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OSCE human dimension implementation meeting

***Statement by HRWF Int. during the working Session on intolerance and discrimination
29 September 2005***

I salute the OSCE concern about discrimination against Christians and members of other faiths as it was lastly expressed through the organization of the Conference in Cordoba.

Now, I would like to address a facet of discrimination towards religious minorities, Christian and non-Christian, that is rarely raised: the categorization of religions by many OSCE Participating States in Eastern, Central and Western Europe.

In the OSCE space, various forms of registration and state-recognition of religions have led to the categorization of religious groups and to structural religious discrimination against so-called second-rank religious groups and their members. Religious bodies registered in an upper category and their members have more rights than others registered in a lower category. Denying equal rights or equal opportunities to individuals and associations on the basis of their religious orientation is a clear case of religious segregation.

What sort of concrete discrimination can be incriminated in the widespread system of state recognition of a limited number of religions ?

For example and according to the country, religious groups which have been granted a lower status are victims of a number of discriminatory practices:

- They are not eligible to receive state subsidies whilst their members have no other choice than to contribute to the financing of state-recognized religions through the income tax system;
- They are denied the right to engage in a number of public activities;
- They are denied free access to public media;
- They are not permitted to teach religion at public schools; and consequently, children of their members are not only denied appropriate religious classes but in some countries, they are even obliged to follow classes promoting sets of values which are in contradiction with theirs;
- They are not allowed to have chaplains to provide pastoral care to their believers who are in the armed forces, centers for refugees, hospitals or other social or health care facilities, and prisons; and consequently, their members are denied pastoral care on the ground of their religious orientation;
- In some countries, they are denied state recognition of marriage ceremonies;
- In some countries, they are subject to a numerical quota for the issue of visas for foreign religious workers, even if they are volunteers, or they are simply denied any visa;
- In many cases, they are stigmatized as harmful sects/cults and warned against by public and

private institutions funded by public powers. In some cases of divorce, child custody has been denied to one of the parents on the ground of his/her religious orientation. In the sect issue, it is however worth mentioning two recent developments. In Belgium, in June, the court of appeal of Brussels condemned the State on the grounds that it had damaged the image of a religious minority that had been blacklisted in the parliamentary report on sects. In France, a court decision specified that the black list of 172 sects established by the sect enquiry commission had no legal value and in May, PM Jean-Pierre Raffarin stipulated that the use of lists of sects should be avoided.

Despite these slight recent corrections in the work of the parliamentary commissions, the aforementioned institutionalized discriminatory practices fully persist in West European countries such as Austria, Belgium, Denmark, Germany or Greece.

The categorization of religions in Western Europe has unfortunately served as a model for post-communist countries in Central and Eastern Europe which have recently become part of the enlarged European Union.

Recommendations

Considering that at the 61st session of the UN Commission of Human Rights, UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir urged the international community to commemorate the 25th anniversary of the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, proclaimed by General Assembly resolution 36/55 of 25 November 1981, by publicizing it more widely and by enhancing its implementation;

Considering that the categorization of religions as a source of structural discrimination has never been seriously addressed in international conferences;

Human Rights Without Frontiers Int. wants to draw the attention of the OSCE to the existence of laws and practices that are not consistent with its non-discrimination standards;

Human Rights Without Frontiers Int. urges the ODIHR, its Advisory Panel and the Personal Representatives to the OSCE Chairman-in-Office to identify the laws and constitutional provisions that lead to various forms of discriminatory categorization of religions in the OSCE space;

Human Rights Without Frontiers Int. urges the OSCE/ ODIHR

- to organize a specific conference on the issue of the discrimination caused by the categorization of religions;
- to open a dialogue with the concerned participating states and to offer them technical assistance to achieve a number of reforms;
- to assess its own strategies, its own actions and the achievements of the concerned member-states on a regular basis.

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OSCE human dimension implementation meeting

Statement by HRWF Int. during the working Session on freedom of thought, conscience, religion or belief

28 September 2005

This year has been characterized in the OSCE space by the persistent lack of recognition of the right to conscientious objection to military service in a few countries and by laws restricting the structuring and the freedom of religious communities.

In **Armenia**, we welcome the efforts that were made to pave the way to a civilian alternative service but as of 30 June 2005, there were still 16 male Jehovah's Witnesses in prison for their conscientious refusal of military service on religious grounds. The new law does indeed not provide for a genuine alternative civilian service. For example, Article 6 states that issues related to alternative service are dealt with by the military. Article 13 mentions that workers are assigned by the Military Conscription Committee and article 14 says that the alternative service call-up is organized and supervised by the military. If conscientious objectors were put under a non-military authority, a considerable move forward would have been made.

In **Russia**, religious freedom is also shrinking. The greatest blow in the last year was the local court decision in Moscow banning that city's branch of the Jehovah's Witnesses. Though formally the court decision applies only to Moscow, it has triggered crackdowns in other regions. The denial of permission to rent public buildings for worship services is a continuous problem for many Protestant congregations.

Another new development is the destruction of churches and the firing of religious believers from their secular jobs. The most vulnerable targets seem to be those affiliated with the unregistered "Initsiativniki" Baptists.

For Roman Catholics, the greatest difficulty lately has been the issuance of visas for their clergy.

On June 22, 2005, the Committee of the Honouring of Obligations and Commitments by Member States of the Council of Europe said in the section of its report devoted to freedom of conscience and religion:

"We were distressed to hear during our fact-finding missions reports about numerous cases of religiously motivated violence – physical violence, intimidation, other forms of attacks against the representatives of "non-traditional" confessions and their places of worship. In most cases the local and regional authorities turned a blind eye to these attacks and did not prosecute their authors.

We are alarmed by the recent trend of segregation of religious organisations into traditional and non-traditional groups. Recognising the fact that the federal authorities are trying to secure the unhindered realisation of the freedom of religion, we have to state that regional and local bodies in many cases are reluctant to protect the rights of religious communities and fail to address properly the cases of freedom of religion violations."

In **Uzbekistan**, unregistered religious activity is still illegal, with believers often punished simply for holding prayer meetings in private homes. It is almost impossible for minorities to register new congregations. Religious literature is censored. Imported books such as Bibles have been confiscated and destroyed. All missionary activities are banned.

Following the Andijan uprising, Tashkent has tightened its repressive religion policy. Protestants in north-west Uzbekistan – whose activities in the region are banned – are under great pressure, as are Hare Krishna devotees in that region. Protestants from a number of churches say the authorities are tracking their activities more intently than before. Members of the Full Gospel Church in the capital Tashkent have frequently faced questions about their church's activities. One member of the congregation was even held for over a month in jail by police.

Members of another church in the capital, Bethany Protestant Church, have recently been imprisoned and fined, in an ongoing campaign that the authorities have conducted against the church, which has repeatedly tried to register with the authorities. Protestants involved in charitable work have also attracted hostile attention from the authorities, the main reason for the harassment seeming to be that they are Protestant.

The situation of Jehovah's Witnesses continues to be bad. After the Andijan events, a number of criminal cases were brought against their believers almost simultaneously. On 10 August 2005, a Jehovah's Witness from the town of Prigovor, in the central region of Navoi [Navoli], was found guilty at the Navbokhor district court of committing a crime under Article 229 (2) (breaking the law on teaching religious beliefs) of the Criminal Code. He was sentenced to a fine of 50,000 Som (286 Norwegian Kroner, 36 Euros, or 44 US Dollars), Shirobokov told Forum 18.

A criminal case is also currently under way, in the southern town of Karshi [Qarshi], against Feruza Mamatova and Bakhrom Pulatov, who are accused of operating an unregistered religious organisation under Article 216 (2) of the Criminal Code. It is unusual for this article to be used against religious minorities, but previous victims have included both Jehovah's Witnesses and Pentecostal Christians. Mamatova and Pulatov are specifically accused, as members of the Jehovah's Witnesses, of attending a religious meeting on 26 January 2005 and of talking to Uzbek citizens – with their agreement - about religious matters in May and June 2005. Attempting to convert someone to another faith is illegal in Uzbekistan.

Under article 216 (2), repeat offences for illegal religious activity are punishable by a fine of between fifty and hundred times the minimum monthly wage, detention for up to six months or imprisonment for up to three years. Both Pulatov and Mamatova have already been fined for their religious activity, the fines being imposed two days after widespread raids on Jehovah's Witness meetings across Uzbekistan.

Unreasonable conditions for the registration of congregations and hence the legal right to meet for worship continue to be imposed on Jehovah's Witnesses, especially in Navoi and Karshi.

On August 5, 2005, seven law enforcement officials made an unauthorised search of an apartment belonging to a Tashkent Jehovah's Witness, Nadezhda Miryaeva. The officials seized all of Miryaeva's Jehovah's Witness literature, which is the usual official practice.

Recommendations

Human Rights Without Frontiers Int. recommends

to Armenia

- to respect the OSCE norms protecting religious minorities and the right to conscientious objection to military service;
- to release conscientious objectors and/or to order a moratorium.

Human Rights Without Frontiers Int. recommends

to the ODIHR, its Advisory Panel and the Personal Representatives to the OSCE Chairman-in-Office

- to assist Armenia in its dealing with the conscientious objection issue by organizing meetings in the capital cities of these countries with representatives of other OSCE participating states which have solved that issue in accordance with the OSCE norms;
- to assist Russia and Uzbekistan in giving their religious minorities easy access to official registration and legal personality so as to facilitate the exercise of their religious freedom by organizing meetings in the capital cities of these countries on the OSCE norms contained in the ODIHR brochure "Freedom of Religion or Belief: Laws affecting the structuring of religious communities."

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Vatican spells out religious intolerance in Europe

OSCE holds meeting to analyze causes

Zenit (16.09.2005) / HRWF Int. (27.09.2005) - Email info@hrwf.net - Website <http://www.hrwf.net> - Despite efforts on the part of governments, a number of unacceptable violations of religious freedom still exist in Europe, says a Vatican representative.

Antonio Gaspari, representing the Vatican, made these comments at the 2nd Meeting of Police Experts organized by the Organization for Security and Cooperation (OSCE) Sept. 12-13 in Vienna.

Delegations from the 55 member states attended the meeting, and analyzed the phenomena of anti-Semitism, Islamophobia, Christianophobia, intolerance and violence against gypsy ethnic groups and the more vulnerable sectors of the population, such as the sick, the poor and the disabled.

Intolerance, discrimination, musicals and books marked by the culture of hatred against Christianity and other religions -- all create an atmosphere that often degenerates into violent actions against believers, communities, places of worship and cemeteries, said Gaspari.

The Vatican delegate applauded the OSCE's protection and promotion of religious freedom, as well as the organization's "specific attention to intolerance and discrimination against Christians and members of other religions."

The speaker recalled that the Holy See never tires of raising its voice "against discriminations, whether racial, ethnic, linguistic or religious."

But, "in spite of the OSCE's efforts to protect and foster human rights, in some of its participating states there are still norms, decisions or practices which prevent -- or at least hamper -- the free exercise of such rights, harming Churches and Christian communities as well as other religious communities," Gaspari said.

Violations

The representative of the Holy See said that it is "necessary to verify that local laws and rules be in line with international standards that those countries agreed upon," and that countermeasures be taken "against violations of such standards."

He lamented the persistence of "illegitimate restrictions against registration of Churches, Christian communities or other religions," "unjustified delays, or even refusals to return properties which had previously been confiscated or destined to others than the regular owners."

The Vatican representative also decried "illegitimate interference in the organizational autonomy of religious communities, as they are prevented from operating in accord with their moral convictions."

"When one religion is the majority religion in a country, juridical legitimacy is often refused to minority Churches or communities; their own internal activity is subject to limitation and they suffer injustices perpetrated by public authorities," Gaspari said.

He said that to this are added "episodes of violence, either physical or psychological, against some Christians or members of other religions, while their places of worship are damaged or destroyed."

"Even the mass media sometimes shows intolerant attitudes, and it is not infrequent to witness the denigration of Christians and members of other religions," he said.

Gaspari added: "Real pluralism in the world of mass media requires, on the contrary, that correct information be given about religious facts, that religious communities have access to the mass media and that no hate speech be admitted either against Christians or against members of other religions."

The Vatican representative recommended that "effective measures be adopted to ensure compliance with international standards, in order to prevent and combat manipulation of messages from religious communities as well as the disrespectful presentation of their members."

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Washington DC Declaration

HRWF Int. (19.07.2005) / Website: <http://www.hrwf.net> - Email: info@hrwf.net - From July 1 to 5, 2005, the Parliamentary Assembly of the OSCE held its fourteenth annual session in Washington. The Parliamentarians of the OSCE participating states issued the so-called "Washington, DC Declaration" in which a number of paragraphs are devoted to religious freedom, discrimination and intolerance.

CHAPTER III: DEMOCRACY, HUMAN RIGHTS AND HUMANITARIAN QUESTIONS

The OSCE Parliamentary Assembly

64. Calls Urgently on member states to impede the use of the mass media and especially educational textbooks for the dissemination of nationalist and religious hatred and superiority vis-à-vis other nations;

65. Calls on participating states to intensify their cooperation in combating various forms of discrimination, whether they be based on race, sex, language or political, philosophical or religious convictions; and which may be disseminated by the Internet;

75. Reaffirms, in accordance with the Charter of Paris of 21 November 1990, that the protection and promotion of the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities forms an integral part of the requirements posed by the democratic principle;

77. Recommends that every attempt to bring religions closer together be supported:

79. Pledges to ensure and facilitate the freedom of the individual to profess and practice any religion or belief, alone or in community with others, through transparent and non-discriminatory laws, regulations, practices against any religious community and hinder its ability to operate freely and equally with other faiths;

81. Welcomes the involvement and expertise of the OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief with technical assistance to ensure that current or draft legislation fulfils all OSCE commitments on religious freedom, and encourages all parliaments to utilize the Guidelines for Legislative Reviews of Laws Affecting Religion or Belief drafted by the OSCE/ODIHR Panel when framing laws or regulations pertaining to religious practices;

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Cordoba OSCE Conference: Statement of the European Platform (*) on Religious Discrimination and Intolerance

Intervention by Joanna Chellapermal

Christian Solidarity Worldwide (CSW) EU Office

Madame Chairperson,

We are grateful for the opportunity to address the distinguished delegates gathered here in Cordoba. I am speaking on behalf of the European Platform on Religious Discrimination and Intolerance, a loose coalition of NGO's and religious groups from all faith backgrounds, established to co-operate in promoting concern within European Union institutions for religious freedom violations.

Since the Helsinki Final Act, freedom of religion and belief has been one of key commitments OSCE member states have agreed to adhere to. We therefore fully support the stressing of implementation of the existing commitments of OSCE member states in this area. Despite all efforts though, religious freedom violations continue to be one of key human rights violations in the OSCE area. As previous delegates have mentioned, we should bear in mind that at least an estimated 85 percent of the world population adheres to some form of religion.

Addressing religious freedom violations has become particularly difficult and complex as it is often linked to security concerns regarding activities of extremist religious groups.

Also, raising concerns regarding religious freedom violations affecting Christian communities in some OSCE countries is faced with difficulties. In particularly OSCE European member states, this often produces criticism from various bodies critical (and to some extent intolerant) of Christianity, or their perception of it, and what they see as its 'past crimes' and thereby distracting from the very real concerns of religious freedom violations against Christian religious groups.

We, as members of the European Platform on Religious Discrimination and Intolerance, have some reservations regarding the recent developments within OSCE on addressing religious discrimination issues.

Whilst we welcome the appointment of the Personal Representative of the Chairman-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, we feel that to some extent this signifies a relegation of religious discrimination and intolerance into a relatively minor concern. Even with the best of intentions it is impossible to effectively address the rapidly growing concerns regarding religious discrimination whilst at the same time focusing on such a multitude of other issues.

Also identification of this issue specifically with 'Christians and members of other religions' is unhelpful for the above mentioned reasons.

We believe that it is crucial that freedom of religion and belief should remain a key concern for the OSCE. As a human right, it is an important litmus test for other rights and freedoms, democracy and tolerance in any society as it cannot exist without respect for other human rights such as freedom of association, freedom of expression, freedom of press.

An environment which denies legitimate and moderate expressions of religious faith can breed more extremist religious sentiments which can have a negative impact on tolerance in the society.

We would therefore like to make the following recommendations to the OSCE and its member states:

RECOMMENDATIONS

General

- 1) OSCE should consider organizing a specific annual session focusing on religious freedom and dialogue to strengthen existing ODIHR efforts in addressing this situation but more importantly to bring together representatives from religious groups, human rights defenders and NGO's focusing on religious freedom violations in order to**

- raise concerns and share information on religious freedom violations
- exchange best practices and devise an action plan and recommendations
- discuss in-depth the issue in all its complexity

The session should particularly focus on drawing representatives from countries where there are concerns regarding religious freedom violations

- 2) OSCE should also consider reformulating the mandate of the Personal representative to focus on religious intolerance and discrimination with the implication that it will cover religious freedom violations against all religious groups without the need to specify each group.

Personal Representatives

- 3) **The Personal Representative of the Chairman-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions should visit all five Central Asian member states** in order to

- investigate to what extent the legislation and practices compare with ODIHR/OSCE Guidelines for Review of Legislation Pertaining to Religion or Belief.
- meet with religious leaders and human rights defenders and NGO's regarding the religious freedom situation
- make recommendations to the OSCE, its field missions and member states on ways in which to ensure that both the legislation and practice in Central Asian member states could be brought into compliance with international human rights standards on religious freedom.

- 4) **The Personal Representative concerned should also visit Turkey to investigate the situation of minority ethnic and religious groups.**

- 5) **The Personal Representative of the Chairman-in-office of the OSCE on Combating Intolerance and Discrimination against Muslims should visit all five Central Asian member states** in order to

- investigate the situation regarding discrimination against Muslim religious groups

Further recommendations are available with the copies of the full speech.

May I also take the opportunity to sincerely thank the authorities in Cordoba and Seville and the Spanish government for hosting such an important event and for their excellent hospitality and arrangements.

Thank you Madame Chairperson

FURTHER RECOMMENDATIONS

Central Asia

The European Platform asks the OSCE and its member states to urge the Central Asian member states, in particular those of Uzbekistan and Turkmenistan,

- 5) to ensure that their national legislation and practise complies with international guarantees and rights for freedom of religion and belief and prevention of discrimination on the basis of religion and belief;
- 6) to permit religious groups to conduct their activities without government interference or harassment;
- 7) where applicable, to take immediate steps to reform restrictive registration laws governing practices of religious groups which prevent religious groups from practising their belief;
- 8) to investigate and, where necessary, bring to justice local government and security officials who violate the right to freedom of religion or belief;

The European Platform also asks the OSCE to consider ways in which to

- 9) offer to assist the Central Asian national government authorities (particularly Turkmenistan, Uzbekistan and Kazakhstan) in drafting appropriate legislation, which complies with international rights and guarantees of freedom of religion and belief.
- 10) provide training to national government authorities and the security officials in international provisions for freedom of religion and belief.
- 11) assist initiatives which promote better understanding of various religious groups and build relationships between moderate religious leaders from EU on one hand and Central Asian authorities and religious leaders on the other hand.

Cordoba Declaration

With regard to the Cordoba Declaration the European Platform recommends the following:

- 12) Article 1, the second part of the statement i.e. ensuring the freedom of the individual... should be a separate article as it concerns religious freedom obligations of the member states whereas the first part is concerned with relations between religious groups.
- 13) Article 7, first point concerning ODIHR activities, this should not be restricted to anti-Semitism alone but expanded to refer to all forms of religious intolerance.

(* EU Platform on religious discrimination and intolerance initiative

Religious freedom does not feature very highly on the EU agenda. The purpose of the platform is identify those interested in the field and to discuss ways in which we could encourage deeper interest and commitment from EU institutions in religious intolerance and discrimination issues and where appropriate make policy recommendations to the European institutions.

The European Platform is modeled to some extent on the Dutch Platform on International Religious freedom.

European Platform does not represent any particular religious group or denomination. The Platform will seek to ensure it has a balanced membership from religious groups and NGO's.

Founding members:

- Christian Solidarity Worldwide (CSW)
- Human Rights Without Frontiers (HRWF)
- Open Doors International (ODI)
- European Evangelical Alliance (EEA)

For further information, please contact

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Spain and anti-Semitism

by Victor Harel

El Pais (09.06.2005) / HRWF Int. (10.06.2005)- Email info@hrwf.net - Website <http://www.hrwf.net> - As was proposed by the Spanish Foreign Minister Moratinos, on June 8 and 9 the city of Córdoba is to host the third International Conference on Anti-Semitism and other forms of intolerance, under the auspices of the Organization for Security and Cooperation in Europe (OSCE).

The OSCE, which includes 55 countries, has lately become one of the most effective vehicles for international action against the acute problem of anti-Semitism, which is still prevalent in Europe. So far the OSCE has organized two major international conferences, in Vienna in 2003 and in Berlin in 2004.

Combating the disease of anti-Semitism, in its old or new guises, is a long and arduous task. There are no shortcuts or easy solutions. And anti-Semitism is a European problem *par excellence*, so it is Europe's primordial obligation to find the adequate remedies and eradicate it.

Spain in recent years has devoted not a little effort to this task. The official ceremonies commemorating the Holocaust that have taken place in the regional Assembly of Madrid in recent years deserve praise and recognition. So do the explicit declarations in Brussels by the former foreign minister Ana Palacio condemning anti-Semitism, and the current government's decision to create an official Day of Memory of the Holocaust on January 27 (the day when the camp at Auschwitz was liberated). More recently, Prime Minister Zapatero has visited the concentration camp at Mauthausen. And now comes the conference in Córdoba.

But forgetfulness, ignorance and prejudice provide fertile ground for anti-Semitism, and for the trivialization of the Holocaust. "To trivialize the Shoa is an effective way of promoting Nazism," says Gabriel Albiac.

Also, the use of Nazi terminology to describe aspects of current Israeli policy not only offends thousands of survivors of the camps, but tends to incite hatred. The new anti-Semitism, which among other things, makes Israel and its "Jewish tanks" the focus of all the ills in the Middle East, and makes the Israelis, very conveniently, both victims and villains, is "politically correct." Moreover, it freely circulates in the mainstream media, laying the groundwork for a future de-legitimization of the Jewish State. Joan B. Culla, in his new book *La tierra mas disputada*, asks rhetorically: "Is it not understandable that in the Old Continent, the repeated description of Israel as a semi-Nazi, essentially criminal state, leads toward openly anti-Semitic discourse and actions?"

In modern Spain, indeed, we see a resurgence of serious anti-Semitic expressions and actions.

The US State Department, in its report on global anti-Semitism in 2004, in the chapter on Spain mentions more than 10 acts of anti-Semitic nature, such as the profanation, twice in Barcelona, of a monument commemorating the Holocaust; at a soccer match in the Calderón stadium in Madrid, Nazi emblems were visible in the crowd, and a banner read "Bastard Jews;" in Toledo, the statue of the

medieval treasurer Samuel Halevi was vandalized and burned; in Mellila, some elderly Jews entering the Synagogue were attacked; in Barcelona, anti-Jewish graffiti was written in German on the walls of a reformist synagogue; while in Oleiros in Galicia, the mayor set up a large public sign reading: "Sharon, murderer. Stop the new Nazis."

We might add the words of the impostor Enric Marcos in the Spanish Congress, comparing the Nazi camps to those of Palestinian refugees. Recently, a book on Spanish Republicans in the Nazi camps offers an aberrant parallel between the Holocaust and the Israel Defense Wall (the "Wall of Shame" in the book, now being modified).

How can we combat this evil? Essentially, in three ways: through memory, law and education. First we must keep alive the memory of the Holocaust, and its uniqueness. We think it is a duty of all politicians to insist on this message. After all it is the politicians, in their acts or omissions, who set the national agenda.

Governments must use all the judicial means at their disposal to punish anti-Semitic acts, and prevent incitement to racial intolerance and anti-Semitic propaganda. The motto must be: zero tolerance for anti-Semitism.

And there must be a systematic effort of instruction in society, to educate the new generations, develop school programs on the subject and promote visits by young people to the concentration camps.

We believe that the OSCE is the right framework for short and long-term strategies to combat anti-Semitism on a global scale, so that the present Spanish initiative to hold the OSCE conference in Spain, with the presence of King Juan Carlos, fully deserves applause.

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Fighting religious segregation and discrimination against minority religions and their members in the OSCE space

Cordoba OSCE Conference on anti-Semitism and on Other Forms of Intolerance

Address to the Advisory Panel of Experts

Willy Fautré, *Human Rights Without Frontiers Int.*

Honorable members of the Advisory Panel,

I am grateful to you for giving me the opportunity, as representative of ***Human Rights Without Frontiers Int.***, to address a facet of discrimination towards religious minorities in the OSCE space that is rarely raised: the categorization of religions.

Former UN Special Rapporteur on Freedom of Religion or Belief Abdelfattah Amor clearly raised this issue in a report about a visit in situ in Romania in 2003. Current UN Special Rapporteur Ms Asma Jahangir confirmed her concerns with that widespread phenomenon in Europe in this year's report.

It is usual in OSCE and other conferences to criticize the legislation and policies of a number of states in Central Europe, Eastern Europe and Central Asia as if countries in Western Europe were without any reproaches. It needs to be stressed that the reality is very different.

In Western Europe, various forms of registration and state-recognition of religions have led to the categorization of religious groups and to structural religious discrimination against so-called second-rank religious groups and their members. Religious bodies registered in an upper category and their

members have more rights than others registered in a lower category. Denying equal rights or equal opportunities to individuals and associations on the basis of their religious orientation is a clear case of religious segregation.

What sort of concrete discrimination can be incriminated in the widespread system of state recognition of a limited number of religions in Western Europe ?

For example and according to the country, religious groups which have been granted a lower status are victims of a number of discriminatory practices:

- They are not eligible to receive state subsidies whilst their members have no other choice than to contribute to the financing of state-recognized religions through the income tax system;
- They are denied the right to engage in a number of public activities;
- They are denied free access to public media;
- They are not permitted to teach religion at public schools; and consequently, children of their members are not only denied appropriate religious classes but in some countries, they are even obliged to follow classes promoting sets of values which are in contradiction with theirs;
- They are not allowed to have chaplains to provide pastoral care to their believers who are in the armed forces, centers for refugees, hospitals or other social or health care facilities, and prisons; and consequently, their members are denied pastoral care on the ground of their religious orientation;
- In some countries, they are denied state recognition of marriage ceremonies;
- In some countries, they are subject to a numerical quota for the issue of visas for foreign religious workers, even if they are volunteers, or they are simply denied any visa;
- In many cases, they are stigmatized as harmful sects/cults and warned against by public and private institutions funded by public powers. In some cases of divorce, child custody has been denied to one of the parents on the ground of his/her religious orientation.

What other name than religious segregation can be used to qualify such practices in force in West European countries such as Austria, Belgium, Denmark, Germany or Greece? Why should the enjoyment of some rights be limited to religions with which a state has concluded specific agreements? Shouldn't a person be allowed to have access to a chaplain in a home for elderly people whatever his/her religious affiliation?

The categorization of religions in Western Europe has unfortunately served as a model for post-communist countries in Central and Eastern Europe which have recently become part of the enlarged European Union.

EU institutions have never questioned the categorization of religions as a source of structural discrimination. EU Annual Reports on Human Rights in the world and in the European Union have always kept silent about the categorization of religions and the related discrimination. Religious freedom is not listed among the eight human rights key-issues that are included in the Action Plans and Strategy Papers of the European Commission for the European Neighborhood Policy. Religious freedom is not an issue per se in the relations between the various committees of the European Parliament with non-EU states. Religious freedom is not taken in consideration for projects funded by the European Commission.

Honorable members of the Advisory Panel,

Considering that at the 61st session of the UN Commission of Human Rights, UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir urged the international community to commemorate the 25th anniversary of the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, proclaimed by General Assembly resolution 36/55 of 25 November 1981, by publicizing it more widely and by enhancing its implementation;

I want to draw the attention of the OSCE to the existence of laws and practices that are not consistent with its standards;

I urge the ODIHR to identify the laws and constitutional provisions that lead to various forms of discriminatory categorization of religions;

I also urge the OSCE

- to open a dialogue with the concerned member-states, including in Western Europe, and to offer them technical assistance to achieve a number of reforms,
- to open a dialogue with the EU institutions and the CoE to coordinate their strategies aiming at the reduction of religious discrimination and intolerance,
- to assess its own strategies, its own actions and the achievements of the concerned member-states,
- to be result-orientated.

Annex

Categorization of religions

Statement UN Special Rapporteur Abdelfattah Amor

Excerpt from his report following his visit in situ in Romania in 2003

94. ().. the Special Rapporteur considers that the principle of freedom of religion or belief, as enshrined in international human rights law, is difficult to reconcile with a formal or legal distinction between different kinds of religious or faith-based communities insofar as such a distinction in their status must imply a difference in rights or treatment, which may, in some cases, constitute discrimination that is incompatible with the exercise of human rights.

95. The Special Rapporteur notes that this distinction between two kinds of religious or faith-based communities means that the financial contributions made to recognized religions are not available to non-recognized religions, that non-recognized religions, unlike recognized religions, ().. non-recognized religions cannot provide religious instruction in State schools in the same way as recognized religions. The problem is not just that such discrimination may be contrary to international human rights law, particularly since it is not certain that the criteria used by the authorities to decide whether a religion should be recognized are objective from the viewpoint of international law, but that such discrimination amounts to restrictions that may, in certain circumstances, constitute a violation of the right to freedom of religion or belief.

96. In the light of this, the Special Rapporteur would like to encourage the Romanian Government to abolish the distinction between recognized and non-recognized religions ().. .

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OSCE Conference on Intolerance regional survey

by Felix Corley

Forum 18 News Service (01.06.2005) / HRWF Int. (01.06.2005)- Email info@hrwf.net - Website <http://www.hrwf.net>- As delegates prepare for the forthcoming OSCE Conference on Anti-Semitism and on Other Forms of Intolerance, Forum 18 News Service notes that religious believers face intolerance in the form of attacks on their internationally agreed rights to religious freedom – mainly

from their governments – in many countries of the 55-member OSCE. Despite binding OSCE commitments to religious freedom, in some OSCE member states religious communities are still being vilified, fined and imprisoned for peaceful exercise of their faith, religious services are being broken up, places of worship confiscated and even destroyed, religious literature censored and religious communities denied state registration and hence the domestic legal right to exist.

Events in Uzbekistan offer one warning of what the persistent intolerance of religious freedom and other internationally agreed human rights can lead to.

The Organisation for Security and Co-operation in Europe (OSCE), which has as members all the states of Europe, Central Asia and North America, works not by coercion but by consensus and persuasion. Membership is not compulsory: states have the free choice whether to accept the binding OSCE commitments by joining or not. The commitment of all OSCE states to respect freedom of thought, conscience, religion or belief is clear and has been repeatedly reaffirmed. One of the most important sets of human rights commitments that member's states have agreed to is the 'Copenhagen Commitments,' which, amongst other things, state 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."

Yet government intolerance against religious believers, through denial of their rights to religious freedom – rights agreed to by these same governments - remains disturbingly pervasive throughout many member countries of the OSCE.

As delegates assemble in Cordoba in Spain for the OSCE Conference on Anti-Semitism and on Other Forms of Intolerance on 8 and 9 June, many ask how violators of these fundamental OSCE commitments - especially Turkmenistan, Uzbekistan, Belarus, Azerbaijan and Armenia - can be allowed to continue as members of an organisation whose fundamental principles they blatantly flout. OSCE officials argue off the record that it is better to keep violators in, with the hope that they can be persuaded to mend their ways, rather than expel them, abandoning local people to the clutches of their governments. The result is that persecuted believers Forum 18 News Service www.forum18.org has spoken to in a number of states now have little faith in what the OSCE can and will do for them to protect their right to religious freedom.

The OSCE has reaffirmed that intolerance of and discrimination against religious believers is as unacceptable as intolerance of and discrimination against ethnic or other social groups or individuals. Meeting in the Dutch city of Maastricht in 2003, the OSCE Ministerial Council stressed in its Decision No. 4 on Tolerance and Non-Discrimination that it

"[a]ffirms the importance of freedom of thought, conscience, religion or belief, and condemns all discrimination and violence, including against any religious group or individual believer"

and "[c]ommits 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".

The ministerial council also emphasised what it believed is the importance of a "continued and strengthened interfaith and intercultural dialogue to promote greater tolerance, respect and mutual understanding".

But in much of the OSCE region the most serious discrimination and intolerance against religious believers of all faiths comes from governments themselves. In many states discrimination is enshrined in law and in official practice (from national to local level). Believers will only be free of such discrimination if such discriminatory laws are abolished or amended, and if other laws and international commitments guaranteeing religious freedom are put into actual practice.

Social intolerance of religious minorities does exist – for example among Orthodox in Georgia, among Muslims in Central Asia, and among ethnic Albanians (whether Muslim or Catholic) in Kosovo. Governments clearly have a duty to address this and promote tolerance in society, and many claim to do so. But the claims of some governments to be against intolerance are rendered worthless by their persistent, repeated failure to either improve their own behaviour towards their own citizens, or to honour the international commitments they have freely chosen to abide by.

In considering religious intolerance and hatred, it is important to remember that criticising the beliefs of religious or non-religious people, whether from a religious or non-religious perspective, does not of itself constitute religious hatred. This can only reasonably be said to exist where violence is incited leading to acts of violence being committed. An absolutely vital element of religious freedom is the right peacefully to expound and promote one's own beliefs, including setting out how they differ from the beliefs of others, as well as why one believes ones own beliefs to be truer than other beliefs.

In the run-up to the September 2004 OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination in Brussels, Forum 18 News Service www.forum18.org surveyed some, but not all, of the continuing abuses of religious freedom in the eastern half of the OSCE region (see F18News 9 September 2004 http://www.forum18.org/Archive.php?article_id=407). Discrimination against believers also occurs in other OSCE countries (such as the About-Picard law in France, restrictions on newer religious communities in Belgium and discrimination against minority faiths in Turkey). It is disturbing that nearly one year on, almost all the abuses Forum 18 noted in 2004 have continued unchecked. Current abuses are outlined thematically below. The situations and incidents given are examples and not a comprehensive list of religious freedom violations.

RELIGIOUS WORSHIP: An alarming number of states raid religious meetings to close down services and punish those who take part. Uzbekistan is one of the worst offenders: unregistered religious services and meetings are often raided and participants beaten and fined. Christian bible study groups – and small meetings of other faiths - in homes are illegal. Large-scale co-ordinated raids took place against Jehovah's Witnesses worshipping in April. Islam remains under very tight government control. Despite allowing some religious minority communities to register over the past year, Turkmenistan restricts the freedom to conduct religious worship and meetings – they remain banned in private homes. Even registered religious communities – such as the Hare Krishna community in Ashgabad – has been banned from meeting, while the Seventh-day Adventists could not meet legally for six months after gaining registration. Religious communities are pressured to venerate the president's book, *Ruhnama*, despite the fact that many religious believers consider it to be blasphemous. Belarus specifically bans unregistered religious services, while numerous Protestant congregations - some numbering more than a thousand members - cannot meet because they cannot get a registered place to worship. In Kazakhstan the new national security amendments now completing passage through parliament will similarly ban unregistered religious services (administrative fines have already been imposed for this). Azerbaijan also on occasion raids places where worship is being conducted, either in religious buildings or private homes. In Macedonia, members of the Serbian Orthodox Church have difficulty holding public worship and leaders have been prosecuted. In Russia and some other states, minority faiths are often denied permission to rent publicly-owned buildings available to other groups.

PLACES OF WORSHIP: Opening a place of worship can be impossible in some states. Turkmenistan is the worst offender: not only is it almost impossible to open a place of worship for non-Muslim and non-Russian Orthodox communities, those that existed before harsh new regulations came in from the mid-1990s saw those places of worship confiscated, while Hare Krishna, Muslim and Adventist places of worship were even bulldozed. More than half a dozen mosques were destroyed in 2004. Uzbekistan has closed down thousands of mosques since 1996 and often denies Christian groups' requests to open churches. Azerbaijan obstructs the opening of Christian churches and tries to close down some of those already open, while in 2004 it seized a mosque in Baku from its community and tried to prevent the community meeting elsewhere. Belarus makes it almost impossible for religious communities without their own building already - or substantial funds to rent one - to find a legal place to worship. An Autocephalous Orthodox church (which attracted the anger of the government and the Russian Orthodox Church) was bulldozed in 2002. In Slovenia, which presently chairs the OSCE, the Ljubljana authorities have long obstructed the building of a mosque, as have the authorities in the

Slovak capital Bratislava. In Bulgaria, in July 2004 the police stormed more than 200 churches used by the Alternative Synod since a split in the Orthodox Church a decade ago, ousting the occupants and handing the churches over to the rival Orthodox Patriarchate without any court rulings.

REGISTRATION: Where registration is compulsory before any religious activity can start (Turkmenistan, Belarus and Uzbekistan, with Kazakhstan likely to follow soon) or where officials claim that it is (Azerbaijan), life is made difficult for communities that either choose not to register (such as one network of Baptist communities in the former Soviet republics) or are denied registration (the majority of religious communities in Azerbaijan and Turkmenistan). Registration in Turkmenistan is all but impossible, despite the reduction in 2004 from 500 to 5 in the number of adult citizens required to found a community. In countries such as Azerbaijan or Uzbekistan, registration for disfavoured communities is often made impossible - officials in the sanitary/epidemiological service are among those with the power of veto in Uzbekistan. Belarus, Moldova, Slovenia, Slovakia, Macedonia, Russia and Latvia are also among states which to widely varying degrees make registration of some groups impossible or very difficult. Moscow has refused to register the Jehovah's Witnesses in the city, despite their national registration. Some countries - including the Czech Republic, Slovakia and Austria, with plans for similar moves in Serbia - grant full status as religious communities to favoured religious communities only. Faiths with smaller membership or which the government does not like have to make do with lesser status and fewer rights.

RELIGIOUS LITERATURE: Belarus and Azerbaijan require compulsory prior censorship of all religious literature produced or imported into the country. Azerbaijani customs routinely confiscate religious literature, releasing it only when the State Committee for Work with Religious Organisations grants explicit written approval for each title and the number of copies authorised. Forbidden books are sent back or destroyed (thousands of Hare Krishna books held by customs for seven years have been destroyed). Even countries without formal religious censorship - eg. Uzbekistan and Turkmenistan - routinely confiscate imported religious literature or literature found during raids on homes. Uzbekistan has burnt copies of the Bible confiscated as travellers arrive in the country. Uzbekistan routinely bars access to websites it dislikes, such as foreign Muslim sites.

INDIVIDUAL RIGHTS: Believers from minority religious communities in institutions such as prisons, hospitals or the army may face difficulties obtaining and keeping religious literature, praying in private and receiving visits from spiritual leaders and fellow-believers. In Uzbekistan, even Muslim prisoners have been punished for praying and fasting during Ramadan. Death-row prisoners wanting visits from Muslim imams and Russian Orthodox priests have had requests denied, even for final confession before execution. In Kazakhstan, Protestant schoolchildren under 18 are denied their right to worship and their parents are denied the right to bring their children up in their own faith.

DISCRIMINATION: Turkmenistan has dismissed from state jobs hundreds of active Protestants, Jehovah's Witnesses and members of other religious minorities. Turkmen, Azeri, Kazakh and Uzbek officials try to persuade people to abandon their faith and "return" to their ancestral faith (Islam). Although the order has now reportedly been rescinded, Armenia ordered local police chiefs to persuade police officers who were members of faiths other than the Armenian Apostolic Church to abandon their faith. If persuasion failed, such employees were to be sacked. Belarus has subjected leaders of independent Orthodox Churches and Hindus to pressure - including fines, threats and inducements - to abandon their faith or emigrate. Officials in Azerbaijan, Armenia, Belarus and Macedonia repeatedly attack disfavoured religious minorities in the media, insulting their beliefs, accusing them falsely of illegal or "destructive" activities, as well as inciting popular hostility to them.

RELIGIOUS SCHOOL CLASSES: Some states have allowed the dominant faith to determine the content of compulsory religious education classes and textbooks in state-run schools. In Belarus, minority faiths complain their beliefs are inaccurately and insultingly presented. In Georgia, classes often became denominational Orthodox instruction, with teachers taking children to pray in the local Orthodox church. In Russia, Old Believers and Protestants have complained of the way religious history is presented in Foundations of Orthodox Culture classes which have been partially introduced in schools.

GOVERNMENT INTERFERENCE: Many governments meddle in the internal affairs of religious communities. Central Asian governments insist on choosing national and local Muslim leaders. Turkmenistan ousted successive chief muftis in January 2003 and August 2004. Turkmenistan imposes the president's book *Ruhnama* on religious communities, while Uzbekistan allows imams at Friday prayers only to deliver officially-produced addresses and maintains almost total control of Islamic religious education. Tajikistan has conducted "attestation tests" of imams, ousting those who failed. Islamic schools are tightly controlled (in Turkmenistan and Uzbekistan, schools have either been closed or access to them restricted). Turkmenistan obstructs those seeking religious education abroad. Some countries with large Orthodox communities (but not Russia or Ukraine), try to bolster the largest Orthodox Church and obstruct rival jurisdictions (Belarus, Bulgaria, Macedonia, Georgia, Moldova). Russia has prevented communities from choosing their leadership, expelling a Catholic bishop and several priests, a Lutheran bishop, and dozens of Protestant and other leaders, while the security service tried to influence the choice of a new Old Believer leader in February 2004.

PROTECTION FROM VIOLENCE: Law enforcement agencies fail to give religious minorities the same protection as major groups. Between 1999 and 2003, Georgia suffered a wave of violence by self-appointed Orthodox vigilantes, with over 100 attacks on True Orthodox, Catholics, Baptists, Pentecostals and Jehovah's Witnesses in which believers were physically attacked, places of worship blockaded and religious events disrupted. Mob protests against religious minorities still continue. The authorities - who know the attackers' identity - have punished only a handful of people with relatively light sentences. In some cases, police cooperated with attacks or failed to investigate them. In Kosovo the Nato-led peacekeeping force and United Nations police have repeatedly failed to protect Serbian Orthodox churches in use and graveyards, especially during the upsurge in anti-Serb violence in March 2004, when some 30 Orthodox sites were destroyed or heavily damaged. Few attackers have been arrested or prosecuted.

DISCRIMINATION AGAINST MIGRANTS: Many religion laws restrict the rights of legal residents who are not citizens, requiring founders and leaders of religious organisations to be citizens. Azerbaijan provides for deportation of foreigners and those without citizenship who have conducted "religious propaganda", while Kazakhstan's new national security laws tighten restrictions on foreign "missionaries". In the past decade, Turkmenistan has deported hundreds of legally-resident foreigners known to have taken part in religious activity, especially Muslims and Protestants. Some states (including Russia and Belarus) have denied visas to foreign religious leaders chosen by local religious communities, while others such as Kazakhstan have banned short-term visitors invited by local communities.

LACK OF TRANSPARENCY: Major laws and decrees affecting religious life are drawn up without public knowledge or discussion. Examples are the restrictive laws on religion of Belarus and Bulgaria in 2002, new national security amendments in Kazakhstan in 2005, which will add harsh restrictions to the religion law, and planned new laws in Georgia, Serbia, Azerbaijan and Moldova. International organisations, such as the OSCE or the Council of Europe may be consulted but governments often refuse to allow their comments to be published or ignore them (as, most recently, in Kazakhstan). Many countries retain openly partisan and secretive government religious affairs offices. Between 1999 and 2003, Slovenia's religious affairs office refused to register any new religious communities. Azerbaijan's has stated which communities it will refuse to register and what changes other communities will have to make to their statutes and activities to gain registration. For many years Armenia refused to register the Jehovah's Witnesses, while Moldova still refuses to register Muslim and True Orthodox communities.

RELIGIOUS NGOs: Non-governmental organisations which touch on religion are often treated with suspicion and can be denied legal status. Azerbaijan has persistently refused registration to the local affiliate of the International Religious Liberty Association (IRLA), local religious freedom group Devamm and Religion and Democracy, a group of intellectuals interested in religion. Even NGOs conducting religious surveys of the population are harassed. Religious charities are regarded with suspicion across the region, especially in Azerbaijan, Turkmenistan and Uzbekistan. In most countries religious communities and their leaders are banned from taking part in political activities and religiously-affiliated political parties are banned.

RELIGIOUS FREEDOM REPORTING: Those reporting on religious freedom such as Forum 18 News Service www.forum18.org and groups campaigning on the issue face lack of cooperation, obstruction and harassment. Those suspected of passing on news of violations have been threatened in Turkmenistan, Uzbekistan and Azerbaijan, with the aim of forcing silence. In a region without much government transparency or a genuinely free media, officials involved in harassing religious communities often refuse to explain to journalists what they have done and why. Local religious freedom campaigning groups are denied registration or kept waiting. Azerbaijan has for many years refused to register a local affiliate of the International Religious Liberty Association (IRLA), as well as other religious freedom groups. Demonstrators protesting in Belarus against the restrictive 2002 religion law were fined. In September 2004, the Belarus bureau of the Union of Councils for Jews in the Former Soviet Union, which included monitoring religious persecution in its work, was denied registration. Government reports on religious freedom issues to bodies such as the OSCE or Council of Europe are often confidential and closed to public scrutiny.

CONCLUSION: Government-directed intolerance against religious communities remains endemic in many OSCE countries. Many actions to deny internationally agreed rights to religious freedom are – as in the case of the repression currently being carried out in Uzbekistan - claimed to be for reasons of "national security" or "counter-terrorism." But as many of these actions predate the 11 September 2001 terrorist attacks – and 1999 Islamic-inspired incursions into Central Asia – these arguments are clearly invalid. The comprehensive nature of many of these measures shows the hostility of some OSCE member states to the right to exercise the faith of one's choice freely, something described by the European Court of Human Rights in 1993 as "one of the foundations of a democratic society". Events in Uzbekistan offer one warning of what the persistent intolerance of religious freedom and other internationally agreed human rights can lead to.

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