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OSCE COMMITMENTS: OSCE CONFERENCE ON DISCRIMINATION – A REGIONAL SURVEY

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Ahead of the OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination on 13-14 September 2004 in Brussels, Forum 18 News Service <http://www.forum18.org> surveys some of the more serious discriminatory actions against religious believers that persist in some countries of the 55-member OSCE. Despite their binding OSCE commitments to religious freedom, in some OSCE member states believers are still fined, imprisoned for the peaceful exercise of their faith, religious services are broken up, places of worship confiscated and even destroyed, religious literature censored and religious communities denied registration. Forum 18 believes most of the serious problems affecting religious believers in the eastern half of the OSCE region come from government discrimination.

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 religion is clear. The 1990 OSCE human dimension conference declared "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 discrimination against religious believers remains disturbingly pervasive.

As delegates assemble in Brussels for the OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination on 13-14 September 2004, 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 discrimination against religious believers is as unacceptable as 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".

While many governments would prefer this conference to concentrate on tackling social discrimination against ethnic and religious minorities, in much of the region it is important to stress that the most serious discrimination against religious believers, at least, comes from governments. 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 practice.

Social discrimination against religious minorities does exist – especially among Orthodox in Georgia, among Muslims in Central Asia, and among ethnic Albanians (whether Muslim or Catholic) in Kosovo – but only in exceptional circumstances has this led to persistent denial of believers' rights. Governments have a duty to promote tolerance and harmony in society, but many could start with improving their own behaviour.

It is also important to remember that criticising the beliefs of another faith does not constitute a crime: only violence or incitement to violence is. A key element of religious freedom is the right peacefully to expound and promote the beliefs of one's faith and to set

out how they might differ from those of other faiths.

In the run-up to the July 2003 OSCE Supplementary Human Dimension Meeting on Freedom of Religion or Belief, 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 July 2003 http://www.forum18.org/Archive.php?article_id=101). 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 one year on, almost all the abuses Forum 18 noted in 2003 have continued unchecked.

RELIGIOUS WORSHIP: An alarming number of states raid religious meetings to close down services and punish those who take part. Turkmenistan is the worst offender: all unregistered religious activity is illegal and no non-Muslim and non-Russian Orthodox religious communities – even the few registered minority communities - are able to hold public worship freely. Uzbekistan and Belarus specifically ban unregistered religious services. In Belarus, numerous Protestant congregations - some numbering more than a thousand members - cannot meet because they cannot get a registered place to worship. Officials in Uzbekistan, Kazakhstan and Azerbaijan also raid places where worship is being conducted. 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 is impossible in some states. In Turkmenistan non-Muslim and non-Russian Orthodox communities cannot in practice open a place of worship, while those that existed before the mid-1990s were confiscated or bulldozed. Uzbekistan has closed down thousands of mosques since 1996 and often denies Christian groups' requests to open churches. Azerbaijan also 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 represents the incoming OSCE Chair-in-Office, the Ljubljana authorities have long obstructed the building of a mosque. In Bulgaria, the current Chair-in-Office, 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) or where officials claim that it is (Kazakhstan and 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, 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 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.

DISCRIMINATION: Turkmenistan has dismissed from state jobs hundreds of active Protestants, Jehovah's Witnesses and members of other religious minorities. Turkmen and Azeri 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 and Belarus 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.

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. 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, and dozens of Protestant and other leaders, while the secret police 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. The authorities - who know the attackers' identity - have punished only a handful of people with suspended 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". 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.

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, and planned new laws in Georgia, 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. 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.

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. 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: Many of these discriminatory restrictions predate the 11 September 2001 terrorist attacks – and 1999 Islamic-inspired incursions into Central Asia – so governments cannot validly argue that such restrictions are necessary to ensure public security. 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".

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