



United States Mission to the OSCE

Session 13: Freedom of religion or belief

As prepared for delivery by Dr. William Inboden
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 7, 2008

Mr. Moderator,

From the Helsinki Final Act, to the Vienna and Copenhagen Concluding Documents, OSCE participating States have repeatedly affirmed religious freedom as a universal human right. The freedom to profess and practice a religion alone or in community, the freedom to meet and exchange information with co-religionists regardless of frontiers, and the freedom to change one's religion are among some of the most cherished commitments enshrined in OSCE documents.

With these commitments in mind, the United States welcomes this special session on religious freedom and requests that the Chairman, as a follow-up, include a reaffirmation of religious freedom in the Helsinki Ministerial Council decision on human rights, outside of any tolerance document. The United States would also welcome a discussion paper by the Advisory Council of Experts on Freedom of Religion or Belief, in consultation with the OSCE Representative on Freedom of the Media, on the nexus of the freedoms of religion and expression under OSCE commitments.

Throughout its history, the OSCE has developed some of the most sophisticated commitments for protecting religious freedom at the international level. The 1989 Vienna Concluding Document included, among other commitments, the granting of recognition to religious communities, the right to establish and maintain freely accessible places of worship, the right of communities to select, appoint and replace their personnel and organize themselves according to their own hierarchical and institutional structure, and the right to give and receive religious education. More recently, the 2003 Maastricht Ministerial Council decision committed participating States 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."

While special religion laws are not uncommon and can support religious freedom, this type of legislation sometimes can create more problems than it solves if it is applied in a discriminatory fashion or creates barriers such as registration to the practice of a peaceful religion. The goal of legislation should be to ensure a level playing field for all faiths and facilitate, not hinder the enjoyment of religious freedom. In any legislative process, transparency and inclusiveness are critical. Legislators and government officials should reach out early and often to nongovernmental organizations and religious groups for their thoughts and feedback. It is also important that these officials welcome the views of all groups including non-traditional religions, regardless of registration or history.

The United States has found that a neutral law of general applicability avoids many of these problems, and Albania provides a good model. Albanian law does not require registration in order to operate and permits religious communities desiring official status to register with the

Tirana District Court under the Law on Non-profit Organizations. Under this law, non-profit associations are recognized regardless of their cultural, recreational, religious, or humanitarian character.

We welcome the continued work of the ODIHR Advisory Council of Experts on Freedom of Religion or Belief and the United States encourages participating States to request technical assistance from them. Over the past year, Tajikistan, Kyrgyzstan, and Kazakhstan demonstrated a desire to uphold their OSCE commitments by requesting the Council review draft legislation, and we urge them to either withdraw the legislation completely or fully implement all the recommendations.

While OSCE participating States rightfully affirm the importance of religious freedom on its own merits, recent research undertaken by the Legatum Institute (an NGO for which I work) also suggests a strong connection between religious freedom and human flourishing. The Prosperity Index finds that nations respecting religious freedom generally have robust levels of tolerance and social capital, economic progress, and protection of other human rights and freedoms. For more information, visit www.prosperity.org.

Thank you.