



OSCE Human Dimension Implementation Meeting

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Working Session 4: Freedom of thought, conscience, religion or belief

Freedom of religion and belief is an inalienable right that must be fully enjoyed by any human being and any religious or belief community. However, a number of participating states of the OSCE still fail to recognize the basic individual and collective rights guaranteed by international standards.

The enjoyment of the basic religious freedom rights is still not guaranteed in a number of OSCE participating states such as **Belarus, Uzbekistan, Turkmenistan, Kazakhstan and Russia** because a number of religious communities are denied the right of association, a prerequisite to the access to other rights such as freedom of assembly, freedom of worship, freedom of expression and freedom of education. However, the country that has worse religious freedom record is certainly Uzbekistan.

In **Uzbekistan**, the 1998 Law on Freedom of Conscience and Religious Organizations requires all religious groups and congregations to register. The criteria are very strict. Each group must present a list of at least 100 citizen members to the local branches of the Ministry of Justice. Some Christian groups (Baptists, Pentecostals, Evangelicals, Jehovah's Witnesses) applied for registration at local, regional, and national levels but were denied it or never received an official answer. Some groups which do not want to be registered are considered illegal and cannot enjoy freedom of worship or they hold private religious meetings at their own risk. Other groups have reported that they prefer not to bring themselves to the attention of authorities by submitting a registration application. Jehovah's Witnesses, present in the country since the late 1950's, could only register two congregations, in Fergana and Chirchik. On August 24, 2006, without any reasons, the Fergana Justice Department issued a ruling to terminate the activities of the Fergana Congregation of Jehovah's Witnesses. A number of new religious movements are just tolerated if they do not practice proselytism. Since the Andijan uprising, the authorities have closed down registered religious communities on spurious grounds, such as the Seventh-Day Adventists and Korean-led churches in Samarkand region.

The Criminal Code makes it a criminal offense punishable by up to 5 years in prison to organize an illegal religious group or to resume the activities of such a

group after it has been denied registration or ordered to disband. In addition, the Code punishes participation in such a group with up to 3 years in prison.

Article 10 of the 1998 Law bans the private teaching religion. Violations are usually punished by a fine of between 5 and 10 times the minimum monthly wage or up to 15 days' imprisonment". Article 229 (2) of the Criminal Code prescribes up to 3 years' imprisonment where the law is repeatedly broken. This year, Jehovah's Witness Irfon Hamidov was sentenced to two years in a labour camp, for "illegally teaching religion."

Proselytism is forbidden by Article 5 of the 1998 Law. A first offence is punishable by a fine or up to 15 days' imprisonment. Subsequent infringements are subject to criminal law and punishable by a fine of between 50 and 100 times the minimum wage or up to three years' imprisonment.

In several old Western European democracies, controversial new legislations have been adopted to specifically target minority religious groups labeled 'sects' or 'cults'. This is notably the case **in France, Belgium and Austria**.

In **France**, public measures of vigilance and fight against so-called sectarian deviations still target numerous movements and persons on the ground of their religious beliefs. Despite the circular of 27 May 2005 of PM Raffarin, some administrations specifically repress groups which are mentioned on the list of sects/cults publicized by the first parliamentary enquiry commission in 1995.

The action of MIVILUDES, the agency in charge of the monitoring and the fight against so-called sectarian deviations, seems nowadays to be influenced more by the personality of its leaders than by the principle of neutrality. Strange though it may be, the monitoring of sectarian deviations in Islam have been excluded from the agenda of MIVILUDES. Its current president lumping together "Islam" and "terrorism" did not hesitate to say in *Témoignage Chrétien* of 1st February 2007: "As far as Islam is concerned, the context is different and therefore we have decided, in agreement with the relevant state services, not to deal with it directly. The terrorism issue is notably a particular problem which concerns the fundamental interests of the state."

Due to the lack of neutrality of the current leadership of MIVILUDES, specialists of religious issues have left the organization. Even Janine Tavernier, former president of the anti-sect/anti-cult group UNADFI expressed her concerns about the current deviations of the fight against the so-called sectarian organizations in *Le Monde* of 17 November 2006. She was then quoted as saying: "In 2001, we had the feeling that we were on the path of witch-hunting... Today, I feel concerned when I hear the president of UNADFI lump together in her criticisms all the Evangelical Churches of La Réunion. (...) I have always been against the principle of lists of sects/cults. I barely dare say that I follow a homeopathic treatment."

Recommendations

HRWF Int'l recommends to the government of Uzbekistan to adapt its religious legislation to the standards of the OSCE in matters of freedom of association, freedom of assembly, freedom of worship, freedom of education and freedom of expression.

As the U.N. Special Rapporteur on Freedom of Religion or Belief Ms Asma Jahangir said in par. 91 of her report about her mission in France in 2005 that she had concerns about the neutrality of MIVILUDES and in par. 111 that she

would closely monitor the activities of MIVILUDES, **HRWF Int'l recommends to the government of France** to transfer the competences of MIVILUDES to the Ministry of Interior which is the natural state body in charge of religious affairs and whose activities were not questioned by the U.N. Special Rapporteur.

HRWF Int'l last recommendation is addressed **to the Advisory Board of Experts on Freedom of Religion or Belief of the OSCE/ ODIHR**. We recommend to the Advisory Board to extend the OSCE/ODIHR mechanisms identifying and monitoring the activities of anti-Semitic anti-Muslim non-state actors to other communities of faith and belief which are also targets of intolerance and non-discrimination. We recommend to the Advisory Board to create an enquiry commission so as

- to identify the non-state actors whose activities create a climate of suspicion and intolerance towards other communities of faith and belief;
- to monitor such activities;
- and to propose remedies to curb such a trend.