

TRENDS IN FREEDOM OF RELIGION AND BELIEF IN THE OSCE REGION IN 2006

Freedom of religion and belief is an inalienable right that any human being, alone or in community with others, must be able to fully enjoy. However, a number of OSCE participating states still fail to recognize the basic individual and collective rights with regard to religious freedom and tolerance guaranteed by international standards.

It is also noteworthy that since 9/11 the physiognomy of freedom of religion and belief in the OSCE region has been deeply modified by a wide range of new laws, policies and practices targeting especially Muslim believers and communities but affecting other religious communities as well. Moreover, various discriminatory systems of hierarchy of religions in force in many Western European countries have been introduced in an increasing number of former Communist countries. Controversial new legislations specifically targeting minority religious groups labeled "sects" or "cults" which were adopted in several old Western European democracies are also used as models by new emerging democracies in Central and Eastern Europe.

Denial of basic rights

The enjoyment of the basic religious freedom rights was not guaranteed in a number of OSCE participating states such as *Belarus*, *Uzbekistan*, *Turkmenistan*, *Kazakhstan* and the *Russian Federation* because a number of religious communities were denied the right of association, a prerequisite to the access to other rights such as freedom of assembly, freedom of worship and freedom of expression.

In *Belarus*, the 2002 religious legislation still in force in 2006 contained a number of restrictive elements that increased the government's control of the activities of religious groups. The law required all re-

ligious groups to receive governmental approval to import and distribute literature, prevented foreigners from leading religious organizations, and denied religious communities the right to establish schools to train their own clergy. In addition, the law confined the activity of religious communities to areas where they were registered and established complex registration requirements that some religious communities, both "traditional" and "non-traditional," had difficulty fulfilling. The law also required all previously registered groups to reregister, and banned all religious activity by unregistered religious groups.

In *Uzbekistan*, some Christian groups (Baptists, Pentecostals, Evangelicals, Jehovah's Witnesses) applied for registration at local, regional, and national levels but were denied it or never received an official answer. Some religious groups which did not want to be registered were considered illegal and were unable to enjoy freedom of worship, or held private religious meetings at their own risk. Other groups, including those with only few members, reported that they preferred not to bring themselves to the attention of authorities by submitting a registration application. Jehovah's Witnesses, present in the country since the late 1950's, could only register two congregations, in Ferghana and Chirchik.

A number of new religious movements were tolerated if they did not practice proselytism. Since the Andijan uprising, the authorities have closed down registered religious communities on spurious grounds, such as the Seventh-Day Adventists and Korean-led churches in Samarqand region.

In *Turkmenistan*, the 2003 law required all religious organizations to register, made the operation of unregistered reli-

gious organizations a criminal offense, further restricted religious education, and monitored financial and material assistance to religious groups from foreign sources. The late president signed a decree in 2004 that strengthened the 2003 law on religious practice and religious organizations. A prohibitive requirement introduced in the new registration rules increased registration fees for religious organizations to U.S.\$100. In addition, the Ministry of Justice was no longer obliged to publish in the local media a list of registered religious organizations, limiting the transparency of legally registered groups, isolating them from other religious communities, and limiting the ability of the public to respond when authorities harassed them. The law also gave the ministry the right to cancel a group's registration based on vaguely defined charges.

Until June 2004 government entities at all levels, including the courts, had interpreted the laws in such a way as to discriminate against those practicing any faith other than Sunni Islam or Russian Orthodox Christianity, whose congregations represented the only two religious groups to successfully register.

◆ In May 2006, the police raided the unregistered Soygi Church in the capital city Ashgabat, interrogated the participants and confiscated Bibles, videos and a computer. In June 2006, Aleksandr Frolov, a Russian citizen was deported from Turkmenistan because of his religious activities.

In *Kazakhstan*, the groups that are most targeted by the authorities (raids, arrests, sentences to fines and prison terms) are the Baptist congregations mainly affiliated to the Council of Churches of Evangelical Christians and Baptists ("Council of Churches") which, on theological grounds, have always refused to register, even at the time of the Soviet Union.

The Society for Krishna Consciousness was also subject to harassment. The situa-

tion escalated in November when local authorities demolished numerous community houses under the pretext of unsolved property issues (see photos on p. 229 and the chapter on Kazakhstan).

In 2005, the parliament of Kazakhstan took a number of measures that raised serious concerns about the future of freedom of association and of assembly among peaceful religious groups: the controversial "Law on Countering Extremist Activity", the "Law on Amendments and Additions to Certain Legal Acts of the Republic of Kazakhstan on Matters of Countering Extremist Activity."

In the *Russian Federation*, relations between state and religions are mainly regulated by a 1997 law. The law is very complex, with many ambiguous provisions, creating various categories of religious communities with different levels of legal status and privileges. Most significantly, the law distinguishes between religious "groups" and "organizations." A religious "group" is not registered and consequently does not have the legal status of a juridical person; it may not open a bank account, own property, issue invitations to foreign guests, publish literature, enjoy tax benefits, or conduct worship services in prisons and state-owned hospitals and among the armed forces.

The 1997 law also ostensibly targets so-called totalitarian sects or "dangerous religious cults," by making it difficult for members of less well-established religions to set up religious organizations. Implementation of the 1997 law varies widely, depending on the attitude of local offices of the Ministry of Justice responsible for registration, dissolution, and bans. In Moscow, for example, the local organization of Jehovah's Witnesses was banned in 2004 on the grounds that it was a "threat to society." Unlike dissolution, which involves only the loss of juridical status, a ban prohibits all of the activities of a reli-

gious community. Jehovah's Witnesses unsuccessfully appealed the ruling; the case was pending in the European Court of Human Rights (ECtHR) at the end of 2006. The ban, although applying only to Moscow, has had nationwide ramifications for the 133,000 Jehovah's Witnesses practicing in the country.

In September 2006, the Salvation Army, which had also been banned, won its case at the ECtHR.

The difficult accommodation of Islam

Islam is a minority religion in almost all OSCE participating states, except in three states of Southeastern Europe (Albania, Kosovo and Bosnia-Herzegovina) and in Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan).

A number of Western European states where there was a substantial migration of workers from Muslim countries in the second half of the 20th century have endeavored to accommodate Islam, to grant it the same rights as the other historical religions and to promote tolerance, while at the same time regulating and controlling the internal life and the activities of the Islamic communities more strictly, especially since 9/11.

There has indeed been an increasing tendency in Western Europe to pass anti-terrorist laws specifically targeting Muslim communities, laws that have had also collateral effects on other faiths. These laws, for example, provide for a ban on religious head-cover in public schools and institutions, state interference in the appointment and recognition of national leaders of Muslim communities or of their representative platforms, new restrictive criteria for state recognition of mosques and imams, and denial of access to the national territory by foreign missionaries. State control of freedom of expression in Muslim and non-Muslim places of worship has also been gaining ground.

Clashes between freedom of religion and other freedoms, especially freedom of expression, deteriorated the social climate in a number of countries in the OSCE space in 2006. Cartoons of the prophet Mohammed published in *Denmark*, *Norway* and other countries provoked a general outcry of protest in European Muslim communities and led to extremely violent demonstrations in many Muslim countries.

The limits of freedom of expression were also challenged in the *Netherlands*, *France*, *Germany*, *Italy* and other countries. A Dutch film-maker was assassinated by a radical Islamist in November 2004, just two months after his highly controversial film, "Submission" - about the abuse of Muslim women - was shown on national TV in Holland. A French philosophy teacher, Robert Redeker, was forced into hiding over a newspaper column attacking Islam. In May 2005, in Italy, a judge ordered best-selling writer and journalist Oriana Fallaci to stand trial on charges she had defamed Islam in her book *La Forza della Ragione* (The Force of Reason). In Germany, in September 2006, the Opera of Berlin cancelled the performance of Mozart's "Idomeneo" after receiving an anonymous threat from angered Muslims about the production, which ends with a blood-spattered King Idomeneo placing the four severed heads of Poseidon, Jesus, Buddha and Mohammed on chairs. Last but not least, the Pope's misunderstood statement about Islam in an academic conference also provoked diplomatic incidents, anger in Muslim communities of Europe and violent demonstrations in Muslim countries.

Terrorist attacks by Islamic extremists in *Spain* and the *United Kingdom* contributed to the fueling of anti-Muslim sentiments in society, and to the rise of intolerance and of extreme-right political parties.

Hierarchy of religions and discrimination

In many Western European participating states of the OSCE, various discriminatory systems of hierarchy of religions have been existing for a long time, in total "impunity," and no international mechanism has ever been put in place to urge them to correct them and bring them in line with the non-discrimination norms enshrined in international instruments. This is notably the case in *Austria, Belgium, Denmark, Germany, Greece, Italy, Portugal and Spain*, and some of them have, regrettably, served as models for other countries.

The categorization system of religions generates systemic forms of discrimination. According to the state, religious communities of lower categories are, for example, not eligible for state subsidies, do not enjoy tax privileges, are not allowed to teach religion in schools, and cannot be officially accredited chaplains in public institutions such as prisons, hospitals, and the armed forces. In many cases these groups are stigmatized as harmful "sects"/"cults," and warned against by public and private institutions funded or supported by public powers.

Moreover, it must also be stressed that in several countries, some religious communities experience state discrimination, notably in the share-out of the public financing even though they are state-sanctioned and ranked in the upper category. Last but not least, in some countries, atheists, agnostics, unbelievers and members of minority religions have no choice but to contribute through their income taxes to the financing of state-sanctioned religions.

During their process of accession to the European Union, a number of countries were criticized because their religious legislation was not in conformity with the international standards. This was recently the case for *Romania*. The criticisms were justified. The final version that was hurried-

ly adopted a few days before the entry of Romania into the European Union was even more restrictive than expected, and was directly inspired, as in several other countries, by the Austrian legislation: a waiting period of 12 years (versus 10 in Austria) and a membership of 0.1 percent of Romania's population (i.e. more than 22,000 adherents nationwide versus 16,000 in Austria) are now requested from any new applicant to be eligible to gain the highest of three levels of recognition and the same rights as religions previously recognized and maintained in the upper category with far less than 22,000 members.

After the collapse of communism, most of the former Communist countries of Central and Eastern Europe (such as *Armenia, Croatia, the Czech Republic, Georgia, Lithuania, Macedonia, Slovakia, Serbia*) have practiced or adopted a two-tiered or a multi-tiered system inspired by the hierarchy of religions in force in *Austria, Belgium, Greece* and other democracies of the "old Europe".

The "cult" issue

During the first half of the nineties, the world was shaken up and horrified by a series of collective suicides-homicides and attacks that were perpetrated in Europe, America and Asia at the initiative of leaders of religious movements or movements claiming to be religious.

Four old Western European democracies decided to work out and implement a specific anti-cult policy: two German-speaking countries (*Austria and Germany*) and two French-speaking countries (*France and Belgium*). These policies were still practiced in many countries in 2006.

Austria created a Documentation and Information Center on Cults in 1998. The mandate of that state-sponsored body was to warn and protect society against so-called cults. Germany set up a parliamen-

tary commission and published a report. In the aftermath of this report, the German authorities did not create any state-sponsored observatory and did not develop any specific policy targeting so-called cults. *France* and *Belgium* adopted a similar course of action, including: creation of a parliamentary commission; publication of a report about "cults" and a list of almost 200 suspicious religious movements; establishment of governmental agencies to fight against a number of "cults"; collaboration with private anti-cult movements; promulgation of laws of exception; and implementation of large scale policies targeting so-called cults.

The consequences were dramatic for new religious movements and their adherents. Following publication of the parliamentary reports and the "black lists of cults," many cases of intolerance and discrimination in the public and private sectors were reported in France and in Belgium: defamatory campaigns in the media; victimisation in the neighbourhood, at the workplace and at school; damage to individuals' reputation, loss of jobs or promotions; dismissals; loss of visitation rights or child custody in divorce settlements; inability to rent public and private facilities for religious ceremonies or meetings; and so on.

The agencies put in place in France and in Belgium were still fully operational in 2006. As of the end of 2006, three

commissions on sects had been formed in France, the latest of which was created in 2006.

In France, the National Assembly adopted a discriminatory and controversial law – the About-Picard Law – targeting the abuse of weakness and vulnerability of the believers linked to "sects."

In the "cult" issue, France's anti-cult policy has served and is still serving as a model for other countries in Western, Central and Eastern Europe.

Some conclusions

In quite a number of participating states of the OSCE, constitutional and legislative provisions as well as practices are still not up to the OSCE standards. The right to basic rights and a legal status is still denied to a number of religious groups in Central Asia and in Russia and the believers are therefore not allowed to exercise their rights individually and collectively. All over the OSCE region, discrimination and intolerance towards Muslims and new religious movements persist.

Several areas of concern about threats to and violations of freedom of religion and belief should therefore be prioritized by the OSCE: the anti-terrorist legislation, the enjoyment of the freedom of association and assembly, the accommodation of Islam, the discrimination caused by the system of hierarchy of religions, and intolerance towards new religious movements.

SOURCES FOR FURTHER INFORMATION:

- ◆ Human Rights Without Frontiers, at www.hrwf.net



Demolition of homes of a Krishna community in the Karazai district, near Almaty, in November 2006. Riot police used bulldozers, forcing over a hundred people out of their homes. The first picture shows part of the community prior to the raids. © Place of the Soul (at www.hrwf.net)