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OSCE COMMITMENTS: Freedom of religion and belief commitments to the end of December 2015

By John Kinahan, Forum 18

Forum 18 News Service documents here the Organisation for Security and Co-operation in Europe's (OSCE) most important and relevant human dimension commitments on freedom of religion and belief up to the end of December 2015. Human dimension commitments are agreed unanimously among all 57 participating States. All participating States have formally and publicly promised to implement these politically-binding commitments, and have also agreed that the implementation of commitments is a legitimate matter of concern for all participating States and civil society. Implementing freedom of religion and belief commitments is inseparably intertwined with implementing freedom of expression, association, and assembly commitments.

The Organisation for Security and Co-operation in Europe (OSCE) is a security organisation of 57 states from Central Asia, Europe and North America. It is based on the insight that genuine security is not just a military question but consists of three elements: the "human dimension" as it is described in the OSCE

<<http://web.archive.org/web/20060111122611/http://www.osce.org/odihr/13371.html>>, meaning human rights and democracy; politico-military factors; and economic and environmental factors. Freedom of religion and belief is one of the fundamental freedom human dimension commitments, and falls within the mandate of the OSCE's Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR) <<http://www.osce.org/odihr/44455>>.

Commitments on freedom of religion and belief and other interlinked fundamental freedoms - such as the freedoms of expression, association, and assembly - are explicitly seen as being based on legally-binding human rights agreements, such as the International Covenant on Civil and Political Rights. OSCE commitments are not seen as alternatives to fulfilling commitments in international law, or as being in conflict with such commitments. As the ODIHR has noted, "no government can claim they have to establish political or economic security before addressing human rights and democracy" (see <<http://web.archive.org/web/20060111122611/http://www.osce.org/odihr/13371.html>>).

Flowing directly from the OSCE concept of security, civil society organisations such as NGOs and religious communities participate in OSCE meetings and activities - such as the Human Dimension Implementation Meeting (HDIM) in Warsaw. The ability of civil society organisations to participate in the OSCE's work is a unique feature among intergovernmental security organisations, as is the explicit structural link between respect for human rights and greater security. It is also the only regional security organisation to have agreed that pluralistic democracy based on the rule of law is the only system of government that can effectively guarantee human rights, and hence national and international security.

OSCE commitments are agreed unanimously among all participating States and are politically binding, not legally binding. All participating States have formally and publicly promised to implement these commitments, and they have also agreed that the implementation of commitments is a legitimate matter of concern for all participating States and civil society. As the ODIHR has noted, "OSCE states have stressed that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order" (see <<http://web.archive.org/web/20070208122738/http://www.osce.org/odihr/13494.html>>).

Asking for implementation of commitments is to ask for something that the government concerned has already agreed to do, as it has also agreed that its progress in implementation - or lack of implementation - may be publicly monitored and questioned. As has been repeatedly emphasised at OSCE meetings, a particular responsibility rests on the holder of the function of Chairperson-in-Office to set a good example in implementing commitments.

The most important and relevant human dimension commitments relating to freedom of religion and belief up until the end of December 2015 are listed below. (Printer friendly and PDF views of this article are available at <http://www.forum18.org/Archive.php?article_id=1351>.)

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Final Act of the Conference on Security and Co-operation in Europe (Helsinki 1975)

(Questions Relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States)

(..)

(VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief)

The 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.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his [sic] free and full development.

Within this framework the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his [sic] own conscience.

(..)

The 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.

They will constantly respect these rights and freedoms in their mutual relations and will endeavour jointly and separately, including in co-operation with the United Nations, to promote universal and effective respect for them.

They confirm the right of the individual to know and act upon his [sic] rights and duties in this field.

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound.

(..)

(Co-operation in Humanitarian and Other Fields)

[The participating States] confirm that religious faiths, institutions and organizations, practising within the constitutional framework of the participating States, and their representatives can, in the field of their activities, have contacts and meetings among themselves and exchange information.

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Madrid 1983 (Questions Relating to Security in Europe: Principles)

The participating States (..) furthermore agree to take the action necessary to ensure the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his [sic] own conscience.

In this context, they will consult, whenever necessary, the religious faiths, institutions and organizations, which act within the constitutional framework of their respective countries.

They will favourably consider applications by religious communities of believers practising or prepared to practise their faith within the constitutional framework of their States, to be granted the status provided for in their respective countries for religious faiths, institutions and organizations.

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Concluding Document of the Vienna Meeting 1986 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe (Vienna 1989)

Questions Relating to Security in Europe

The participating States express their determination

(..)

- to assume their responsibility fully to implement the commitments contained in the Final Act and other CSCE documents;

- to intensify their efforts to seek solutions to problems burdening their relations and to strengthen safeguards for international peace and security;

- to promote co-operation and dialogue among them, to ensure the effective exercise of human rights and fundamental freedoms and to facilitate contacts and communication between people;

(..)

Principles

(1) The participating States reaffirm their commitment to all ten principles of the Final Act's Declaration on Principles Guiding Relations between participating States and their determination to respect them and put them into practice. The participating States reaffirm that all these principles are of primary significance and, accordingly, will be equally and unreservedly applied, each of them being interpreted taking into account the others.

(2) They stress that respect for and full application of these principles as well as strict compliance with all CSCE commitments deriving from them are of great political importance and essential for building confidence and security as well as for the development of their friendly relations and of their co-operation in all fields.

(..)

(11) They confirm that they 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. They also confirm the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and security necessary to ensure the development of friendly relations and co-operation among themselves, as among all States.

(13.7) [The participating States will] ensure human rights and fundamental freedoms to everyone within their territory and subject to their jurisdiction, without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

(16) In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, inter alia,

(16.1) - take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers;

(16.2) - foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers;

(16.3) - grant upon their request to communities of believers, practising or prepared to practise their faith within the constitutional framework of their States, recognition of the status provided for them in their respective countries;

(16.4) - respect the right of these religious communities to

- establish and maintain freely accessible places of worship or assembly,
- organize themselves according to their own hierarchical and institutional structure,
- select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their State,
- solicit and receive voluntary financial and other contributions;

(16.5) - engage in consultations with religious faiths, institutions and organizations in order to achieve a better understanding of the requirements of religious freedom;

(16.6) - respect the right of everyone to give and receive religious education in the language of his [sic] choice, whether individually or in association with others;

(16.7) - in this context respect, inter alia, the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions;

(16.8) - allow the training of religious personnel in appropriate institutions;

(16.9) - respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief,

(16.10) - allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials;

(16.11) - favourably consider the interest of religious communities to participate in public dialogue, including through the mass media.

(17) The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief.

(19) [The participating States] will protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities on their territory. They will respect the free exercise of rights by persons belonging to such minorities and ensure their full equality with others.

(21) The participating States will ensure that the exercise of the above-mentioned rights will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured.

Co-operation in humanitarian and other fields

The participating States,

Considering that co-operation in humanitarian and other fields is an essential factor for the development of their relations,

Agreeing that their co-operation in these fields should take place in full respect for the principles guiding relations between participating States as set forth in the Final Act as well as for the provisions in the Madrid Concluding Document and in the present Document pertaining to those principles,

Confirming that, in implementing the provisions concerning co-operation in

humanitarian and other fields in the framework of their laws and regulations, they will ensure that those laws and regulations conform with their obligations under international law and are brought into harmony with their CSCE commitments,

Recognizing that the implementation of the relevant provisions of the Final Act and of the Madrid Concluding Document requires continuous and intensified efforts,

Have adopted and will implement the following:

Co-operation in humanitarian and other fields

Human contacts

(20) [The participating States] will deal favourably with applications for travel abroad without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, age or other status. They will ensure that any refusal does not affect applications submitted by other persons.

(32) They will allow believers, religious faiths and their representatives, in groups or on an individual basis, to establish and maintain direct personal contacts and communication with each other, in their own and other countries, inter alia through travel, pilgrimages and participation in assemblies and other religious events. In this context and commensurate with such contacts and events, those concerned will be allowed to acquire, receive and carry with them religious publications and objects related to the practice of their religion or belief.

Co-operation and exchanges in the field of education

(63) [The participating States] will ensure access by all to the various types and levels of education without discrimination as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(68) [The participating States] will ensure that persons belonging to national minorities or regional cultures on their territories can give and receive instruction on their own culture, including instruction through parental transmission of language, religion and cultural identity to their children.

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Document of the Copenhagen Meeting of Representatives of the Participating States of the Conference on the Human Dimension of the Conference on Security and Co-operation in Europe (Copenhagen 1990)

The participating States reaffirm that

(9.4) - 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;

(18) The participating States

(18.1) - note that the United Nations Commission on Human Rights has recognized the right of everyone to have conscientious objections to military service;

(18.2) - note recent measures taken by a number of participating States to permit exemption from compulsory military service on the basis of conscientious objections;

(18.3) - note the activities of several non-governmental organizations on the question of conscientious objections to compulsory military service;

(18.4) - agree to consider introducing, where this has not yet been done, various forms of alternative service, which are compatible with the reasons for conscientious objection, such forms of alternative service being in principle of a non-combatant or civilian nature, in the public interest and of a non-punitive nature;

(18.5) - will make available to the public information on this issue;

(18.6) - will keep under consideration, within the framework of the Conference on the Human Dimension, the relevant questions related to the exemption from compulsory military service, where it exists, of individuals on the basis of conscientious objections to armed service, and will exchange information on these questions.

(24) The participating States will ensure that the exercise of all the human rights and fundamental freedoms set out above will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured. Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.

(25) The participating States confirm that any derogations from obligations relating to human rights and fundamental freedoms during a state of public emergency must remain strictly within the limits provided for by international law, in particular the relevant international instruments by which they are bound, especially with respect to rights from which there can be no derogation. They also reaffirm that

(25.1) - measures derogating from such obligations must be taken in strict conformity with the procedural requirements laid down in those instruments;

(25.2) - the imposition of a state of public emergency must be proclaimed officially, publicly, and in accordance with the provisions laid down by law;

(25.3) - measures derogating from obligations will be limited to the extent strictly required by the exigencies of the situation;

(25.4) - such measures will not discriminate solely on the grounds of race, colour, sex, language, religion, social origin or of belonging to a minority.

(30) The participating States recognize that the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, the free expression of all their legitimate interests and aspirations, political pluralism, social tolerance and the implementation of legal rules that place effective restraints on the abuse of governmental power.

They also recognize the important role of non-governmental organizations, including political parties, trade unions, human rights organizations and religious groups, in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities. They further reaffirm that respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States.

(32) (..) Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. In particular, they have the right

(..)

(32.2) - to establish and maintain their own educational, cultural and religious institutions, organizations or associations, which can seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation;

(32.3) - to profess and practise their religion, including the acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue;

(..)

(32.4) - to establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin, cultural heritage or religious beliefs;

(..)

(32.6) - to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations. Persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group. No disadvantage may arise for a person belonging to a national minority on account of the exercise or non-exercise of any such rights. Persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group. No disadvantage may arise for a person belonging to a national minority on account of the exercise or non-exercise of any such rights.

(33) The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity. They will take the necessary measures to that effect after due consultations, including contacts with organizations or associations of such minorities, in accordance with the decision-making procedures of each State. Any such measures will be in conformity with the principles of equality and non-discrimination with respect to the other citizens of the participating State concerned.

(35) The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities. The participating States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned.

(36) The participating States recognize the particular importance of increasing constructive co-operation among themselves on questions relating to national minorities. Such co-operation seeks to promote mutual understanding and confidence, friendly and good-neighbourly relations, international peace, security and justice. Every participating State will promote a climate of mutual respect, understanding, co-operation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and will encourage the solution of problems through dialogue based on the principles of the rule of law.

(40) The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies). They declare their firm intention to intensify the efforts to combat these phenomena in all

their forms and therefore will

(40.1) - take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;

(40.2) - commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property;

(40.3) - take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information;

(40.4) - endeavour to ensure that the objectives of education include special attention to the problem of racial prejudice and hatred and to the development of respect for different civilizations and cultures;

(40.5) - recognize the right of the individual to effective remedies and endeavour to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination, including racist and xenophobic acts;

(40.6) - consider adhering, if they have not yet done so, to the international instruments which address the problem of discrimination and ensure full compliance with the obligations therein, including those relating to the submission of periodic reports;

(40.7) - consider, also, accepting those international mechanisms which allow States and individuals to bring communications relating to discrimination before international bodies.

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Charter of Paris for a New Europe (Paris 1990)

We, the Heads of State or Government of the States participating in the Conference on Security and Co-operation in Europe, have assembled in Paris at a time of profound change and historic expectations. The era of confrontation and division of Europe has ended. We declare that henceforth our relations will be founded on respect and co-operation.

Europe is liberating itself from the legacy of the past. The courage of men and women, the strength of the will of the peoples and the power of the ideas of the Helsinki Final Act have opened a new era of democracy, peace and unity in Europe.

Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades : steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries.

The Ten Principles of the Final Act will guide us towards this ambitious future, just as they have lighted our way towards better relations for the past fifteen years. Full implementation of all CSCE commitments must form the basis for the initiatives we are now taking to enable our nations to live in accordance with their aspirations.

Human Rights, Democracy and Rule of Law

We undertake to build, consolidate and strengthen democracy as the only system of government of our nations. In this endeavour, we will abide by the following:

Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government. Respect for them is an essential safeguard against an over-mighty State. Their observance and full exercise are the foundation of freedom, justice and peace.

Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.

Democracy, with its representative and pluralist character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially. No one will be above the law.

We affirm that, without discrimination,

- every individual has the right to freedom of thought, conscience and religion or belief,
- freedom of expression,
- freedom of association and peaceful assembly,
- freedom of movement;

no one will be:

- subject to arbitrary arrest or detention,
- subject to torture or other cruel, inhuman or degrading treatment or punishment;

everyone also has the right :

- to know and act upon his [sic] rights,
- to participate in free and fair elections,
- to fair and public trial if charged with an offence,
- to own property alone or in association and to exercise individual enterprise,
- to enjoy his [sic] economic, social and cultural rights.

We affirm that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law.

We will ensure that everyone will enjoy recourse to effective remedies, national or international, against any violation of his [sic] rights.

Full respect for these precepts is the bedrock on which we will seek to construct the new Europe.

Our States will co-operate and support each other with the aim of making democratic gains irreversible.

(..)

Human Dimension

We declare our respect for human rights and fundamental freedoms to be irrevocable. We will fully implement and build upon the provisions relating to the human dimension of the CSCE.

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We express our determination to combat all forms of racial and ethnic hatred, antisemitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds.

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Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (Moscow 1991)

The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. They express their determination to fulfil all of their human dimension commitments and to resolve by peaceful means any related issue, individually and collectively, on the basis of mutual respect and co-operation. In this context they recognize that the active involvement of persons, groups, organizations and institutions is essential to ensure continuing progress in this direction

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Budapest 1994

(Decisions: VIII. The Human Dimension)

(27.) [The participating States] Reaffirming their commitment to ensure freedom of conscience and religion and to foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers, they expressed their concern about the exploitation of religion for aggressive nationalist ends.

(Decisions: IV. Code of Conduct on Politico-Military Aspects of Security)

(28.) The participating States will reflect in their laws or other relevant documents the rights and duties of armed forces personnel. They will consider introducing exemptions from or alternatives to military service.

(37.) The participating States will not use armed forces to limit the peaceful and lawful exercise of their human and civil rights by persons as individuals or as representatives of groups nor to deprive them of their national, religious, cultural, linguistic or ethnic identity

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The Charter for European Security (Istanbul 1999)

At the dawn of the twenty-first century we, the Heads of State or Government of the OSCE participating States, declare our firm commitment to a free, democratic and more integrated OSCE area where participating States are at peace with each other, and individuals and communities live in freedom, prosperity and security.

(III Our Common Response) (The Human Dimension)

(19.) We reaffirm that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security. We commit ourselves to counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism.

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OSCE Charter on Preventing and Combating Terrorism (Porto 2002)

The OSCE participating States, firmly committed to the joint fight against terrorism

(..)

(20) Are convinced of the need to address conditions that may foster and sustain terrorism, in particular by fully respecting democracy and the rule of law, by allowing all citizens to participate fully in political life, by preventing discrimination and encouraging intercultural and inter-religious dialogue in their societies, by engaging civil society in finding common political settlement for conflicts, by promoting human rights and tolerance and by combating poverty;

(21) Acknowledge the positive role the media can play in promoting tolerance and understanding among religions, beliefs, cultures and peoples, as well as for raising awareness of the threat of terrorism;

(22) Commit themselves to combat hate speech and to take the necessary measures to prevent the abuse of the media and information technology for terrorist purposes, ensuring that such measures are consistent with domestic and international law and OSCE commitments;

(Decisions: Decision No. 6/02 on Tolerance and Non-discrimination)

The Ministerial Council,

Recalling the principles of human rights and the inherent dignity of the human being, freedom of thought, conscience, religion or belief that underpin the general provisions of the OSCE human dimension commitments,

(..)

Reiterating that democracy and protection of human rights and fundamental freedoms are essential safeguards of tolerance and non-discrimination and constitute important factors for stability, security, co-operation and peaceful development throughout the

entire OSCE region, and that conversely tolerance and non-discrimination are important elements in the promotion of human rights,

Reaffirming the internationally recognized prohibition of discrimination, without adverse distinction of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status,

(4) Commits to take appropriate measures, in conformity with respective constitutional systems, at national, regional and local levels to promote tolerance and non-discrimination as well as to counter prejudices and misrepresentation, particularly in the field of education, culture and information;

(5) Condemns, in particular, discrimination on religious grounds and undertakes to endeavour to prevent and protect against attacks directed at any religious group, whether on persons or on places of worship or religious objects;

(8) Decides to take strong public positions against hate speech and other manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as occurrences of discrimination based on religion or belief;

(9) Calls on relevant authorities of participating States to investigate promptly and impartially acts of violence, especially where there are reasonable grounds to suspect that they were motivated by aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as attacks motivated by hatred against a particular religion or belief, and to prosecute those responsible in accordance with domestic law and consistent with relevant international standards of human rights;

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Maastricht 2003

(Decisions: Decision No. 4/03 on Tolerance and Non-discrimination)

The Ministerial Council,

Recognizing 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,

(9) Affirms the importance of freedom of thought, conscience, religion or belief, and condemns all discrimination and violence, including against any religious group or individual believer. Commits 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. Encourages the participating States to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief. Emphasizes the importance of a continued and strengthened interfaith and intercultural dialogue to promote greater tolerance, respect and mutual understanding;

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Ministerial Declaration on the Occasion of the 60th Anniversary of the Universal Declaration of Human Rights (Helsinki 2008)

We, the members of the Ministerial Council of the OSCE, reaffirm our strong commitment to the Universal Declaration of Human Rights ("the Universal Declaration"), adopted by the United Nations General Assembly on 10 December 1948.

On the occasion of the 60th anniversary of the adoption of the Universal Declaration, we recommit ourselves to act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights.

In the spirit of the Helsinki Final Act, we underline the principles guiding relations between participating States enshrined therein, in particular the respect for human rights and fundamental freedoms.

We stress that all human rights are universal.

We remain committed to respecting the inherent dignity of the human being, as recognized in the Universal Declaration and relevant OSCE documents to which we have agreed.

We declare that the rights contained in the Universal Declaration remain relevant.

We reaffirm to ensure the full implementation of the OSCE human dimension commitments. All OSCE commitments without exception apply equally to each participating State.

We reaffirm the inseparable connection between ensuring respect for human rights and maintaining peace, justice, well-being for peoples and stability, as recognized by the OSCE concept of common and comprehensive security.

Taking into account the principles guiding relations between participating States enshrined in the Helsinki Final Act, we reaffirm that the commitments undertaken in the field of the OSCE human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned as stipulated in the 1991 Moscow document.

(..)

We remain committed to the rule of law and equal protection under the law for all, based on respect for human rights and effective, accessible and just legal systems.

We stress that everyone has the right to life, liberty and security of person; no one shall be held in slavery, and no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

We recognize that human rights are best respected in democratic societies, where decisions are taken with maximum transparency and broad participation. We support a pluralistic civil society and encourage partnerships between different stakeholders in the promotion and protection of human rights.

We reiterate that everyone has the right to freedom of thought, conscience, religion or belief; freedom of opinion and expression, freedom of peaceful assembly and association. The exercise of these rights may be subject to only such limitations as are provided by law and consistent with our obligations under international law and with our international commitments.

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Ministerial Declaration on the Sixty-Fifth Anniversary of the End of the World War II (Athens 2009)

(..)

We have learned from history the danger of intolerance, discrimination, extremism

and hatred on ethnic, racial and religious grounds. We are committed to combat these threats, including through the OSCE, and we reject any attempts to justify them.

(..)

The lessons of the [sic] World War II are still of relevance today, when we need to unite our efforts and resources to address threats and challenges to our common security and stability and to defend our common principles. New times have brought new threats and challenges, one of the most dangerous of which is terrorism. We will fight this and other threats to security together, inter alia, through the OSCE.

We are convinced that the peaceful resolution of all existing conflicts, the observance of the norms of international law, the aims and principles of the UN Charter, the fulfilment of commitments contained in the Helsinki Final Act and other agreed OSCE documents are the best way to pay tribute to those who struggled for peace, freedom, democracy and human dignity, to commemorate all victims of World War II, to overcome the past, and to save present and future generations from the scourge of war and violence.

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Declaration by the OSCE Chairperson-in-Office at the High-Level Conference on Tolerance and Non-Discrimination (Astana 2010)

Based on consultations, I understand that OSCE participating States,

(..)

Reaffirming that respect for human rights and fundamental freedoms, democracy and the

rule of law is important in creating a context for intercultural, inter-religious and inter-ethnic understanding, and is at the core of the OSCE comprehensive concept of security, and that tolerance and non-discrimination are important elements in the promotion of human rights and democratic values,

(..)

Having learnt from the past the dangers of intolerance, discrimination, extremism and

hatred on ethnic, racial and religious grounds; reaffirming their determination to combat these threats and acknowledge that they may sow the seeds of conflict and violence on a wider scale,

(..)

Taking note of the recommendations elaborated by the participants of the Civil Society

Preparatory Meeting who acknowledged the value of inter-ethnic, inter-religious and inter-cultural dialogue and stressed the paramount importance of respecting and promoting fundamental rights in the pursuit of tolerant and non-discriminatory societies, which respect the rights of all.

Recognizing the instrumental role that political representatives can play in taking the lead in combating intolerance and discrimination and promoting mutual respect and understanding,

1. Call for implementation of the OSCE commitments with a view to devising and

implementing effective policy measures aimed at preventing and responding to

manifestations of racism, xenophobia, anti-Semitism, discrimination and intolerance, including against Christians, Muslims, members of other religions, Roma and Sinti, other ethnic and racial groups inter alia through legislation, law enforcement training, data collection and monitoring of hate crimes, education, media and constructive public discourse, the establishment of national institutions or specialized bodies, the development and implementation of national strategies and action plans in this field and the promotion of inter-ethnic and inter-cultural dialogue, including in its religious dimension;

2. Encourage to work with civil society in the prevention of hate crimes through, inter alia, community outreach, education, victim assistance and monitoring of hate groups;

3. Reiterate their concerns about the manifestations of intolerant and xenophobic political discourse, and call on political representatives, including parliamentarians, to continue to reject strongly and to condemn manifestations of racism, xenophobia, anti-Semitism, discrimination and intolerance, including against Christians, Muslims, members of other religions, Roma and Sinti, other ethnic and racial groups and on the basis of gender, as well as violent manifestations of extremism associated with religious intolerance, aggressive nationalism and neo-Nazism, while continuing to respect freedom of expression;

(..)

7. Commit to counter prejudice, discrimination, intolerance, and violence against Christians and members of other religions, including minority religions, which continue to be present in the OSCE region. Call to address the denial of rights, exclusion and marginalization of Christians and members of other religions in our societies;

8. Firmly reject the attempts to associate terrorism and extremism with Islam and Muslims and declare that international developments and political issues cannot justify any forms of intolerance and discrimination against Muslims in general. Call on full respect of international human rights standards, while fighting terrorism, and acknowledge that building trust, mutual understanding and respect among different communities and government authorities strengthens the efforts to counter extremism that may lead to violence. To this end, encourage to raise awareness of intolerance against Muslims and challenge anti-Muslim prejudice and stereotypes;

9. Acknowledge the relationship between intolerance and discrimination, including in its violent manifestations, and limitations of freedom of religion or belief and reaffirm their commitment to guarantee the right to freedom of thought, conscience, religion or belief, including the right of the individual to profess and practice a religion or a belief alone or in community with others. Reaffirm the right of individuals to practice the religion of their choice;

(..)

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Astana Commemorative Declaration: Towards a Security Community (Astana 2010)

(1.) We, the Heads of State or Government of the 56 participating States of the OSCE (..) reaffirm the relevance of, and our commitment to, the principles on which this Organization is based. While we have made much progress, we also acknowledge that more must be done to ensure full respect for, and implementation of, these core principles and commitments that we have undertaken in the politico-military dimension, the economic and environmental dimension, and the human dimension, notably in the areas of human rights and fundamental freedoms.

(2.) We reaffirm our full adherence to the Charter of the United Nations and to all OSCE norms, principles and commitments, starting from the Helsinki Final Act, the Charter of Paris, the Charter for European Security and all other OSCE documents to which we have agreed, and our responsibility to implement them fully and in good faith. We reiterate our commitment to the concept, initiated in the Final Act, of comprehensive, co-operative, equal and indivisible security, which relates the maintenance of peace to the respect for human rights and fundamental freedoms, and links economic and environmental co-operation with peaceful inter-State relations.

(..)

(6.) The OSCE's comprehensive and co-operative approach to security, which addresses the human, economic and environmental, political and military dimensions of security as an integral whole, remains indispensable. Convinced that the inherent dignity of the individual is at the core of comprehensive security, we reiterate that human rights and fundamental freedoms are inalienable, and that their protection and promotion is our first responsibility. We reaffirm categorically and irrevocably that the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. We value the important role played by civil society and free media in helping us to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law.

(7.) Serious threats and challenges remain. Mistrust and divergent security perceptions must be overcome. Our commitments in the politico-military, economic and environmental, and human dimensions need to be fully implemented. Respect for human rights, fundamental freedoms, democracy and the rule of law must be safeguarded and strengthened. Greater efforts must be made to promote freedom of religion or belief and to combat intolerance and discrimination. (..)

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Kyiv 2013

(Decisions: Decision No. 3/13 on Freedom of thought, conscience,

religion or belief)

The Ministerial Council,

Reaffirming past CSCE/OSCE decisions on the freedom of thought, conscience, religion or belief, in particular as recognized by the 1975 Helsinki Final Act, the 1983 Madrid Document, the 1989 Vienna Document, the 1990 Copenhagen Document, the 1994 Budapest Document and the 2003 Maastricht Document,

Recalling the international human rights provisions contained in the Universal Declaration of Human Rights and international obligations of States Parties to the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights instruments relevant to the freedom of thought, conscience, religion or belief,

Committed to ensuring respect for and enjoyment of the freedom of thought, conscience, religion or belief for all,

Emphasizing that every individual has the right to freedom of thought, conscience, religion or belief, which includes the freedom to have or to adopt a religion or belief of one's choice, as well as not to have or profess any religion, to change one's religion or belief, and the freedom to manifest one's religion or belief, either alone or in community with others, and in public or in private, through teaching, practice, worship and observance. The freedom to manifest one's religion or beliefs may be subject only to such restrictions as are prescribed by law and are consistent with international standards,

Reaffirming the commitments of participating States to respect, protect, and ensure the right of everyone to freedom of thought, conscience, religion or belief,

Emphasizing the link between security and full respect for the freedom of thought, conscience, religion or belief,

Deeply concerned by continuing acts of intolerance and violence against individuals and religious or belief communities on the basis of thought, conscience, religion or belief around the world,

Emphasizing that freedom of thought, conscience, religion or belief and all other human rights and fundamental freedoms are interdependent, interrelated and mutually reinforcing,

Stressing the importance of fostering a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers,

Calls on participating States to:

- Fully implement OSCE commitments on the freedom of thought, conscience, religion or belief;
- Fully implement their commitments to ensure the right of all individuals to profess and practice religion or belief, either alone or in community with others, and in public or private, and to manifest their religion or belief through teaching, practice, worship and observance, including through transparent and non-discriminatory laws, regulations, practices and policies;
- Refrain from imposing restrictions inconsistent with OSCE commitments and international obligations on the practice of religion or belief by individuals and religious communities;
- Promote and facilitate open and transparent interfaith and interreligious dialogue and partnerships;
- Aim to prevent intolerance, violence and discrimination on the basis of religion or belief, including against Christians, Jews, Muslims and members of other religions, as well as against non-believers, condemn violence and discrimination on religious grounds and endeavour to prevent and protect against attacks directed at persons or groups based on thought, conscience, religion or belief;
- Encourage the inclusion of religious and belief communities, in a timely fashion, in public discussions of pertinent legislative initiatives;
- Promote dialogue between religious or belief communities and governmental bodies, including, where necessary, on issues related to the use of places of worship and religious property;
- Take effective measures to prevent and eliminate discrimination against individuals or religious or belief communities on the basis of religion or belief, including against non-believers, by public officials in the conduct of their public duties;
- Adopt policies to promote respect and protection for places of worship and religious sites, religious monuments, cemeteries and shrines against vandalism and destruction.

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Basel 2014

(Decisions: Decision No. 7/14 on Preventing and combating violence against women)

The Ministerial Council,

Reaffirming the commitment to respect human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, as enshrined in the provision of the Helsinki Final Act of 1975,

Recalling that the full and equal exercise by women of their human rights is essential to achieving a more peaceful, prosperous and democratic OSCE area and that the OSCE participating States are committed to making equality between men and women an integral part of their policies, both at the level of their States and within the OSCE executive structures, as was declared at the OSCE Istanbul Summit in 1999,

Reaffirming that the inherent dignity of the individual is at the core of comprehensive security, as asserted in the Astana Commemorative Declaration in 2010,

(..)

Recalling that OSCE commitments on human rights and gender equality are inspired by the international human rights framework, including the Convention on the Elimination of all Forms of Discrimination against Women, the Beijing Declaration and Platform for Action, and UN Security Council resolution 1325 on women and peace and security,

Acknowledging commitments that participating States have undertaken in

international and regional fora on combating violence against women,

(..)

Deeply concerned by the persistence of violence against women as one of the most pervasive human rights violations in the OSCE

area, manifested as physical, sexual, and psychological violence and reiterating the particular need to take more vigorous measures in preventing and combating violence against women, to which gender inequality can be among the major contributing factors,

Reaffirming the importance of effective accountability with regard to violence against women and against children, including sexual violence, abuse and exploitation, and of undertaking adequate measures to combat such violence,

Calls on the participating States to take on the following measures related to combating and preventing violence against women in the areas of developing legal frameworks and partnerships, preventing and prosecuting violence against women, and protecting victims;

Calls on the participating States to ensure for all women the protection and full respect of human rights and fundamental freedoms;

Strongly condemns all forms of violence against women and refrain from justifying it, as described in the Declaration on the Elimination of Violence against Women;

(A) Legal framework

1. Calls on the participating States to:

(..)

- Align national legislation with relevant international standards they have undertaken, if they have not done so already, and OSCE commitments on all forms of violence against women, and consider best practices when adopting relevant legislation;

(..)

(B) Prevention

3. Encourages the participating States to:

(..)

- Take measures to raise awareness of the vicious cycle of violence that might emanate from physical, sexual, and psychological violence experienced in childhood and adolescence;

- Develop programmes to work with the perpetrators of violence against women, both during and after their sentence in order to avoid repeat offenses;

(..)

(D) Prosecution

7. Encourages the participating States to:

(..)

- Strengthen the efforts to investigate, prosecute and punish the perpetrators of all forms of violence against women and provide victims with protection and appropriate remedies;

- Ensure the development and effective implementation of legislation that criminalize violence against women and that provides for preventative and protective measures, such as emergency barring orders and protection orders, where they exist, as well as the investigation, and submission for prosecution and appropriate punishment of perpetrators, including with a view to end impunity.

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Belgrade 2015

Ministerial Declaration on Preventing and Countering Violent Extremism and Radicalization that lead to Terrorism

We, the Ministers for Foreign Affairs of the participating States of the Organization for Security and Co-operation in Europe,

(..)

Underscoring our resolute and unconditional condemnation of terrorism and violent extremism, and our profound solidarity with all the victims of terrorism,

Reaffirming the commitment of participating States to work together to prevent, suppress, investigate and prosecute terrorism-related acts, including their financing, and stressing their strong determination to combat terrorism in all its forms and manifestations, as a crime that has no justification, whatever its motivation or origin, and that terrorism and violent extremism cannot and should not be associated with any race, ethnicity, nationality or religion,

Expressing particular concern that youth, including children, are being radicalized to terrorism and recruited as foreign terrorist fighters, and recognizing the importance of working with youth to prevent and counter radicalization of youth to terrorism,

Strongly condemning manifestations of intolerance, including on the basis of religion or belief, reaffirming the will of participating States to foster tolerance and non-discrimination, mutual respect and understanding in their societies, and reaffirming our commitment to promote and protect human rights and fundamental freedoms, including freedom of expression and freedom of thought, conscience, religion or belief,

Expressing deep concern at the fact that some serious crimes committed by terrorists or terrorist groups, including foreign terrorist fighters, have targeted persons and groups on the basis of their ethnicity, religion or belief, and noting the role that discrimination and intolerance can play in fuelling violent extremism and radicalization that lead to terrorism,

Underscoring the commitment of participating States to take the measures needed to protect everyone within their jurisdiction against terrorist acts, and to take resolute action to counter terrorism and foreign terrorist fighters, including by fully implementing UNSCR 2170, 2178, 2199 and 2249, with regard to the terrorist groups identified therein, in support of our relevant OSCE commitments, and in compliance with applicable obligations under international law, including international human rights law, international refugee law and international humanitarian law,

(..)

Stressing the important roles that youth, families, women, victims of terrorism, religious, cultural and education leaders, civil society, as well as the media, can play to counter the violent extremist narrative that can incite terrorist acts, and to address the conditions conducive to the spread of terrorism, in particular by fostering mutual respect and understanding, reconciliation and peaceful coexistence among cultures, and by promoting and protecting human rights, fundamental freedoms, democratic principles and the rule of law,

(..)

Call upon the participating States:

(..)

3. To adopt measures as may be necessary and appropriate and in accordance with their obligations under international law, including with respect to human rights and fundamental freedoms, to prohibit by law incitement to commit a terrorist act or acts, and to prevent such conduct;

(..)

5. To consider, as appropriate, developing and updating national counter-terrorism strategies and action plans, including specific policies and measures to prevent and counter violent extremism and radicalization that lead to terrorism, in furtherance of OSCE commitments and in compliance with their obligations under international law, including human rights law;

(..)

13. To take into account a gender perspective (1) in their efforts to counter terrorism and to prevent and counter violent extremism and radicalization that lead to terrorism, with a focus on women's empowerment and the participation of women as well as men in these efforts;

[(1) Throughout this declaration, "gender perspective" is used in accordance with its meaning in the 2004 OSCE Action Plan for the Promotion of Gender Equality.]

14. To engage and empower youth, in preventing and countering violent extremism and radicalization that lead to terrorism, inter alia, by:

(a) Creating an enabling environment and opportunities for youth to participate and engage voluntarily and freely in public life and in the promotion of human rights, fundamental freedoms, democratic principles, the rule of law, tolerance, non-discrimination, dialogue, mutual respect and understanding, and to facilitate their access to social services;

(..)

(c) Supporting youth-led and youth-focused awareness-raising initiatives, including through the Internet and social media, to prevent and counter their radicalization to terrorism, and to promote respect for human rights, fundamental freedoms, tolerance and non-discrimination;

(..)

16. To invite the OSCE Partners for Co-operation to actively engage with us to strengthen our dialogue and co-operation in preventing and countering violent extremism and radicalization that lead to terrorism, respecting and protecting human rights and fundamental freedoms in this context, preventing and countering manifestations of intolerance and discrimination, including on the basis of religion or belief, xenophobia, violence, as well as promoting interfaith, interreligious and intercultural dialogue, taking note of the Amman Youth Declaration on Youth, Peace, and Security dated 22 August 2015, and to encourage the Partners for Co-operation to continue to make the best use of the OSCE principles, norms and commitments, as well as its relevant tools;

(..)

Call upon relevant OSCE executive structures, within their respective mandates and available resources:

(..)

19. To facilitate the exchange of practical experiences and good practices, and, upon request, provide assistance as appropriate, inter alia:

(..)

(i) To promote and protect human rights and fundamental freedoms, as well as the rule of law, in the context of measures to prevent terrorism and to counter violent extremism and radicalization that lead to terrorism; (END)

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(Printer friendly and PDF views of this compilation, as well as social media sharing, is available at <http://www.forum18.org/Archive.php?article_id=1351>.)

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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
RodelÃ, kka
N-0502 Oslo
NORWAY