



United States Mission to the OSCE

Session 13: Fundamental Freedoms II Freedom of Thought, Conscience, Religion or Belief

As prepared for delivery by Felice Gaer
to the OSCE Human Dimension Implementation Meeting
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Mr. Moderator,

The freedom of thought, conscience, religion or belief is a core principle enshrined in the Helsinki Final Act and further elaborated in subsequent commitments accepted by all participating States. Regrettably, many individuals and communities continue to be denied the right to freely profess and practice their religion or belief.

The existing restrictions on religious freedom in Uzbekistan have deepened in the aftermath of last year's Andijon tragedy. Among the numerous areas of concern are: the jailing of thousands of people because of their Islamic affiliations or beliefs; torture of those prisoners and detainees; police raids against members of unregistered religious communities, most recently in Termez; deportations of religious leaders; huge fines against non-Muslim religious leaders and their communities for religious activities; changes to the Criminal Code and the Code of Administrative Offences to increase penalties for the "illegal" production of religious literature; and the banning of all non-Orthodox and non-state controlled Muslim activity in the region of Karakalpakstan. The United States calls on the Uzbek Government to bring its laws and policies into line with its OSCE commitments and to adopt the recommendations issued in 2003 by of the OSCE Panel of Experts on Freedom of Religion or Belief.

Likewise, practices in Turkmenistan continue to violate OSCE commitments, despite a brief period of modest reforms. Turkmenistan's president continues to impose an increasingly oppressive personality cult, now effectively a state-imposed religion, that impinges on all aspects of the country's public life. Religious practice is heavily regulated to ensure state control, unregistered religious activity remains illegal, and members even of registered religious groups may face severe difficulties. Some religious leaders face internal and external travel bans, and the former grand mufti remains jailed. Registration remains a problem for religious groups, especially some Russian Orthodox congregations, the Armenian Orthodox Church, the Catholic Church and Shiite religious groups. The United States urges Turkmenistan to resume reforms and invite the UN Rapporteur on Religious Freedom to visit.

The United States is also troubled by developments elsewhere in Central Asia. In Kazakhstan, local officials have repeatedly arrested and fined both Muslims and Christians for unregistered religious activity, a practice relatively unheard of until recently. They have also attempted to expropriate land from the Hare Krishnas. We urge Kazakhstan to fully respect the right of all individuals to practice their religion or belief regardless of registration

status. The United States will closely monitor the work of the new office on religious affairs in the Ministry of Justice.

We urge Kyrgyzstan and Tajikistan to work with the OSCE Missions and the OSCE Panel of Experts and to consult with their local religious communities and human rights organizations as they develop new drafts of their religion laws, to ensure they comply with OSCE standards. In Kyrgyzstan, we are troubled by the increase in police action against unregistered religious groups. While the United States condemned the violent incursions into Kyrgyz territory earlier this year, we view as unjustified the force that led to the death of a prominent Muslim religious leader in Osh.

In Tajikistan, we view as problematic government efforts to control Muslim religious practice such as the stringent guidelines on registering religious organizations, the ban on women praying in mosques and government control of the hajj.

The United States urges the Government of Turkey to remove impediments to the free exercise of religion for majority and minority communities alike. While we welcome the recent changes to the Foundations Law, we urge Turkey to remove the powers of expropriation and to end this practice of expropriating religious properties in neighbourhoods with few citizens. The U.S. also urges return to the Ecumenical Patriarchate of full control of the Theological School at Halki.

While Russian Federation law generally respects individual freedom to practice religion or belief, problems persist at the regional and local level for members of religious groups, including Muslims, Old Believers and various Protestant groups. Non-Orthodox communities throughout Russia regularly report problems with obtaining legal status through registration and with obtaining permission to use, build or buy places of worship. We remain concerned about the new NGO law and its potentially intrusive and restrictive effects on religious communities, as well as by reports that the Ministry of Justice has introduced a draft law which would impose restrictions on missionary and other activities by religious communities. The Constitutional Court has upheld a lower court ruling granting local officials the right to demolish a mosque in the city of Astrakhan, which was built legally under a previous administration. We urge the Russian government to look into this matter and reconsider the original objections.

In neighboring Belarus, escalating pressure on members of the New Life Church by local authorities in Minsk remains of concern, as does harassment against other unregistered churches, efforts by police to temporarily detain pastors and lawyers, and the refusal to allow the local Hassidic Jewish community to use a building to hold its Passover celebration. We also urge major reform of the country's highly restrictive law on religion.

Finally, the United States is concerned about recently adopted religion laws and draft religion laws in several OSCE participating States that fall short of OSCE commitments. We remind all participating States of the value of consulting with the Panel of Experts on Freedom of Religion or Belief when developing new legislation. We were disappointed that Serbia rushed through parliament an incomplete religion law earlier this year and that the Ministry of Religious Affairs arbitrarily increased the onerousness of registration requirements. Religious communities in Serbia and Macedonia continue to experience problems with building worship facilities. Azerbaijan is preparing amendments to its religion law, and we urge Baku to work with the OSCE Mission and Panel of Experts to address the current problematic

provisions, such as censorship of religious literature, burdensome registration requirements and limitations on missionary activities. The United States continues to monitor the drafting of a religion law in Romania, which if adopted in its current form, would enact particularly discriminatory registration requirements.

Mr. Moderator, registration of religious communities should facilitate the ability of individuals to come together to manifest religion or belief. It should not be used to discriminate or to unduly burden or repress peaceful religious practice.