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*The right to believe, to worship and witness*

*The right to change one's belief or religion*

*The right to join together and express one's belief*

#### ***Working session 4: Fundamental freedoms - Freedom of thought, conscience, religion or belief***

The Helsinki Final Act states that "participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion." This fundamental, politically binding, Human Dimension commitment in the OSCE's 'foundation charter' has been repeatedly reaffirmed. Why? One reason is that freedom of thought, conscience and belief is a central part of the key OSCE insight that security and human rights are inseparable. For this fundamental freedom is intertwined with the rule of law and other fundamental freedoms such as freedom of speech and association, freedom of the media, freedom of expression and freedom of movement.

At last year's HDIM, Ambassador Strohal stated that "we are witnessing an implementation crisis." So what is the situation now? Sadly, violations of the fundamental human right of freedom of thought, conscience and belief continue and have even in significant respects worsened. A few examples of the many violations that occur include: the murder last year in Turkey of a Catholic priest; this year three Protestants were murdered. Turkish Christians are convinced that major contributory factors are media incitement of violence and intolerance against Christians, as well as the lack of state prosecution of this incitement. As we speak, the Muslim holy month of Ramadan continues and Uzbekistan has barred imams from preaching at and children from taking part in night prayers held each day. Last year, the authorities ordered Ramadan to finish a day early. Devout Muslims exercising their right to religious freedom in non-state controlled ways continue to be arrested and jailed.

The situation of religious minorities - particularly in Central Asia - has significantly worsened, with the jailing this year of the following religious minority prisoners of conscience: Pentecostal Pastor Dmitry Shestakov for four years in Uzbekistan; Baptist Vyacheslav Kalataevsky for three years in Turkmenistan; Jehovah's Witness Irfon Hamidov for two years in Uzbekistan; Baptist Pastor Zaur Balaev for two years in Azerbaijan; Armenia has jailed 80 Jehovah's Witnesses for conscientious objection to military service; and Turkmenistan sentenced Jehovah's Witness Suleiman Udaev to 18 months in jail, now commuted to a two year suspended sentence. Baptist Pastor Yevgeni Potolov has been expelled from Turkmenistan to Russia and his family is also threatened with deportation. The authorities also maintain an exit blacklist used against people they dislike. Kazakhstan has begun demolishing a Hare Krishna commune and has sharply increased property confiscations, fines and other harassment of unregistered Baptists and Jehovah's Witnesses whose only "crime" is to meet together for worship without state registration. Four members of a Protestant church face charges of high treason, following a 15 hour long secret police raid. The Justice Ministry issued a booklet stating that "transferring to other religious faiths represents treason to one's country and faith." A proposed new Religion Law in Tajikistan threatens to restrict the number of places of worship of all faiths.

Belarus continues to severely restrict religious believers' right to manifest their faith. For example, a Baptist was fined almost two weeks' average wages for organising a church summer holiday. But there is a rise in civil society action against repression. Activists have organised - despite government harassment - the collection of nation-wide signatures to change the restrictive Religion Law. As the campaign's literature states, "we are defending the rights of all Christians (Orthodox, Catholics, Protestants), all citizens of Belarus. The Law violates the rights of all people, even atheists."

That statement by Belarusian civil society activists reflects the fact that fundamental human rights are for everyone. Violations of freedom of thought, conscience and belief are not normally largely unconnected attacks directed at one community. They have consequences for everyone, as they are also assaults on other fundamental freedoms and the rule of law for all. Indeed, it is impossible to understand and address fundamental human rights violations, intolerance and discrimination against any one community without looking at the overall situation. So it is essential to adopt a holistic and

integrated approach, not discriminating against or in favour of any one religious or life-stance community or individual. We must not establish a hierarchy of discrimination in defending everyone's fundamental freedoms. Asma Jahangir, UN Special Rapporteur on freedom of religion or belief is often asked which community suffers most from religious freedom violations. She always replies "human beings." Given this reality and the Helsinki Final Act's stress on freedom of thought, conscience and belief being for all, it is odd that we have within the OSCE started examining discrimination and intolerance against Jews, Muslims, Christians and members of other religions in three separate compartments. Whilst taking very seriously the problems faced by particular persons and communities, we must not introduce discriminatory approaches in addressing violations of this fundamental OSCE Human Dimension commitment.

Some participating States which violate their Human Dimension commitments seem to think empty words can substitute for implementation. Kazakh officials told the Bucharest conference on Combating Discrimination and Promoting Mutual Respect and Understanding that their country was an "oasis of stability and religious accord." But during that conference Kazakh officials ordered Hare Krishna devotees to demolish their own temple, and imposed heavy fines on six Jehovah's Witnesses who met for worship without state registration. When Turkmenistan jailed a Baptist for three years, the trial took place during the visit of UN High Commissioner for Human Rights Louise Arbour. During the later visit of Ambassador Strohal, a group of Protestants had their homes searched, and faced public threats that - amongst other things - their gas and electricity supplies would be cut off as the authorities accused them of "conducting criminal activity and political activity against the government" and stated that they "would do whatever it takes to crush and destroy them." Asked how denying the right to freedom of thought, conscience and belief matches Kazakhstan's OSCE Human Dimension commitments and its ambition to chair the OSCE, a senior Justice Ministry official told Forum 18 News Service in May that "we have our own norms."

All the indications point to a serious decline in freedom of thought, conscience and belief in the OSCE area. So what can be done? The most obvious step is for participating States to implement the Human Dimension commitments they themselves have made. Only by implementing commitments can participating States demonstrate genuine commitment to the OSCE's values. Another step would be for the HDIM agenda not to cut - as it has this year - the time allotted to this core Human Dimension fundamental freedom. The most serious violators of freedom of thought, conscience and belief in the OSCE area are participating States themselves. So how is the OSCE to assist participating States to implement their commitments? The Civil Society Preparatory Meeting for this year's Bucharest High Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding made some excellent recommendations. Some of the key recommendations are:

- "that participating States and OSCE institutions and field operations, in their structures and activity, address such human rights violations in a way which does not discriminate against or in favour of any belief including the right to publicly criticise religious or other beliefs, as violations of a fundamental human right of all people";
- "[that] participating States (...) enable citizens and groups to challenge prejudices, stereotypes, denigration and hate speech expressed against all persons and communities, whatever their religious or non-religious beliefs. In this context, particular attention should be paid to the media, the public discourse of political and social leaders as well as state officials, and public training and educational programs";
- "We encourage the ODIHR to address the connections between fundamental human rights and tolerance and non-discrimination issues and we recommend that this be reflected in the internal structure of ODIHR by designating dedicated staff to all the aspects of the issue [freedom of thought, conscience and belief] in the Human Rights Department";
- and "[that] the OSCE/ODIHR Advisory Council on Freedom of Religion or Belief's activities (...) be expanded. We call for resources to be given to enable this to happen..."

To conclude, we should recapture the vision of the Helsinki Final Act that freedom of thought, conscience, religion or belief is a fundamental human right for everyone.

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