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**Intervention at the OSCE Human Dimensional Meeting:
Freedom of Religion or Belief (Session 2): Registration Laws**
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Final transcript draft

Compare against recording

OSCE Mechanisms

Before I discuss the lingering problems of overly restrictive legislation towards religion in the OSCE region, I should first like to reflect briefly on the positive role that the OSCE continues to play in the promotion and protection of the freedom of religion or belief. The OSCE Panel of Experts remains an invaluable resource for member-states and civil society as it not only issues sound general advice, but also regularly reviews legislation to ensure compliance with OSCE standards. Additionally, the July Supplementary Session organized by ODIHR was constructive in drawing more attention to looming concerns over religious education, registration laws, conscience clauses, religious expression, and places of worship. The OSCE remains one of the foremost advocates for this fundamental freedom, but that does not mean it cannot do more, for it was mentioned in July that the OSCE member states have committed themselves to standards that are higher and stronger than the Universal Declaration on Human Rights and the ICCPR. Indeed, member-states of the OSCE have committed to 6 different treaties that explicitly protect the freedom and manifestation of religion or belief.

Problematic Religious Registration Laws

While problems persist with a number of aspects of religious freedom, the greatest inhibitor to robust religious freedom in the OSCE region remains the existence of overly restrictive registration laws. In Germany, Jehovah's Witnesses are not given full rights as a religious organization. In France, cult laws unduly burden religious minorities. In Turkey, laws restrict the property rights of Orthodox Christians and Alevi Muslims. In Azerbaijan, recently approved amendments to religion laws include such restrictions such as banning foreign citizens from leading prayers in mosques and requiring leaders of religious organizations to be approved by the state. In Uzbekistan, over the summer a Baptist church was fined for being unregistered.

Three countries that deserve more attention on account of their overly restrictive registration laws are unfortunately coming from the same region: Tajikistan, Kazakhstan, and Kyrgyzstan.

Tajikistan

In May, President Rakhmon of Tajikistan signed a new religion law that imposes sweeping controls on religious activity and religious associations, particularly on mosques. This law unduly burdens new religious associations with registration hurdles and even imposes censorship on religious literature.

Kazakhstan

Problems with registration laws persist in Kazakhstan, where despite the positive development earlier this year when a problematic draft religion law was rejected by the Constitutional Court, minorities continue to face harassment in the state-run media and also in the public square for expressing their religious beliefs.¹ Additionally, the government of Kazakhstan has indicated that it may revive the draft religion law amendments. Perhaps the Kazakh delegation can speak to the status of those amendments.

Kyrgystan

Just this month, Kyrgystan has proposed a similarly overly restrictive law. The current draft would impose sweeping controls on who can open religious educational institutions, would ban all but approved and licensed institutions, and would ban individuals from seeking religious education abroad without state approval.

Why are these laws problematic?

Although such laws are often presented as responses to security threats or as a means of civil order, they are written in a way that oppresses minorities and new religious groups. As a result, they shut whole people groups out of the public square and crack down on their ability to associate and express themselves. Such laws are extremely short-sighted, for in the long-term, groups are pushed underground, become frustrated and therefore look for other options to express themselves and all too often turn to extremism.

Then how should government address "non-traditional" religions?

So what should member-states be doing with all of these groups, especially the unfamiliar minority groups that may not be "traditional" in their cultures? Countries should seek to bring these groups into the mainstream. Allow religious groups to interact in public, whether they are registered or not, and extremists will be neutralized through the free exchange of ideas while also guaranteeing universal religious freedom. As for addressing groups that use violence, every state in the OSCE has laws against assault, incitement to violence, fraud, and blackmail. Such laws are the central to rule of law and should be applied in a neutral manner to any such crime. However, using religion laws to paint broad brush

¹ Under the Current Administrative Code two Articles punish peaceful religious activity. These are: (1) Article 374-1, which punishes "leading, participating in or financing an unregistered religious community or social organization"; and (2) Article 375, which punishes "violating the law on religion", including by leaders who reject state registration, by communities whose activity "contradicts their aims and tasks" or which is not listed in their state-approved statutes, and by individuals who conduct "missionary activity" without a special license from the state.

strokes across religious groups will only chip away at our cherished liberties and our securities in the long run.