



HELSINKI COMMISSION BRIEFING

UNITED STATES COMMISSION ON
SECURITY AND COOPERATION IN EUROPE

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Religion or Belief

I. Registration of religious communities is known to most, probably to all legal systems in the world in one form or another as centralised or decentralised registration. It need not be a roadblock to religious freedom. In fact, it can free the way to more, positive religious freedom, if correctly performed.

Often, religious communities carry a variety of special religious needs of organisation, different from other associations. Freedom of organisation is a key issue of freedom of religion. Registration as religious organisation can mean attributing special autonomy to religious communities like it is the case e.g. in Sweden. It can open the door to specific rights like tax exemptions, rights to perform religious marriages with civil effects, access to positive public funding, et. al. Especially in countries with a legal infrastructure still further to be developed distinct registration can clear the positive status for religious communities; religious communities would not depend on various and possibly diverging decisions of many different case to case decision makers.

Registration can thus facilitate co-operation between state authorities and religious communities, co-operation being a striking and positive characteristic feature of the culture of many a country in religious matters.

We should not forget that religion can also be misused for detrimental activities. It can be misused to exploit the members of religious communities. It can be misused to seduce people to perform criminal, even terrorist assaults. Registration can be a means to averting dangers to public safety.

Registration, though, can be misused to jeopardise religious freedom.

II. Registration and registration procedures must meet certain standards, among which figure as probably most relevant:

1. Religious activity also in and as community must be possible even without being registered as a religious community.
2. The minimum number of members required for registration must be legitimised by the status acquired by registration.
3. There should be no minimum period of existence before registration required. Any such requirement must have good reasons in the specific status that may follow from registration.
4. Registration must be based on equal treatment of all religious communities.
5. The administration fee for registration must be adequate.
6. The process of registration must follow due process of law.
7. The loss of the registered status must follow due process of law.

III. Actions taken by the OSCE or other organs of international community to safeguard religious freedom should be further developed.

- 1) OSCE must be conscious and considerate of local cultures and long standing traditions.
- 2) OSCE should assist to foster positive religious freedom encouraging governments to help religious communities to actively perform their religion.
- 3) OSCE activity in the field of freedom of religion must be ready to involve in processes of long duration.
- 4) OSCE should encourage and engage in co-operation with governments and religious communities in creating and maintaining an atmosphere of tolerance and co-operation.

