



Report of OSCE/ODIHR Roundtable

Intolerance and Discrimination against Christians: Focusing on Exclusion, Marginalization and Denial of Rights

Vienna, 4 March 2009

Introduction

The OSCE recognizes that manifestations of discrimination and intolerance threaten the security of individuals and may give rise to wider scale conflict and violence that undermine international stability and security.¹ In this context, participating States have adopted and reiterated a number of commitments on combating discrimination against Christians. The first OSCE declaration specifically mentioning intolerance against Christians emerged from the 2005 Cordoba Conference; this was followed by a number of Ministerial Council Decisions that sought to develop an Organization-wide response for countering discrimination and intolerance against Christians.² These decisions included commitments to action in such fields as legislation, law enforcement, education, data collection, monitoring of hate crimes, media, constructive public discourse and the promotion of inter-cultural dialogue.

As part of these efforts to fight intolerance and discrimination against Christians, ODIHR held its first roundtable on intolerance and discrimination against Christians in Vienna on 4 March 2009.

The roundtable was opened by Ambassador Janez Lenarčič, Director of ODIHR, together with the Honourable Mario Mauro, Personal Representative of the OSCE Chair-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions. The keynote speech was delivered by Professor Malcolm Evans, Dean of the Faculty of Social Sciences and Law at Bristol University and member of the Advisory Council of the OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief. Participants in the roundtable included experts and researchers, representatives of civil society and religious communities, and representatives of other international organizations. The roundtable was opened to representatives of delegations of OSCE participating States. The meeting provided a platform to discuss the nature and scope of manifestations of intolerance against Christians in the OSCE area and to identify possible initiatives and tools that could be developed to counter this problem.

¹ See, for example, "OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century," Maastricht 2003, paragraphs 12, 36.

² Ministerial Council Decisions 10/05, 13/06, 10/07 and the Bucharest Ministerial Declaration (2001).

The roundtable's discussions were organized in two thematic working groups, which met in parallel. The principal issues considered in the working groups were denial of rights and exclusion and marginalization.

This report presents a summary of the main topics of discussion during the roundtable. The views presented at the roundtable and in this report do not necessarily reflect the position of the OSCE or ODIHR. To the extent possible and within its mandate, the recommendations emerging from the roundtable will be followed up by ODIHR.

Framing Intolerance and Discrimination against Christians

Participants in the roundtable agreed that discrimination against Christians in the OSCE region is a genuine problem that merits full attention. Many contributions underlined that it is important to raise awareness on this issue. Increased monitoring and data collection can be instrumental in this respect.

In some participating States, according to speakers, intolerance and discrimination against Christians result in the denial by State authorities of their right to manifest religion. A common example of this cited by participants is the difficulties encountered by Christian churches and associations in obtaining legal status in these countries. Many speakers asserted that in these circumstances, the existence of Christian communities is at risk.

Numerous interventions referred also to more subtle forms of intolerance and discrimination against Christians, which do not necessarily amount to denial of basic religious freedom rights but that nevertheless may infringe upon the freedoms of Christian communities. As one participant put it, it is important not to ignore these examples of intolerance and discrimination, as history has shown that they can lead to more serious incidents.

A number of speakers referred to the existence of discriminatory and intolerant speech and stereotyping, including by the media, across the OSCE area as a growing phenomenon. In this context, accounts were given of Christian religious symbols being the target of offensive discourse.

Many participants reported that Christian places of worship and cemeteries, as well as Christians and their properties, are frequently the objects of violent acts, including vandalism and desecration. The situation of Christian communities in Kosovo was mentioned as a particularly serious example of this.

Denial of Rights, Exclusion and Marginalization

Some participants argued that it is important to make a distinction between intolerance and discrimination in contexts where freedom of religion or belief is generally respected, as opposed to areas where the basic rights to manifest religion or belief are denied.

One speaker defined intolerance and discrimination as actions by a majority against a minority, which may range from animosity to attacks that threaten property and lives. Other contributions, however, argued that such a definition would not take into account the serious problem of intolerance and discrimination against some Christian groups even in parts of the OSCE area where Christians constitute a majority.

Numerous interventions offered examples of the denial of rights of Christian communities in the OSCE area. Some of the problems highlighted included:

- restrictive and burdensome procedures for acquiring legal status, which often result in the denial to Christian groups of the right to function as religious associations;
- difficulties placed in the way of obtaining burial grounds for Christians;
- constraints on the right to establish places of worship;
- limitations on proselytizing; and
- impediments to providing and receiving religious education.

One speaker explained that even if legislation on freedom of religion or belief is formally in line with OSCE commitments, it can be interpreted and implemented very narrowly, thus denying people their rights. He put forward the view that when some religious associations are treated with suspicion by governmental authorities, this amounts to discrimination.

Participants underlined the essential role of civil society in monitoring and reporting incidents of violation of the rights of individuals and religious communities.

Participants also discussed the effects of the separation of church and state. Some contributors argued that although the separation between church and state is a major achievement that serves to guarantee pluralism in society, the separation can also be implemented in ways that are hostile to religion. As one participant put it, when secularity of the state is enshrined as an absolute principle, state actions can transmit the message that religion is not important to society, thus having a chilling effect on believers. Another speaker referred to a prevailing mentality under which religion does not form part of the public sphere.

Several speakers pointed out that laws that may appear neutral can result in indirect discrimination against certain groups of citizens. One example cited was the use of anti-discrimination and hate speech laws to limit freedom of expression and proselytizing by Christian communities. One participant mentioned the university context, where free speech and activities by some Christian groups are prohibited on the basis that some other students may find this speech hurtful or disturbing. Another presenter referred to recent limitations on the right to freedom of expression and the right of churches to manifest their beliefs in relation to ideas and positions that they have held for centuries.

The question of conscientious objection and its relationship to anti-discrimination laws was also an issue of deliberation, in the context of medical and social workers who may conscientiously object to certain approaches or procedures. One participant, for example, raised the problems encountered by some Christian adoption agencies in regard to homosexual couples as potential adoptive parents. Another commented that while certain states allow for conscientious objection by medical and research personnel to some procedures, they also sometimes impose special conditions that could, if misused, create black lists of citizens who are regarded as not complying with the law. One participant claimed that there have been numerous episodes of harassment of medical or social workers opposed for religious reasons to abortion or to same sex marriage.

On the other hand, some contributors maintained that these examples did not constitute intolerance and discrimination against Christians, but should rather be seen as examples of the complex relationship between church and state and the result of the normal friction caused by societal change. Not all interference with the right to freedom of religion or belief amounted to human rights violations, according to these contributors. They contended that state

interference did not necessarily signify intolerance against religion or belief if such state actions occur in a context where basic rights are respected.

Amongst other topics discussed was the issue of religious education. Some speakers underlined the right of parents to have their children educated according to their moral values and mentioned that, in some parts of the OSCE area, this right is not fully implemented. One participant pointed out that the right of parents to provide religious education for their children can be ensured even in situations where the public school system does not foresee religious education, as this can be offered in private settings.

There was a general consensus that intolerant discourse against Christians is present in some media and that it is especially serious when it is aimed at marginalizing Christians. A number of speakers contended, however, that religious organizations that decide to participate in public life should expect to receive criticism as a natural component of democratic public debates.

All participants agreed that these issues should be explored further as there is a general lack of information and awareness on the many issues surrounding intolerance and discrimination against Christians.

Roundtable Recommendations

The following provides a list of recommendations that were put forward during the roundtable. The recommendations were not adopted by the participants and they do not necessarily reflect the consensus of participants, or of the OSCE or the ODIHR. They are directed to participating States and to OSCE institutions.

Recommendations to participating States

1. Promote the right of individuals to know and act upon their rights in the area of freedom of religion or belief. Facilitate the dissemination of this information to religious communities and other civil society actors.
2. Continue to make use of the expertise available from the OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief.
3. Consider the principle of damage liability as a tool to combat hate crimes against Christians, in particular such crimes as desecration of cemeteries.

Recommendations to the Representative of the OSCE Chair-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions

1. Ensure that the problem of intolerance and discrimination against Christians is a central element in the mandate and the work of the Representative.
2. Take into consideration the recommendations of the roundtable, including in the development of issues to examine during country visits.

Recommendations to the OSCE Representative of the Freedom of the Media

1. Follow the issue of intolerant discourse in media against Christians.

2. Consider including the issue of intolerance and discrimination against Christians in self-regulatory material prepared for the media.

Recommendations to ODIHR

1. Continue to raise awareness of the issue of intolerance and discrimination against Christians with participating States, religious communities and NGOs.
2. Focus on the problem of intolerance and discrimination against Christians in both minority and majority settings, in close consultation with NGOs, experts and church representatives.
3. Strengthen activities in the area of intolerance and discrimination against Christians, including through further roundtables and high level exchanges on the issue, as well as the development of practical tools and projects.
4. Consider developing and implementing training projects for civil society, the media and law enforcement agencies on the subject of intolerance and discrimination against Christians, as well as monitoring instances of intolerant discourse.
5. In subsequent meetings and follow-up work, give specific attention to the legal status of religious communities and registration issues.
6. Consider whether radical secularism and extreme forms of political correctness, as well as certain aspects of anti-discrimination laws, may constitute sources of intolerance and discrimination against Christians.
7. Pay specific attention to the question of conscientious objection.
8. Make available, on the appropriate websites (Tandis and Legislationline), relevant legislation on freedom of religion or belief and further develop information on intolerance against Christians.

9. Strengthen monitoring activities in the area of implementation of existing commitments on freedom of religion or belief, and in the area of hate crimes against Christians.
10. Strengthen data collection on desecration of places of worship and cemeteries and make this data available to participating States.
11. Increase co-operation with OSCE field operations in the area of freedom of religion or belief, *inter alia*, in the organization of events aimed at sharing expertise on freedom of religion or belief with State authorities, religious communities and other civil society actors.
12. Intensify co-ordination with the OSCE High Commissioner on National Minorities and the OSCE Representative on Freedom of the Media in the area of freedom of religion or belief.

Agenda

09:00-09:15	Welcome and Opening Remarks Amb. Janez Lenarčič , Director, ODIHR
09:15-09:30	Keynote Address: Framing Intolerance and Discrimination against Christians Prof. Malcolm Evans , University of Bristol, OSCE/ODIHR Advisory Council on Freedom of Religion or Belief During this session, Prof. Malcolm Evans will outline the conceptual approaches and issues which need to be recalled when addressing intolerance and discrimination against Christians. The ensuing plenary discussion will provide an opportunity to further elaborate and refine the concepts introduced by the speaker through the involvement experts and practitioners. The plenary programme will be open to Delegations of OSCE participating States.
09:30 – 11:20	Plenary Discussion Ms. Jo-Anne Bishop , Head of Tolerance and Non-discrimination Department, ODIHR Moderator: The aim of this plenary session is to frame the phenomenon of intolerance and discrimination against Christians within the OSCE context. As the largest regional security organization which views the human dimension as an integral part of a comprehensive concept of security, the OSCE looks at intolerance and discrimination against Christians from a variety of perspectives, including freedom of religion or belief for all, minority rights and the tackling of violent manifestations of hate and denial of rights and fundamental freedoms. Participating States, civil society, youth and education are seen as having a primary role in addressing the root causes of intolerance and discrimination, such as misperceptions and misrepresentations, and promoting mutual respect and understanding.
11:20 - 11:50	<i>Coffee Break</i>
11:50 - 13:00	Simultaneous Thematic Discussions in Working Groups Working groups' sessions will provide an opportunity for participants to discuss the themes and issues identified in the plenary session in a confidential setting. Discussion in the working groups will also focus on formulating recommendations for participating States, OSCE institutions and other relevant actors in combating the phenomenon of intolerance against Christians. The working groups will be held under the Chatham House Rule.³ <u>Working Group 1 (Ratsaal, Fifth Floor): Denial of Rights</u> Moderator: Mr. John Kinahan, Forum 18, OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief Intolerance and discrimination based on religion or belief restricts the rights and freedoms of individuals. In the OSCE area, numerous instances of limitations to the right to freedom of religion or

³ "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed". See <http://www.chathamhouse.org.uk/about/chathamhouserule/>.

Moderator:	belief have been reported. In some instances, these are the result of State policies and practices to exclude individuals manifesting a religion or belief from the enjoyment of their rights. This working group will discuss how these policies and practices affect Christians in particular throughout the OSCE area. It will identify possible initiatives and tools to address this in support of existing OSCE human dimension commitments and international human rights standards. <u>Working Group 2 (Segmentgalerie II, First Floor): Exclusion and Marginalization</u> Dr. Gudrun Kugler, International Jurist Reports on violent manifestations of hate against Christians in the OSCE region include accounts of incidents and attacks on the part of non-state parties. Such manifestations often take place in a context of social exclusion and marginalization, where intolerant discourse and public attitudes play an influential role in exacerbating misperceptions and stereotypes. This working group will try to identify specific trends, related incidents and other manifestations of hate or discrimination by non-state parties against Christians in the OSCE area. It will identify possible initiatives and tools to address this in support of existing OSCE human dimension commitments and international human rights standards.
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13:00 – 14:30	Lunch Break (lunch provided)
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14:30 – 15:30	Simultaneous Thematic Discussions in Working Groups - continued
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15:30 – 16:00	Coffee Break
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16:00 – 17:00	Plenary Session: Reports of the Working Groups Conclusions
Moderator:	Archpriest Vsevolod Chaplin, Moscow Patriarchate Department for External Church Relations, OSCE/ODIHR Advisory Council on Freedom of Religion or Belief

17:00 - 17:30	Plenary Session: Conclusions
	Mr. Mario Mauro, Personal Representative of the Chair-in-Office of the OSCE on Combating Racism, Xenophobia and Discrimination, also focusing on intolerance and discrimination against Christians and members of other religions Amb. Janez Lenarčič, Director, ODIHR

List of Participants

Experts/Researchers

Mr. Reinhard Backes, Bonn
Ms. Bermet Bukasheva, Lista Newspaper, Bishkek
Dr. Benjamin Bull, Alliance Defense Fund, United States
Mr. Simon Calvert, The Christian Institute, Newcastle upon Tyne
Dr. Paul Diamond, Barrister, London
Prof. Massimo Introvigne, Director of the Center for Studies on New Religions (CESNUR), Turin
Dr. Francis Jubert, Fondation de Service Politique, Paris
Dr. Gudrun Kugler, International Jurist, Vienna
Dr. Andrea Morigi, Aid to the Church in Need, Italy
Mr. Grégor Puppink, European Center for Law and Justice, Strasbourg
Prof. Andreu Rocha, Regina Apostolorum Pontifical University, Rome
Prof. Dr. Thomas Schirrmacher, International Institute for Religious Freedom, Germany
Ms. Mine Yildirim, Human Rights Institute, Åbo Akademi, Finland
Mr. Joseph Wood, German Marshall Fund

NGOs/Research Centers

Ms. Joanna Chellapermal, European Platform against Religious Intolerance and Discrimination, Brussels
Ms. Cathy Cosman, United States Commission on International Religious Freedom
Mr. Draško Djenović, Forum 18 Serbia / The former Yugoslav Republic of Macedonia
Mr. Gunnar Martin Ekeløve-Slydal, Norwegian Helsinki Committee
Dr. Mattia Ferrero, Associazione Dossetti "I Valori", Milan
Dr. Kevin Seamus Hasson, Becket Fund for Religious Liberty, Washington, D.C.
Ms. Joëlle Fiss, Human Rights First, United States
Dr. Leonard Leo, The Federalist Society, United States
Mr. Dag Nygård, Oslo Coalition on Freedom of Religion or Belief, Norway
Ms. Barbara Sivertsen, Oslo Coalition on Freedom of Religion or Belief, Norway
Mr. Jeroen Temperman, Irish Center for Human Rights
Mr. Aleksander Verkhovsky, SOVA Center, Moscow
Dr. Yevgeniy Zhovtis, Kazakhstan International Bureau for Human Rights and Rule of Law

Religious Communities/Associations

Bishop Hilarion Alfejev, Russian Orthodox Church, Vienna/Brussels
Mr. Mones Farah, Meadgate Church, Great Baddow Essex
Ms. Elizabeta Kitanović, Conference of European Churches, Brussels
Mr. Aleksandr Klyushev, Association of [Protestant] Religious Organisations of Kazakhstan
Don Pren Kola, Albanian Catholic Mission, Vienna
Mr. Mats Tunehag, European Evangelical Alliance, Stockholm
Ms. Katherine Cash, Swedish Mission Council
Msgr. Piotr Mazurkiewicz, Commission of the Bishops' Conferences of the European Community
Bishop Porfyrios of Neapolis, Church of Cyprus, Brussels
Mr. Hanspeter Ruedl, Austrian Bishops' Conferences Justice and Peace Commission, Vienna

International Organizations

Ms. Anastasia Crickley, EU Fundamental Rights Agency

OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief

Prof. Sima Avramovic, University of Belgrade; OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief

Archpriest Vsevolod Chaplin, Moscow Patriarchate; OSCE/ODIHR Advisory Council on Freedom of Religion or Belief

Prof. Malcolm Evans, Bristol University; OSCE/ODIHR Advisory Council on Freedom of Religion or Belief

Dr. Jeremy Gunn, American Civil Liberties Union (ACLU); OSCE/ODIHR Advisory Council on Freedom of Religion or Belief

Mr. John Kinahan, Forum 18; OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief

Dr. Otmar Oehring, Missio-Aachen; OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief

Prof. Rafael Palomino, Complutense University, Madrid; OSCE/ODIHR Advisory Council on Freedom of Religion or Belief

OSCE Chairmanship

Mr. Mario Mauro, Personal Representative of the Chair-in-Office of the OSCE on Combating Racism, Xenophobia and Discrimination, also focusing on intolerance and discrimination against Christians and members of other religions

Ms. Vittoria Venezia, Assistant to Mr. Mario Mauro

OSCE Field Operations

Mr. Filaret Motco, Senior Political Officer, OSCE Center in Bishkek

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ODIHR

Ambassador Janez Lenarcic, ODIHR Director

Ms. Jo-Anne Bishop, Head of ODIHR Tolerance and Non-discrimination Department

Mr. Jens Eschenbaecher, ODIHR Spokesperson

Ms. Floriane Hohenberg, Deputy Head of ODIHR Tolerance and Non-discrimination Department

Dr. Simona Santoro, ODIHR Adviser on Freedom of Religion or Belief

Ms. Aleska Simkic, Special Adviser to the ODIHR Director

Observer

Mr. Judah Schroeder, University of Essex