



Intervention by the Norwegian Helsinki Committee

29 September-10 October 2008 OSCE Human Dimension Implementation Meeting

Warsaw 7 October 2008: Freedom of religion or belief

"Freedom of religion and belief – a remaining challenge for many OSCE participating states."

Firstly, we would like to underline the importance of this issue. Many OSCE participating states ignore or downplay their commitments to respect and protect freedom of religion. There may be many reasons for this situation, *inter alia* states wanting to restrict religious influence on politics, to keep control of religious groups as part of their control over society, to build or maintain national identities, to prevent religious extremism or to restrict foreign influence in the country.

Whatever reasons, exaggerated and restrictive policies in this area create human suffering and frustrations and undermine a core feature of human rights: respect of the dignity and freedom of individuals and groups of society. Ultimately, it undermines security.

Secondly, we want to point to disturbing developments in Kazakhstan, which is going to be the 2010 OSCE Chairman-in-Office. Although respect for freedom of religion may be equally weak in other OSCE Participating States, we would argue that as a soon to be Chairman-in-Office, Kazakhstan has a special duty to implement its OSCE commitments. Countries leading the OSCE undermine the core values of the organisation if they do not abide by them.

According to recent news reports there is concern that the draft Law on Amendments and Additions to Several Legislative Acts on Questions of Freedom of Conscience and Religious Associations discriminate against non-traditional religions in Kazakhstan. The draft Law has “provoked fierce opposition from human rights defenders and a range of religious organisations across the country”. According to Ninel Fokina, head of the Almaty Helsinki Committee, the law is “conceptually wrong and defies all the religious freedom principles of the OSCE”.¹

The Norwegian Helsinki Committee is concerned about the lack of transparency in the legislative process. There seems to be very little consultation with civil society organisations or with religious communities.

According to a leaked speech, published in the Almaty-based newspaper Respublika, by Mr Maulem Ashimbaev, deputy head of the Presidential Administration, the amendments are part of a wider “plan to re-register all religious organisations, closing many, under the new law”.² The newspaper has, however, been unable to verify the authenticity of the transcript of the speech.

The restrictive amendments are unfortunately part of a wider pattern of weakening respect for freedom of religion, by conducting intolerant policies against religious minorities in the country.

As previously stated, situations might be far from perfect in other OSCE Participating States. The Norwegian Helsinki Committee has in a domestic context repeatedly criticised weaknesses in Norwegian Law, although freedom of religion of Non-Christian minorities is to a large extent respected. In cooperation with the Norwegian Centre for Human Rights, we have started a project to review by OSCE standards Norwegian legislation and practice on freedom of religion. Those

¹ Forum 18 News Service, Kazakhstan: What restrictive legal changes will pass Senate “within days”?, Oslo, 29. September 2008. Available at www.forum18.org

² Ibid.

interested in a forthcoming report on that issue might contact the Norwegian Helsinki Committee.

- The Norwegian Helsinki Committee urges Kazakhstan to reconsider its draft legislation in light of input from the OSCE/ODIHR and the Venice Commission
- In order to strengthen dialogue between OSCE Participating States on how to implement their commitments, ODIHR could facilitate contacts and dialogue between limited groups of states with similar challenges:
 - o Kazakhstan and other Eastern states with non-traditional religious minorities could discuss legislative and policy issues with Western states with Muslim or other non-traditions religious minorities