

Documentation

U. S. A. Delegation to the OSCE Implementation Meeting on Human Dimension Issues

Statement by Gerard F. Powers

RELIGIOUS LIBERTY

October 17, 1995, in Warsaw, Poland

As has been noted on previous occasions, great progress has been made in the area of religious liberty in the OSCE states. Previously closed churches have been reopened and religious groups now have more freedom to publish and distribute literature and maintain contacts with fellow believers in other nations. The U.S. delegation is particularly appreciative of the strong statements made by President Boris Yeltsin of the Russian Federation in defense of religious liberty and pluralism when certain forces in Russia attempted to narrow religious freedom by passing restrictive legislation.

The U.S. delegation would note, however, four areas of concern in the area of religious liberty today.

First, some OSCE States show a tendency to give to the traditional majority religious body, the so-called "state church," legal preference or even "de facto" control over the activities of minority or "non-traditional" denominations. Many of these minority denominations face impediments, often imposed at the behest of the majority church, in owning or gaining the return of property, holding religious services, printing religious literature, and gaining access to the media. Moreover, unreasonable conditions for registration of religious groups, such as requiring that a religious group have a minimum number of adherents, have the effect of limiting the freedom of some minority religions.

The U.S. delegation is aware that some OSCE countries have a long tradition of maintaining an official or state religion, without infringing on the rights of other denominations. A law is currently being considered in Romania which would make the Romanian Orthodox Church the National Church of Romania. The implication of this law is not fully known, but we trust it would not result in the limitation of the rights of the many other faiths in Romania.

Incidentally, we note that in the United States all denominations, like any secular group of citizens, are legally entitled to equal access to public property for the conduct of their religious or public activities. There is no "veto" of one religious organization over another. Other OSCE states might consider adoption of such "equal access" policies for all religious faiths.

Secondly, we note that some OSCE states have promulgated laws against proselytizing. These laws seem to impinge upon the freedom of religious expression, including the right to attempt to persuade others to change their beliefs, whether political, moral, or religious. The tragic history of past centuries should tell us that the law should not be the forum where theological issues are decided. Rather, the U.S. delegation urges that OSCE states work to protect the right to engage in an open and free discussion of religious ideas, so that each person may choose to believe, or not believe, according to the dictates of his or her own conscience.

Third, while the majority of the OSCE states guarantee religious liberty in their national legislation, these guarantees are sometimes disregarded at the local level. Evangelical Christians in Uzbekistan, for instance, report that local authorities have denied the Word of Faith religious group the right to register their organization, and their church building has been closed on the basis of minor complaints. Even more distressing are reports from Kyrgyzstan that Pentecostal believers in rural areas are subjected to physical attacks by criminal elements, and that the local police make no efforts to come to their defense. In Armenia, members of the Hare Krishna faith have been arrested and subjected to physical abuse on numerous occasions, including at times by members of the military, with no response by local authorities.

Finally, our delegation is concerned about restrictions on "foreign" religious bodies. Laws in Belarus, for example, prohibit foreigners from holding leadership positions, and give the Council of Religious Affairs considerable discretion in excluding foreign religious workers. Similar provisions exist or are being considered in other OSCE states. Certainly, it is the right of a sovereign state to maintain the integrity of its borders. An applicant for entry, however, should be treated equally before the law, regardless of religious affiliation, gender, country of origin, or other arbitrary criteria. The U.S. delegation urges OSCE states to consider adopting entry policies that utilize neutral criteria for foreign religious workers in conformity with the general democratic principles of free movement of people and ideas across national boundaries.

Mr. Moderator, let me emphasize in closing that our delegation recognizes the essential role of governments in protecting the life, liberty and property of its citizens, and the corollary right of governments to take legal measures against groups--secular, religious, or pseudo-religious--that violate such rights. We do not believe it is helpful or justified for the state to impose special legal burdens on religious believers in order to deal with abuses that are better addressed through ordinary civil and criminal laws. Religious believers, for their part, must act responsibly and be strong voices for tolerance and understanding. The intolerance exhibited by some religious groups in some OSCE states is deeply troubling.

Given the restrictions being imposed by some OSCE states on minority, non-traditional, and foreign religious believers, and other religious liberty problems, we would like to learn more about the Holy See's proposal to devote a seminar to the question of legal protections for religious liberty.

Thank you, Mr. Moderator.