

Osservatorio per la Tolleranza e la Libertà Religiosa “Giuseppe Dossetti” Observatory for Religious Tolerance and Freedom

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The recent adoption of the Ministerial Council Decision No. 3/13 undoubtedly represents another success story in the longstanding commitment of the OSCE and its participating States on the protection of freedom of religion or belief. But despite recent and less recent commitments, and the considerable work of the ODIHR, religious communities and believers still suffer violations of their rights on a daily basis from Vancouver to Vladivostok.

Especially East of Vienna undue restrictions and abuses persist in the registration of religious communities, so these are subjected to a number of limitations stemming from the lack of legal personality (such as acquiring property for a place of worship or establishing educational institutions for training clergy and so forth). In this respect the *Guidelines on the Legal Personality of Religious or Belief Communities* represent a benchmark document containing minimum international standards at disposal of those involved in drafting, reviewing and applying the relevant legislation.

The autonomy of religious communities is equally violated. Participating States often do not respect this autonomy in the regime that governs access to legal personality of such communities, so the latter are prevented to freely select, appoint and replace their leaders or to decide on their internal rules, the substantive contents of their beliefs, their structure or name. Similar violations of the autonomy of religious communities may be also produced by certain anti-discrimination laws, which in addition can limit the right to hire and retain people in accordance to the communities' views and interests.

Places of worship and other religious properties are illegitimately expropriated or confiscated properties are not returned to the original owner but assigned for different use than the original. In the same way undue restrictions persist against the importation and distribution of religious material as well as against visas for missionaries or volunteers, so that legitimate proselytism is strongly constrained.

Moreover, both East and West of Vienna individuals are prevented to live and act in accordance with the dictates of their conscience (a right recognised already by the Helsinki Final

Act), also on their workplace. Especially West of Vienna it is more and more widespread the false idea that religions are a negative fact, instead a positive factor for our democracies, and according to such trend religiously inspired behaviours should have no room in our societies, such as in case of circumcision or ritual slaughter.

In the same way the right of everybody to identify him/herself through religious symbols and attire is not fully guaranteed. The UN Human Rights Committee has repeatedly sustained – by arguing from the article 18 of the International Covenant on Civil and Political Rights – that freedom of religion or belief encompasses the right to display religious symbols and wear religious attire in public space. We should always bear in mind that, according to the VII Principle of the Helsinki Final Act, in the field of human rights and fundamental freedoms participating States should fulfil their obligations as set forth in the International Covenants on Human Rights.

The right of conscientious objection is challenged too, in different ways. Participating States are required to recognize it, not only with regard to military service but also to other morally sensitive issues, provided that the access to lawful services is guaranteed. In our pluralistic societies conscientious objection is crucial to permit a coexistence of values: in fact in this manner people who do not subscribe to certain majority views are fully entitled to coexist with those who do.

The right of parents to ensure the religious and moral education of their children in conformity with their own convictions, even if this is doubtless encompassed in the right to religious freedom, is also called into question. Many participating States provide – or intend to provide – in public school compulsory teachings on ethical or religious subjects, promoting values that may conflict with moral or religious convictions. Such teachings are praiseworthy, but States cannot pursue an aim of indoctrination and children cannot be forced to a teaching that is not consistent with the convictions of their parents.

Finally it should be noted that if freedom of religion or belief rightly protects also the non-believers, an anti-religious atheism, which preaches the need to remove the religion from public life, should not be welcomed. In this respect I find appropriate to remember that during the CSCE Follow-up Meeting of Vienna it was not reached the *consensus* on the proposal WT.78 that would put the right of practicing religion on the same footing of the preaching of atheism that asks to eradicate and prevent the propagation of religion. A similar approach would be at odds with the very concept of religious freedom provided by the OSCE commitments, which protect the religious phenomenon as such.

Freedom of religion or belief derives from the inherent dignity of human persons and protects their transcendent dimension. Only the full respect of this freedom could guarantee the free and full development of our democratic societies.