Copenhagen Meeting set out a number of key principles concerning the enjoyment of freedom of religion or belief, including its status as a right belonging to all human beings, including non-believers, and the freedom of everyone to manifest their religion or belief, individually or in community with others, in private or in public. They also stipulate an important general rule for the right to freedom of religion or belief, namely that it will not be subject to any restrictions except those provided for by the law and consistent with other obligations under international law, such as the International Covenant on Civil and Political Rights. The Kyiv Ministerial Decision 3/13 further reaffirms “the commitments of

participating States to respect, protect, and ensure the right of everyone to freedom of thought, conscience, religion or belief” and calls on participating States to “Fully implement OSCE commitments on the freedom of thought, conscience, religion or belief”.

While progress has been made in a number of important areas, such as legislation that conforms more fully to OSCE commitments and international standards related to freedom of religion or belief, gaps in implementation remain. There exist overly broad invocations of grounds for limitations in the OSCE region, particularly in the name of security and public order concerns, which often seem to be undertaken without due empirical and normative diligence. Indeed, rather than measuring the legitimacy of State-imposed limitations on the prevailing status of this universal human right, the idea in some parts of the region seems to be that the exercise of freedom of religion or belief – even of core elements of this human right – requires specific permission from the State, an understanding that goes against the conception of freedom of religion or belief as an inalienable right belonging to everyone without distinction.

This session will provide an opportunity for participants to revisit the full scope of freedom of religion or belief and examine and reflect on progress toward the full implementation of OSCE commitments in this regard in light of current issues and challenges. It will also aim to identify concrete policies and practical strategies that can be taken forward by participating States, civil society organizations and religious or belief communities to advance the right to freedom of religion or belief for all, and the assistance that OSCE institutions and executive structures could provide to help achieve this.

Questions for discussion

- What is the normative status and scope of the universal right to freedom of religion or belief as enshrined in OSCE commitments and international standards?
- What is the scope of permissible limitations on the right to freedom of religion or belief? What is the logic that underpins the operation of these limitation clauses?
- What progress has been made to implement OSCE commitments pertaining to freedom of religion or belief? Where are the gaps in implementation?
- What are the root causes underlying violations of freedom of religion or belief for all in the OSCE region? What are the specific issues that Jews, Muslims, Christians and members of other religious or belief communities report in this regard? What are the gender aspects of this?
- What opportunities exist in the OSCE region for collaborative partnerships and networks, involving the State, civil society, religious or belief communities and the academy, to advance freedom of religion or belief for all? What examples of good practice in this regard are there?
- How can OSCE institutions and executive structures assist participating States in implementing their commitments?

10:30 - 11:00

Break

11:00 – 12:30 SESSION III: Challenges of combatting anti-Semitism and intolerance and discrimination against Christians, Muslims and members of other religions

Introducers: **Professor Ingeborg Gabriel**, Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions

Rev. Dr. C. Welton Gaddy, President Emeritus and Senior Advisor of Interfaith Alliance Foundation and Radio Host of "State of Belief" in Washington D.C.

Dr. Farid Hafez, Political Science Department at the University of Salzburg

Moderator: **Mr. Larry Olomofe**, Advisor on combatting racism and xenophobia and intolerance against Christians and other groups, OSCE/ODIHR

OSCE participating States recognize that manifestations of discrimination and intolerance such as racism, xenophobia as well as hate speech, and hate crime threaten the security of individuals, communities and societies and may give rise to wider scale conflict and violence that undermine international stability and security. OSCE participating States strongly condemn racial and ethnic hatred, anti-Semitism, xenophobia, and discrimination against anyone as well as persecution on religious and ideological grounds, and have committed to combat these phenomena in all their forms (Copenhagen Document 1990). In recognition of this, since 2003, OSCE participating States have established a normative framework of Ministerial Council decisions to reflect their commitments to address these phenomena (MC Decision 4/03). This commitment was further reinforced with subsequent MC Decisions 12/04, 10/05, 13/06, 10/07 and 9/09. Ministerial Council Decision No. 9/09, contains a comprehensive set of commitments to prevent and counter hate crimes, through strengthening legislation, collecting reliable data, building the capacity of actors in criminal justice systems, assisting civil society, and considering drawing on resources developed by ODIHR.

The third working session will consider the challenges connected to combating anti-Semitism and intolerance and discrimination against Christians, Muslims and members of other religious or belief communities and non-believers. Data gathered from ODIHR's annual hate crime reporting indicates that many religious or belief communities experience structural or individual discrimination throughout the OSCE region. These range from acts of discrimination and intolerance and often manifest in egregious hate crimes and violence against certain groups and individuals. This is cause for concern and state authorities as law enforcement and prosecutors need to be equipped with the skills to respond to and/or prevent these incidents from occurring.

Questions for discussion

- What is the efficacy of current policies and practices, including awareness raising and outreach, that addresses hate crimes targeting religious or belief communities, their property and places of worship, homes, cultural centres, schools, and other public spaces across the OSCE region?
- What strategies aimed at combatting discrimination and intolerance through official policies, education and capacity building initiatives exist in the OSCE region? What are the lessons learned in this regard? How can good practices be further replicated?
- What challenges related to underreporting and under-recording of hate crimes do religious or belief/non-believers communities' experience? How can participating States and other actors such as civil society and other international organizations assist in order to remove barriers to reporting, responding to and preventing such hate crimes?
- How do discriminatory and prejudicial state registration, regulatory and security procedures impact under-reporting of hate crimes and incidents by various religious or belief communities in the OSCE region?
- How can governments and other stakeholders share good practices of co-operation between authorities, religious or belief communities, and civil society? What are recommendations on how to prevent and respond to discrimination and hate-motivated crimes and incidents targeting these groups?
- How can OSCE institutions and executive structures assist participating States in implementing their commitments?

12:30 - 14:00 Lunch break / side events (Light lunch hosted by the Austrian Chairmanship, Vorsaal Hofburg)

<p>14:00 - 16:00 SESSION 4: Interfaith and interreligious dialogue and cooperation and creating the conditions for peaceful and secure societies in the OSCE region</p>
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Introducers: **Ms. Eka Chitanava**, Director of the Tolerance and Diversity Institute, Tbilisi

Ms. Gabrielle Westhead, Convenor of the European Interfaith Youth Network; Chairperson, UK Interfaith Youth Network

Moderator: **Dr. Kishan Manocha**, Senior Adviser on Freedom of Religion or Belief, OSCE/ODIHR

The changing religious and cultural landscape of societies in the OSCE region presents participating States with the challenge of ensuring social cohesion and security in the face of increasing plurality of identities and beliefs, particularly since misinformation about the motivation, beliefs, desires and practices of people of different backgrounds persists in many quarters. Against this background, interfaith and interreligious dialogue initiatives at all

levels have emerged across the OSCE region in growing recognition that the open encounter and dialogue are of crucial importance for creating understanding, combatting intolerance and negative stereotypes based on religion or belief, establishing common ground and building relationships of trust and productive co-operation between people of different faiths and beliefs.

Various OSCE commitments have underscored the importance of dialogue for the creation of peaceful, cohesive and secure societies. For example, the Maastricht Ministerial Decision 4/03 emphasized “the importance of a continued and strengthened interfaith and intercultural dialogue to promote greater tolerance, respect and understanding”, and the Kyiv Ministerial Decision 3/13 specifically called on participating States to “promote and facilitate open and transparent interfaith and interreligious dialogue and partnerships”.

There is no set format for interfaith and interreligious initiatives. They can take place in a range of settings, formal and informal, and address a host of objectives, including issues of concern to religious or belief communities and wider public policy matters, social action undertaken for the betterment of communities, and efforts to counter religious intolerance through advancing freedom of religion or belief and other human rights for all.

As underscored at the OSCE Supplementary Human Dimension Meeting on Freedom of Religion or Belief, Fostering Mutual Respect and Understanding in July 2015, dialogue across religious and belief boundaries falls within the scope of freedom of religion or belief. The universalistic nature of this human right requires that interfaith and interreligious dialogue be as inclusive as possible, involving men and women as well as individuals and groups holding different religious and non-religious convictions. However, there is a noticeable lack of women and youth in dialogue activities throughout the OSCE region and in some participating States certain religious and belief communities, especially newer or smaller religious and non-religious belief groups, continue to find themselves excluded from State-promoted and organized dialogue. As a result, the potential of interfaith and interreligious dialogue to emerge as a critical enabler of peace and security remains squandered.

The third working session will consider the implications of conducting such dialogue in a human rights perspective and discuss the role of the State in initiating and consolidating a culture of open, inclusive and transparent dialogue in their societies. It will examine, in light of growing experience in the OSCE region, those factors which conduce to effective, broad-based and sustained interfaith and interreligious dialogue, including the participation of women and youth, members of newly-established or smaller religious communities and non-believers. It will also provide an opportunity for sharing good practices in the area of interfaith and interreligious dialogue in the OSCE region.

Questions for discussion

- Has interreligious and interfaith dialogue assisted in creating a culture of peaceful coexistence among different religions and beliefs in the OSCE region? What more needs to be done in this regard?

- What examples of good practices are there of interfaith and interreligious dialogue and partnerships that have fostered an environment of freedom of religion or belief for all?
- What is the role of the State in initiating and consolidating a culture of interfaith and interreligious dialogue? How can participating States facilitate, as appropriate, dialogue and partnerships among members of religious or belief communities?
- What more can be done to remove obstacles to open, transparent and inclusive interfaith and interreligious dialogue?
- How can informal interfaith and interreligious dialogue at the grassroots level, as a complement to dialogue activities of a more formal nature, be more systematically fostered in the OSCE region?
- Do all religious and belief communities have the confidence and skills to engage meaningfully in dialogue activities? How can we build the capacity of individuals of different religious and belief backgrounds to engage in dialogue?
- What practical initiatives can be taken to encourage and facilitate the equal participation of men and women as well as the active involvement of youth and members of newly-established or smaller religious communities and individuals holding non-religious conviction in dialogue activities? What examples are there of such positive engagement and what impact has this had on dialogue processes?

<p>16.00-17.00 CLOSING SESSION</p>

Reports by the moderators of the working sessions

Comments from the floor

Closing remarks:

Ms. Katarzyna Gardapkhadze, First Deputy Director,
OSCE/ODIHR

Ambassador Clemens Koja, Chairperson of the OSCE Permanent
Council, Permanent Representative of Austria to the OSCE