



The need for a principled approach to freedom of religion or belief

2013 Human Dimension Implementation meeting

Thursday 26th of September 2013, Working sessions 6 and 7: Freedom of religion or belief

The Norwegian Helsinki Committee is concerned that several OSCE Participating States do not adhere to a principled approach to freedom of religion or belief. Everyone's right to freedom of religion or belief should be an integral part of a state's overall respect for human rights and fundamental freedoms. This freedom is inseparable from the associated freedoms of expression, association, and assembly among others.

In monitoring freedom of religion or belief issues, we have often witnessed Governments dividing beliefs into what they claim are traditional and non-traditional creeds. States which make such claims often use them to disguise their failure to implement international obligations and commitments to defend the freedom of religion or belief of everyone, with no exceptions. Such claims are also used to disguise the single most important factor driving freedom of religion or belief and other linked human rights violations: the wish of some states to control all of society.

The wish to impose state control is in many states seen in state registration procedures whose aim is to restrict the organization and activity of people exercising freedom of religion or belief in association. The basic idea is to make the exercise of human rights dependent on state permission. In many countries, including Kazakhstan, Kyrgyzstan, and Azerbaijan, without state registration individual religious communities cannot legally exist or fully exercise freedom of religion or belief. This is a clear violation of Governments' binding international obligations in relation to freedom of religion or belief.

Overly complex legislation, censorship of religious literature, and denial of parent's control of religious education of their children are other frequently occurring human rights issues.

We have often criticized the inclusion of "extremism" and "terrorism" provisions in laws affecting freedom of religion or belief. Criminalizing such activities should be left to the criminal code and not confused with a state's overall legislation and policies on this human right. Moreover, definitions of these crimes are often so vague and all-encompassing that the peaceful and normal exercise of freedom of religion or belief is labeled as "extremism" or "terrorism".

Also in Turkey, where we have started a monitoring on freedom of religion or belief project this year, we encounter some of these problems. Legislation does not accept legal personality of religious groups, seriously limiting their possibilities to exercise their internationally recognized rights. The way religion is taught in schools, does not fully respect the rights of parents to decide on the religious education of their children.

Even in a mature democracy such as Norway, where freedom of religion or belief is fully embedded in legislation, deficiencies remain. The Lutheran Norwegian Church still have a privileged position, even though important steps have been taken to separate it from the state. The public broadcaster, NRK, *regularly* transmits services of the Norwegian Church, while services of other religious group occasionally may be transmitted. Even though religion and ethics in principle are taught in a neutral way in Norwegian schools, critics still point to the fact that the Christian creed and visits to churches constitute by far the largest part of the curriculum.

In our view, the OSCE and its institutions still have much to do in holding Participating States to a principled approach. Freedom of religion or belief is not about giving this or that religious group some benefits or rights. It is about ensuring that individuals in all aspects can practice the religion of her or his choice fully, alone or together with others, without discrimination or undue interference and restrictions.