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ODIHR provides new guidance on FORB and security

OSCE/ ODIHR (19.09.2019) - <https://www.osce.org/odihr/430463> - Amidst increasing security-driven restrictions on the right to freedom of religion or belief in the OSCE region, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) published *Freedom of Religion or Belief and Security: Policy Guidance* on 19 September 2019. This new publication, launched at a side event of the Human Dimension Implementation Meeting 2019 in Warsaw, provides guiding principles, practical guidance and recommendations to ensure a human rights-based, gender-sensitive approach to freedom of religion or belief and security for policymakers and security practitioners, civil society organizations, religious or belief communities, and the media.

"This policy guidance seeks to contribute to the much-needed reframing of the discourse on freedom of religion or belief and security in the OSCE region and to inform practice in this area," said Kishan Manocha, ODIHR Senior Adviser on Freedom of Religion or Belief. "It offers practical guidance to help OSCE participating States ensure their security measures are in line with their international obligations and commitments in this area." Some 50 participants drawn from state authorities, civil society organizations, religious or belief communities, academic institutions, and the media attended the launch event. ODIHR will present the recommendations contained in the policy guidance at a number of roundtable discussions and other meetings to be convened across the OSCE region in the coming months.

Contacts

OSCE Office for Democratic Institutions and Human Rights

Public Affairs Unit

Office: +48 22 520 06 00

Fax: +48 22 520 06 05

PublicAffairs@odihr.pl

Open Letter to the OSCE/ODIHR

***Will it be worthwhile participating in the next HDIM?
All the participants' statements and papers in the last five years have just been removed from the website of the OSCE/ODIHR.***

For more than 20 years, I have participated in the annual OSCE/ ODIHR conference in Warsaw, now called Human Dimension Implementation Meeting (HDIM), a unique

advocacy event for human rights defenders and CSOs, that started in the military barracks near the airport where, in 1955, the Warsaw Pact was signed.

I have regularly used the database of all the statements and speeches compiled on the website of ODIHR for my research, my papers and my conferences.

Earlier this month I again visited the website of the OSCE/ ODIHR on several occasions, until a few days ago I discovered that

ALL the pages devoted to the HDIM from the very beginning of this process until 2013 had suddenly and silently 'disappeared'.

ALL the statements and speeches filed under the HDIM 2014, 2015, 2016, 2017, 2018 had also 'disappeared'.

What was kept on the website is irrelevant information: Hotels in Warsaw – Hotels Special Rates – Cost for Side Event Services, etc.

There was apparently a will to cleanse disturbing information, which looks like an act of censorship.

The statements at HDIMs and before have been erased from the history and the memory of the OSCE. This is not only its property but it is also the property of human rights NGOs and victims of human rights violations. This heritage is also the property of this and the next generations of human rights activists.

The materials presented at HDIMs is a monument to the victims of totalitarian and dictatorial regimes and also a reminder of the fragility of human rights in democratic states and as such, it is similar to a monument dedicated to the victims of Nazism and Communism.

Why was such a sacrilege perpetrated? Who was mandated to make such a mutilation? What is behind such a move? Did it disturb Participating States?

Will the statements and speeches of the 2019 HDIM also soon 'disappear' in the bowels of the oblivion as if the human rights violations denounced by CSOs had never existed?

Is it worth going to the 2020 HDIM if it is reduced to a confidential exchange of oral statements and rights of reply doomed to be withdrawn from the public eye after a short time?

Our recommendation to the OSCE/ ODIHR is simple: Fully restore the archives of the HDIM process and make them accessible again to the international community.

Human Rights Without Frontiers (Brussels)
Willy Fautré, director

Statement of Serbia's delegation to the OSCE about persecution in Kosovo

Statement by Dusan Kozarev for the Human Dimension Implementation Meeting 2019 of the OSCE/ODIHR

OIDHR (24.09.2019) – <https://bit.ly/2IFNdYv> - Good afternoon, I am Dusan Kozarev, Deputy-Director in the Office for Kosovo and Metohija of the Government of the Republic of Serbia. It is my honour to speak at this Panel on Tolerance and Non-Discrimination, and I intend to inform you of an unacceptable discrimination still being enforced on the European soil against the Serbian people in the Southern Serbian Province of Kosovo and Metohija. There, the fundamental human rights of Serbs are being routinely violated, including the rights to life, to movement, to property, to belonging, to their ethnic and religious community. There are no positive developments to report since the previous OSCE Human Dimension event in Warsaw; moreover, the situation worsened. We are witnessing intensified intimidation aimed both at compelling Serbs to leave Kosovo and Metohija and preventing the displaced ones to return. There were some 70 ethnically driven attacks against Serbs, throughout the course of the year behind us.

In October 2018, during a single night in the Municipality of Klina, Albanians broke in 25 homes of Serbian returnees. Few days later, in the Municipality of Peé a Serbian home was set on fire. Pristina exerts, tolerates, and fails to sanction various pressures against Serbs, and this effectively hinders their return.

November 2018 was the harshest period for the Serbs in that year. Firstly, on 6 November Pristina introduced 10% taxes on the incoming goods from Central Serbia and Bosnia and Herzegovina, and then on 21 November increased the taxes to 100%, as an unprecedented move in recent history, despite the regional free-trade agreement in force (CEFTA). This Pristina's anti-civilizational measure disrupted the regular supply of food, medications, technical supplies, the basic hygiene commodities. Besides this targeted economic isolation, the Serbian community was exposed to additional concerns caused by incursion of the Special Unit ROSU in the northern Kosovska Mitrovica, raiding several sites and arresting four Serbs under false charges of their alleged involvement in the assassination of Serb politician Oliver Ivanović. The true executors of this heinous crime are still not identified.

December 2018 saw a repeated practice of intimidation of Serbs by writing "KLA" graffiti in the Municipality of Lipljan on the walls of: an elementary school, a Serbian-owned home, a chapel at the local Orthodox cemetery, and the local Monument of Fallen Serbian Fighters in the Liberation Wars. For Serbs, "KLA" graffiti epitomize crimes committed by this terrorist organization during the fighting.

In January 2019, in the vicinity of the Monastery of the Assumption of Mother of God, some hundred Albanians gathered for their regular annual preventing the former, now-displaced, fellow citizens from Dakovica to celebrate Christmas Eve and Christmas Day. Pristina's true nature was revealed by their seizure of the New Year's and Christmas gifts for Serbian children from Gorazdevac and Osojane. **In February**, near Orahovac, the memorial plaque marking the place of abduction of TV journalists Duro Slavuj and Ranko Perenić in August 1998 was removed, for the seventh time. Shortly thereafter the St. Trinity Church in the Municipality of Urosevac was plundered and desecrated.

During **March and April 2019** the usual practice of theft of Serb-owned property, from seedlings to livestock to vehicles and tractors, was continued. A church in the village of Suvi Do was plundered and desecrated. Harassment of Serbs at the checkpoints went on, and the Kosovo Police banned entry to the FC

Novi Pazar Juniors, bound for a match in Zubin Potok. The police also continued the arrest of Serbs from the secret list of indictments for alleged war crimes.

Full force of brutality of the Kosovo Police exploded in **May 2019** when its special units raided four northern Municipalities with Serbian majority population. Their six-hour violent action almost provoked a serious armed interaction. Contrary to the provision that any north-bound action has to be sanctioned by Police Commander for the North and KFOR, this one was carried out without prior notice, in a three-pronged incursion aimed at intimidating, stirring panic, and arresting persons under charges of alleged organized crime. Tear gas, shock bombs, and live ammunition were used against civilians. 28 persons (19 KPS officers and 9 civilians) were arrested. Also arrested were two UNMIK staff under diplomatic immunity, including Russian citizen Mikhail Krasnoschhenko who was also severely beaten up.

Let me recall that back in March 2018, those same special units arrested Marko Durić, Director of the Office for Kosovo and Metohija and Head of Negotiating Team with Pristina. By arresting and beating of Lead Negotiator of the Republic of Serbia, and arresting and beating of an international mission staff, Pristina sends a crystally clear message to the remaining Serbs: "If we dare do this to persons protected by diplomatic immunity, just imagine what we dare do to you. Leave!"

In response to the special forces raiding the North of Kosovo and Metohija, President of the Republic of Serbia Aleksandar Vučić pre-emptively ordered full combat readiness for all units of the Serbian Armed Forces. However, as the Republic of Serbia stayed true to being committed to peaceful solution of problems in this instance, too, this incursion did not evolve into an all-out armed conflict. For Belgrade, threatening the Serbian lives in Kosovo and Metohija is the "red line". The international community, sadly, remained very quiet.

August 2019 saw another blatant discrimination against Orthodox Serbs in Kosovo and Metohija, in hoisting the so-called Kosovo flag on the walls of Serbian medieval town of Novo Brdo, as an act of gross revision of history. The Novo Brdo Fort is among key Serbian historical and archaeological sites, and any Albanian attempt to appropriate it is but an act of forging history and aimed at the deepening the inter-ethnic abyss in Kosovo and Metohija. Obviously; the Serbian cultural heritage in Kosovo and Metohija is in a dire need to be protected. Albanians seek to go beyond mere plundering and destroying Serbian shrines and heritage, they seek to fully usurp and falsify Serbian history and, eventually, erase any trace of existence of Serbs in the area of Kosovo and Metohija.

Another danger, both for Serbs and for Albanians, is the return of battle-hardened fighters from the battlefields in Syria and whole Middle East. According to the State Department report for 2017, 403 Albanians from Kosovo and Metohija went to war for terrorist organization dubbed Islamic State in Syria and Iraq, it is estimated that more than 250 ISIS fighters returned to Kosovo and Metohija, posing a real danger for the Balkans and Europe. Presently, one of the last remnants of Jihadist struggle in Syria is an all-Albanian unit, called Jamati Alban. According to Albanian media, more than 50,000 people in Kosovo and Metohija practice Wahhabism, the most radical form of Islam.

In spite of this all, the Republic of Serbia remains patient and prudent, committed to dialogue and peace and to a compromise-oriented settlement of the centuries old Kosovo knot, and to enhancing cooperation in the region.

EU statement: Freedom of thought, conscience, religion or belief

EU (19.09.2019) – Mr. Moderator,

The EU attaches the greatest importance to the promotion and protection of freedom of thought, conscience, religion or belief as a fundamental human right and has made it one of the priorities of its human rights foreign policy. The EU Foreign Affairs Council adopted specific Guidelines in June 2013 which contain clearly defined priorities and tools for the promotion of Freedom of Religion or Belief worldwide.

With these Guidelines, the EU reaffirms its determination to promote freedom of religion or belief as a right to be exercised by everyone everywhere, based on the principles of equality, non-discrimination and universality.

In doing so, the EU focuses on the right of individuals, to believe or not to believe, and, alone or in community with others, to freely manifest their beliefs in public or in private, in worship, observance practice and teaching, without fear of intimidation, discrimination, violence or attack. Individuals have also the right to change one's religion or belief or to renounce it. The EU does not consider the merits of the different religions or beliefs, or the lack thereof, but ensures that the right to believe or not to believe is upheld.

Our recommendations are:

- Participating States should fulfil their commitments by facilitating groups, associations and communities built upon religious and/or non-religious beliefs to peacefully operate and publicly manifest their beliefs, and respecting their autonomy. We underline the importance of establishing fair and clear rules and procedures which do not infringe upon OSCE commitments and international human rights standards, as outlined in the OSCE/ODIHR "Guidelines on the legal personality of religious or belief communities".
- States have an obligation to guarantee human rights protection, and to exercise due diligence to prevent, investigate and punish acts of violence against persons based on their religion or belief. Violence or the threat thereof – such as killing, execution, disappearance, torture, sexual violence, abduction and inhuman or degrading treatment – are widespread phenomena that have to be addressed.
- We assert that violence against persons, groups or communities, and against the right of individuals to freedom of thought, conscience, religion or belief, is unacceptable under any circumstances, and we strongly encourage state and other influential actors in a society, whether religious or not, to speak out against acts of violence and to publicly denounce such acts at the highest level. Violence perpetrated under the pretext of a religious prescription or practice, such as violence against women and girls including "honour" killings, female genital mutilation, child early and forced marriages as well as violence perpetrated against persons based on their sexual orientation or gender identity is also unacceptable.
- The promotion of religious tolerance, respect for diversity and mutual understanding are of utmost importance with a view to creating an environment conducive to the full enjoyment by all persons of freedom of religion or belief. The

EU calls on states to promote, through the educational system and other means, respect for diversity and mutual understanding by encouraging a wider knowledge of the diversity of religions and beliefs within their jurisdiction.

- States have a duty to protect all persons within their jurisdiction from direct and indirect discrimination on grounds of religion or belief, whatever the reasons advanced for such discrimination. This includes the duty to rescind discriminatory legislation, implement legislation that protects freedom of religion or belief, and halt official practices that cause discrimination, as well as to protect people from discrimination by state and other influential actors, whether religious or non-religious.
- States must fight against violations of freedom of religion or belief in an inclusive manner, whereby avoiding any discrimination in favour of or to the detriment of a particular religion or belief.
- Freedom of religion or belief and the freedom of expression are interdependent, interrelated and mutually reinforcing rights. Taken together, freedom of religion or belief and freedom of expression play an important role in the fight against all forms of intolerance and discrimination based on religion or belief. We highlight the positive role that free and independent media can have on preventing the increase of bias and prejudice based on religion and in promoting mutual respect and understanding, including through specific educational and awareness-raising programmes.
- We stress the important role of political leaders, elected and state officials, as well as civil society and religious leaders, in denouncing in a clear and timely manner public manifestations of intolerance based on religion or belief.
- Freedom of religion or belief is also an essential pillar of safe and peaceful societies. It is linked to freedom of opinion and expression, to freedom of association and peaceful assembly, without which there can be no freedom of religion or belief, as well as other human rights, and fundamental freedoms, all of which contribute to the establishment of pluralistic, tolerant, inclusive and democratic societies. Conversely, violations of freedom of religion or belief are often early warnings of potential tensions or conflicts.
- We are concerned about the persistence of cases of violations of freedom of religion or belief in the OSCE area. These violations, whether committed by state or non-state actors, may take various forms: acts of discrimination or violence on the basis of religion or belief or committed in the name of religion, undue restrictions on freedom of religion or belief. Restrictions often imposed by States include the denial of legal personality to religious or belief communities, denial of access to places of worship, assembly and burial, repression of unregistered religious activities, the outright banning of a religion on the pretext of the fight against terrorism or extremism.
- We encourage the OSCE states to invite UN Human Rights Special Procedures, particularly the Special Rapporteur on Freedom of Religion or Belief, and to accept and implement UN recommendations, including from treaty monitoring bodies and the Universal Periodic Review.
- We encourage ODIHR to address the issue of freedom of religion or belief, including its connection to the issue of tolerance and non-discrimination, in the framework of its wider work on the fight against all forms of intolerance and discrimination.

- We support the promotion of opportunities for an open dialogue among representatives of religious and non-religious groups and policy makers on all relevant issues.
- We express our full support for the work of ODIHR and its Advisory Panel on Freedom of Religion or Belief, which provides legal support to participating States in the implementation of their OSCE commitments. We also encourage cooperation between The European Union, the OSCE, the Venice Commission, the Council of Europe and the United Nations Special Rapporteur on freedom of religion or belief.

Thank you.

The Candidate Countries REPUBLIC of NORTH MACEDONIA*, MONTENEGRO*, SERBIA* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA countries ICELAND and LIECHTENSTEIN, members of the European Economic Area, as well as REPUBLIC OF MOLDOVA, ARMENIA and GEORGIA align themselves with this statement.

* Republic of North Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.
