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The status of religious rights in both society and under law is significantly challenged across the OSCE region. From draconian legislative measures to discrimination directed at religious minorities, the current climate of religious freedom in some Eastern, Central European and Central Asian states fails to evidence a significant departure from the repressive practices put in place under the Soviet system.

Discriminatory practices towards minority groups also occur in Western European countries, such as Austria, Belgium, France and Germany. Repression of religious freedom in Western Europe must be addressed and dealt with through political and diplomatic tools readily available through the OSCE system.

There are two key factors which highlight the devolution of religious rights in Central and Eastern Europe, particularly in the scope of legislative restrictions. First, many of the states in the region have yet to amend the religion laws from the Soviet days. It is the belief of these states that to be a modern European state, the laws must be amended to demonstrate a substantial degree of progress away from Soviet-era systems. Second, and immediately following on the footsteps on the first, these states mistakenly believe that it is imperative that there *be* religion laws at all, and they are using as models restraining legislation from European states such as Austria, Belgium and France.

Religion laws in states such as Austria, Belgium, and France attempt to target religious minority beliefs and practices and interfere with religious pluralism, thus undermining accepted democratic practices. Such legislation infringes on religious freedom and should not be used as a model by states in Central and Eastern Europe and Central Asia.

OSCE participating states with problematical religion laws include: **Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, France, Greece, Kazakhstan, Macedonia, Moldova, Romania, Russian Federation, Serbia, Slovenia, Tajikistan, Turkey, Turkmenistan and Uzbekistan.**

Following is an introduction to the status of religious freedom in Europe and Eurasia. The list is not intended to be exhaustive of all the current freedom restricting laws, but rather to highlight particular examples of freedom restrictions which fail to meet OSCE and human rights standards.

ALBANIA

Article 10 of the Constitution of Albania states no official state religion and recognizes the equality of religious communities. However, in practice the traditional religions and predominant religious communities, such as Bektashi, Sunni Muslim, Roman Catholics and Orthodox Church receive a favorable treatment by the state.

A draft of the law on religions by the State Committee on Cults is in discord with the OSCE and European norms. The positive stipulations in the law guarantee basic religious freedom to all religious groups and communities; however, there are several provisions that are intended to undermine freedom of religion in Albania. One of the proposed new provisions sets a high threshold of 500 followers for a community to register with the state. Another condition restricts activities of unregistered religious communities and limits free speech, directly contradicting standards of the OSCE.

The new draft of the law on religion is viewed by the OSCE as unnecessary, as the Constitution does not warrant for a special law on religion and the current version better reflects international standards for religious freedom.

There have been isolated incidents of attacks or discrimination of religious minorities. Jehovah's Witnesses came under pressure following the allegations against the religious group's influence in a series of juvenile suicides. Other isolated incidents of mistreatment of religious communities reflect a rather weak rule of law in the country than the state intent to discriminate against and prosecute religious minorities.

AUSTRIA

The Government of Austria possesses two laws classifying various religious organizations – the 1874 Law on Recognition of Churches and the 1998 Law on Status of Religious Confessional Communities. These laws have partitioned faith groups into three classifications: state-acknowledged religious societies, confessional communities and associations.

As the only classification recognized by the state as a religion, religious societies hold multiple advantages. The 1874 law guarantees to religious societies tax-related privileges, public freedom of expression protection, instruction in public schools by believers' own, government assistance of religious private schools, military chaplains of members' same faith and weekly television air time provided free of charge by the government.

Thirteen religious societies presently operate in Austria: the Roman Catholic Church, the Protestant churches (Lutheran and Presbyterian, called "Augsburger" and "Helvetic" confessions), the Islamic community, the Old Catholic Church, the Jewish community, the Eastern Orthodox Church (Russian, Greek, Serbian, Romanian, and Bulgarian), the Methodist Church of Austria, the Church of Jesus Christ of Latter-day Saints (Mormons), the Armenian

Apostolic Church, the New Apostolic Church, the Syrian Orthodox Church, the Buddhist community, and the Coptic Orthodox Church.

The 1998 Law on Status of Religious Confessional Communities created new requirements for organizations to qualify for religious society status. Under section 11 of the 1998 law, religious groups must meet the following criteria:

1. be in existence for a period no shorter than 20 years; the group must be classified as a confessional community for at least 10 of these years;
2. have a membership equaling 2 persons for every 1000 Austrian citizens, or 16,000 members;
3. possess a “positive attitude toward society and the State;”
4. not initiate or take part in illegal disruption of relationships of other recognized religious societies or any other religious communities.

If the thirteen current religious societies in Austria were to abide by these standards only four would qualify for state recognition.

The second tier of religious organizations is the confessional community. In order to be classified as a confessional community, a religious organization must apply through the Ministry of Education and Arts. The application process includes providing proof of 300 group members in residence in Austria, providing documentation of the group’s belief system and its differences from other already recognized organizations. The Ministry of Education and Arts has the power to deny the application on the basis that “the teachings of their application are against the public safety interests of a democratic society, the public order, health and morals, or infringes on the protection of the rights and freedoms of another.” A six-month waiting period before ruling is standard. Only after being approved does the community have the ability to legally purchase property and engage in contracting services and products.

The Austrian government recognizes ten religious groups as confessional communities: the Seventh-day Adventists, the Jehovah's Witnesses, the Baha'i Faith, the Baptists, the Evangelical Alliance, the Movement for Religious Renewal, the Hindu Religious Community, the Free Christian Community (Pentecostals), the Mennonites, and the Pentecostal Community of God.

The third classification of religious groups are associations. Under this law, groups who do not meet the criteria for religious societies or confessional communities can organize as an association and receive some of the benefits of confessional communities, most notably, real estate purchasing.

Any religion that is not recognized by the Austrian government is often viewed by Austrian society as a “sect.” In Austrian cultural terms, a sect is a danger to societal balance, as seen by a recent poll in which 90% of Austrians believed sects are “inherently dangerous.” This mentality is often aided by the government. Family counseling centers have been established to address the so-called threat of sects. These centers distribute materials listing religious minorities deemed dangerous, including Scientology, Yoga, Transcendental Meditation, and Hare Krishna.

The Ministry for Social Security and Generations, in conjunction with the City of Vienna, also works in similar discriminatory fashion. These groups partner to subsidize a group entitled The

Society against Sects and Cult Dangers (GSK) with the purpose of counteracting the growth and influence of sects by disseminating information to schools in addition to running a counseling center to aid those who have been victims of cults.

BELGIUM

On 13 July 2006, the Minister of Justice submitted a draft law to the Belgian Chamber of Representatives designed to criminalize the “abuse of weakness or ignorance of vulnerable persons”.

Although the language of the draft law does not specifically refer to “sects”, the government’s summary and explanatory statement accompanying the draft law make it clear that its primary purpose is to implement a recommendation contained in the 1997 Report of the Belgian Parliamentary Inquiry Commission on “Sects” by inserting a new article into the criminal code targeting individuals associated with “sects” which punishes the abuse of a person’s weakness due to “people’s indoctrination by sects”.

As currently framed, the proposed legislation appears to be inconsistent with Belgium’s international human rights commitments articulated in United Nations, Organization for Security and Cooperation in Europe and European Convention on Human Rights documents and decisions in that it:

- Contains vague and excessively broad provisions which would impermissibly limit the religious freedom of individuals and groups seeking to practice their religion in legitimate ways;
- Provides virtually unfettered discretionary authority, which would allow abuse of official discretion and religious discrimination;
- Authorizes impermissible intrusion in religious affairs which would have the effect of imposing limitations and penal sanctions on beliefs and core religious rites that adherents sincerely believe in and sincerely practice; and
- Contains imprecise provisions regarding “fraudulently abusing a minor’s or a very vulnerable person’s condition of ignorance or weakness” which do not contain sufficient clarity to enable an individual, even with appropriate advice, to regulate his conduct or reasonably foresee the parameters or practical application of such a law in violation of the rule of law.

Although the Belgian Council of State reviewed the draft law and directed the government to ensure that the law was revised to comply with international human rights standards as articulated in OSCE human dimension commitments, United Nations Treaties and European Court of Human Rights cases upholding the right to freedom of religion or belief in order to

further “a democratic society marked by pluralism, tolerance and a spirit of openness,” the draft law continues to fall short of these human rights standards.

The revised draft law continues to employ vague terms that defy clear definition, are incapable of objective analysis, will result in arbitrary and discriminatory enforcement of the law, and will inevitably infringe on fundamental rights such as the right to freedom of religion or belief protected by international human rights instruments that Belgium has signed and ratified.

The nature, aim and purpose of the draft law is to target religious communities. The draft law is so vague and extensive that its enactment could have a deleterious effect on even officially religious communities, notably Catholicism and Protestantism. Although the draft law represents a danger to all religions, its primary targets are religious communities derogatorily designated as “sects.” These groups are being targeted on the basis of broad and vague standards which could just as easily be applied to all religions, but which are not so applied due to the discriminatory motives underlying the draft law. Such draft laws violate the prohibition against religious discrimination contained in Articles 2, 18 and 26 of the International Covenant on Civil and Political Rights, Articles 9 and 14 of European Convention on Human Rights, and the OSCE’s general commitment to freedom of thought, conscience, religion or belief articulated in Principle VII of the Helsinki Final Act. This right to be free from religious discrimination is particularly important to members of targeted religious movements which are the subject of special laws against “sects” as they are denied the same guarantees of religious freedom provided to the historical religions.

BOSNIA & HERZEGOVINA

The Law on Freedom of Religion and Legal Position of Religious Communities and Churches in Bosnia and Herzegovina violates OSCE and international standards on religious freedom. The law is restrictive because it violates OSCE standards, including requiring a high registration threshold (300 members) to apply for recognition. Not only does the law generate a great societal conflict, it perpetuates ethnic and nationalistic tensions and cultural and religious intolerance among various religious communities in Bosnia and Herzegovina.

Religious tensions that occasionally erupt in violence against religious communities are directly related to the ethnic lines dividing the country. A religious identity, for the most part, is reflected in the ethnic identity in the Bosnian population. Bosnians generally are associated with Islam, Bosnian Croats with the Roman Catholic Church, and Bosnian Serbs with the Serb Orthodox Church. The Jewish community maintains a very small but important presence in Bosnian society. Despite the constitutional and legal provisions protecting religious freedom, discrimination against religious minorities occurs in virtually all parts of the country through a high threshold required for registration and penalties associated with free speech expressions. A third type of religious discrimination concerns obstruction of the building of places of worship, suffered by all religious communities. In the Bosnian-controlled (primarily Muslim) area of the Federation, for example, many mosques have been built apparently without official controls, while Christian places of worship are delayed for years while awaiting official

paperwork. In each section of the country, the minority religious groups face discrimination in constructing new places of worship. These methods of discrimination are the three mechanisms employed to hinder the activities of religious minorities in the country. State favoritism expressed toward particular religious communities contributes to the increase in inter-ethnic tensions in the country. The State Department annual report also notes cases of misuse of religious symbols for political purposes and instigation of nationalistic sentiments. Moreover, a greater divergence within the society is perpetrated by foreign missionaries preaching a fundamentalist form of Islam, unfamiliar to the indigenous Bosnian Muslim traditions. This advances a greater division not among various religious communities of Bosnia, but within the Muslim community.

BULGARIA

In 2002, a law was passed in Bulgaria that required all religious communities and organizations, except for the Orthodox Church, to register with the government. Even though the law requires only registration with the Sofia City Court, some religious organizations are still harassed by local authorities for not registering with the local courts.

The U.S. State Department reported that many religious communities expressed a very real concern that some missionaries and other religious leaders were being denied visas to enter Bulgaria. Also being denied by the government were religious leaders trying to renew their residency visas to remain in the country. They have since resorted to applying for tourist visas but that visa greatly limits the time they are allowed to stay in the country.

Although showing some progress, the Bulgarian government has been very slow and reluctant to restore the property that was confiscated under the Communist regime. Many religious organizations still have outstanding claims on property that has not been restored to them.

CROATIA

The Government of Croatia neither has a state religion nor imposes any restrictions on the religious communities that operate freely within their borders. The Croatian government has an agreement with the Catholic, Orthodox, and Muslim communities, granting both those in the military and those in prison access to religious leaders of their affiliation.

Catholicism is the main religion taught in the public school system. However, the government does allow other religious education courses to take place if there are enough students to merit it. Even though this is legally allowed, many school children do not want to openly identify themselves as Serbian Orthodox for fear of social persecution.

Proving an increasingly difficult task for the Croatian government is the issue of refugees. Ethnic Serbs have run into problems when trying to return to Croatia. The Croatian government has

often delayed repairing or rebuilding houses and communities where ethnic Serbs reside. Also, all new priests from the Orthodox Church must frequently renew their permits and residency status with the government. The U.S. State Department reports that many have criticized the re-registration practice as it leaves a heavy burden on families to acquire health care benefits and pensions. The State Department also reports that ethnic Serbs are continually being discriminated against in many venues to include but not limited to housing and employment.

During the Yugoslav Communist rule, a large amount of property was nationalized by the Communists. The Croatian government had agreed to property restoration or compensation with the Roman Catholic Church, but has been hesitant to show progress in this area.

Many other religious communities, who do not have a set agreement with the government, and who also lost their property to the Communists during their rule, have complained about the lack of cooperation on the part of the Croatian government to resolve this issue in a timely fashion. For example, the State Department reported that in 2004, the Serbian Orthodox community only had 10% of their land restored. It was also reported that Jewish property restoration was stalled. Plans for land development in the Muslim community have also been suspended. Even after a permit to construct a mosque was issued, the government continued to delay the project for over ten years.

In regards to anti-Semitism, although the police investigate threats, but rarely uncover the culprits. Even when party officials make anti-Semitic remarks, no action is taken.

FRANCE

Two laws passed in recent years in France which limit religious freedom are of great concern to the international community, and are clear violations of OSCE religious freedom standards. The first, a law prohibiting the wearing of conspicuous religious symbols in public schools by employees and students, took effect beginning in September 2004. This law prohibits public school employees and students from wearing conspicuous religious symbols, including the Muslim headscarf, the Jewish skullcap, the Sikh turban or hair wrap, and large crosses. The law was passed on the recommendation of an inter-ministerial commission established by the president to study secularism, integration, and the place of religion in the country.

As was reported by the U.S. State Department, some Christian, Jewish, Muslim, and Sikh leaders, human rights groups, and foreign governments have voiced concerns about the law's potential to restrict religious freedom. Following the enactment of the law, media reports indicated that Muslim girls and Sikh boys had been expelled from public school for violating this law, the State Department explained. Estimates indicate that over one thousand Muslim girls and over 200 Sikh boys were immediately and negatively affected by this law. The law creates the situation in which children who wear religious symbols are *de facto* excluded from public school.

The second French law restricting religious freedom is referred to as the About-Picard law, named after the legislators who drafted it. The law, enacted in 2001, allows for restrictions on associations and provides for the dissolution of groups, including religious groups, under certain conditions. These conditions include: endangering the life or the physical or psychological well-being of a person; placing minors at mortal risk; violation of another person's freedom, dignity, or identity; the illegal practice of medicine or pharmacology; false advertising; and fraud or falsification.

Significantly, the law makes it a crime to defraud a person in a state of psychological or physical subjection resulting from grave or reiterated pressures or techniques able to alter judgment. Such wording makes this law tantamount to a mental manipulation law.

GREECE

Under Article 13 of the Greek Constitution, proselytism is forbidden. Greece is the only member state of the European Union to list such a prohibition in its constitution. The Greek Orthodox Church has a significant amount of influence over the political and cultural environment in Greece. The government provides financial assistance in maintenance of Orthodox Church buildings and also pays for salaries and training for clergy.

Greece does not have a formal application process for recognition as a religion. The two components that create distinctions between religious organizations are their legal standing and whether they possess house of prayer permits.

In Greece two categorizations of legal entities exist. "Legal persons of public law" only describe three religious organizations: The Orthodox Church, Judaism, and Islam. All other religious groups are deemed "legal persons of private law." As private bodies, these religious groups face many limitations, such as being unable to be represented in court as a religious entity. They also are not permitted to purchase or own property as a religious body; instead, all property must be registered with a legal entity with the expressed purpose of property ownership. However, the European Court of Human Rights has found that failure to allow a religious group to have legal standing contravenes Article 6 of the European Human Rights Convention.

According to Law 1363 from 1938 and Law 1672 from 1939, in order to open houses of worship religious groups are required to apply for houses of prayer permits from the Ministry of Education and Religion. In the past, the Ministry has consulted with local Greek Orthodox Bishops when making a decision on permit applications and has done so in recent applications of Scientology and Jehovah's Witnesses. However, the European Court of Human Rights has determined that such consultation violates the right to religious freedom for minority religious organizations.

KAZAKHSTAN

Religious freedom in Kazakhstan has made more progress than most countries in Central Asia. Minority religious groups, such as Church of Scientology, are able to practice their religious beliefs without much interference from the Government. However, In 2005, new legislation was passed requiring registration of religious groups with the government, with a provision that allowed imposing fines for any unregistered religious activity. While few believers have reported significant harassment or restrictions since the law passed, some groups have suffered disproportionately, notably the Baptists. Baptists have refused to register with the Kazakh government, or to pay any fines, on principle. They continue to be fined, and the amounts of these fines regularly equaling two to four times the average monthly salary in Kazakhstan.

MACEDONIA

The primary religious target in Macedonia remains the Serbian Orthodox Church. The most recent judicial measures against it was a ban on the establishment of the Serbian Orthodox Church in the country, a law endorsed and upheld by Macedonia's highest court. Deterioration of relations between the Macedonian and Serbian churches followed the initiative by the Serbian Orthodox Church to re-unite in 2002 after 45 years of independence from the Serbian Orthodox Church by the MOC.

The impediment to the establishment of the Serbian church in Macedonia is rooted in the historical confrontation of nationalistic sentiments between Macedonia and Serbia. Integral in this is Macedonia's accusations directed at the Serbian government and the Serbian Orthodox Church concerning their refusal to recognize Macedonian nationality.

As an example of the continued opposition to the Serbian Church in Macedonia, Bishop Jovan continues to be imprisoned by the government of Macedonia.

In addition, the latest draft of the Law on Churches, Religious Communities and Religious Groups limits each religion to only one registered religious community, does not permit foreign citizens to form a religious group or a religious community in the country and requires the headquarters of the Churches or religious communities to be based in the Republic of Macedonia along with other restrictions challenging religious freedom in Macedonia.

The endeavors to stake out national identity in Macedonia often lead to social discrimination of the Serb population and followers of the Serbian Orthodox Church in Macedonia. Various incidents of discrimination as well as incidents involving police harassment of followers have been recorded. Other religious minorities that have been targeted for unequal treatment include Macedonian Catholics, Jehovah's Witnesses, Baptists, Protestant Evangelicals, Seventh-day Adventists and Muslims.

MOLDOVA

The Government of Moldova passed the Law on Religions in 1992, which mandated that religious organizations must be registered with the Government in order to function. Those

groups who fail to register are barred from owning property, employing staff purchasing land for public cemetery use or constructing houses of worship.

In 2002 the Parliament enacted amendments to the Law on Religions requiring any group aspiring to register to submit a declaration of creation, by-laws, and a justification of the religion's religious beliefs to the State Service for Religions. The religious organization is then registered within 30 days.

The 2002 modifications permit the State Service for Religions to appeal to a Moldovan court for an annulment of the religious registration for an organization on the grounds that the group "carries out activities that harm the independence, sovereignty, integrity and security of the Republic of Moldova, the public order, or are connected with political activities." Such vague and broad wording leaves minority religious groups vulnerable to persecution protected by law. Religious organizations registered with the Government are also prohibited from listing in their by-laws any conditions that contradict the Constitution or other Moldovan laws.

Despite intentions for the 2002 amendments to simplify and streamline the registration process, numerous religious organizations have been stymied in their efforts. The State Service for Religions has continually denied registration approval to the Church of Jesus Christ of Latter Day Saints, the Spiritual Organization of Muslims, the Central Muslim Spiritual Board of Moldova and the True Orthodox Church of Moldova.

In 2003 Parliament passed two laws that have drawn much concern from the international community. The Law on Combating Extremism, the Government has professed, is intended to quell the rise and spread of fundamentalist and violent religious thought. However, the law can just as easily be used as a source of exploitation of religious groups who have ties to political parties.

The Criminal Code is another 2003 adoption that could be misinterpreted to take advantage of minority groups by hampering the free speech and expression. One article in the code states "preaching religious beliefs or fulfillment of religious rituals which cause harm to the health of citizens, or other harm to their persons or rights, or instigate citizens not to participate in public life or in the fulfillment of their obligations as citizens" is a punishable offense. Such wording could be contorted to shift guilt on monastic clergy who by their own will and accord seclude themselves from the public arena.

ROMANIA

The Government of Romania drafted a new religion law in late 2005 and began pushing it through its upper and lower houses in early 2006. The law would create a three-tiered religious categorization for which groups must register.

The draft law specifies a number of qualifications that must be met in order to obtain the government's most preferential status – religious denominations. Membership requires 0.1% of

the population of Romania. At first glance this percentage may appear to be inconsequential; however, in reality it would require a religious group to consist of 23,000 members. This quota is an extremely high figure to prove legitimacy of a faith. Such a threshold would label Romania with the most restrictive registration system in the OSCE region.

In its current form a religious group must wait twelve years before reaching eligibility for ascension from the second-tier religious association. This extensive delay will create a moratorium for new communities that arise after such a law is passed. The Romanian government would be, in effect, stunting the growth of new religious groups and discouraging them from practicing their beliefs openly. Groups below religious associations, those who have 300 or fewer adult members lack the legal right to own or purchase property, erect houses of worship or employ staff or religious leaders.

Additionally, the draft religion law would exempt places of worship from rulings handed down by the Romanian court system. In effect, this would eliminate any opportunity for religions to reclaim property under the control of other faiths. Civil law would also be sidelined in terms of internal discipline of clergy and canon law would be the only code to guide and reprove religious leaders.

The method used by the Romanian legislature to put forward the draft law is also a cause for concern. The government rushed the bill to parliament in an emergency procedure and the Senate failed to take a vote on the bill within 60 days of its introduction. Under Article 75 of the Romanian Constitution if a bill is not voted upon within 60 days it is automatically passed in its entirety. The bill awaits a vote in the Chamber of Deputies.

SERBIA

The Minister of Religion for Serbia in a statement issued mid-August declared that the Montenegrin Orthodox Church (CPC) may not build churches within Serbia. The Minister, Milan Radulovic, cited existence of the Serbian Orthodox Church as reason for prohibition of the Montenegrin Orthodox construction.

“There is only one orthodox church in Serbia, and that is the Serbian Orthodox Church. No group of citizens can under any circumstances establish any orthodox church, or establish what is already in existence and has a tradition and a historical continuity,” the Minister explained.

Minister Radulovic’s banning of the Montenegrin Orthodox Church directly contravenes the European Court on Human Rights judgment in the case of *Metropolitan Church of Bessarabia and Others v. Moldova* (no.45701/99). In this case the Moldovan State refused to recognize the Metropolitan Church of Bessarabia as a church, which in turn prohibited the church from being active in the state and from obtaining legal personality and protection. The Court took the view that the Moldovan Government’s refusal to recognize the applicant church constituted interference with the right of that church and the other applicants to freedom of religion, as guaranteed by Article 9 § 1.

This is not the first religiously discriminatory action the Religion Minister has undertaken in recent months. In July Radulovic illegally increased the threshold required for religious group registration from 75 to 100. The regulations for the “Content and Mode of Maintenance of the Register of Churches and Religious Communities” issued by Minister Radulovic were published on July 26, in State Gazette #64.

Article 18 of the Religion Law states that religious groups applying for registration must submit proof of founding membership “comprising at least 0.001% of adult citizens” of the 2002 census. With 7,498,001 citizens according to the last census, a religious organization would need 75 citizens to qualify for registration – not 100, as was declared by Minister Radulovic.

Before these recent developments, Serbian law already tended towards limiting religious freedom. The parliament of Serbia passed and the President signed into law a draconian Law on Churches and Religious Communities in the recent past.

Essential objections to this law include inadequate separation of the church from the state, the combination of civil law and canonical law, and discrimination – predominantly – of small religious communities. The law as written does not guarantee respect for fundamental religious freedoms. Further, the law enforces already existing institutional discrimination against religious groups that do not belong to the group of "traditional churches and religious communities".

Among the most serious problems in the legislation are hazy registration requirements, limitations on naming rights, ill-defined state deregistration powers, speech restrictions, improper public disclosure requirements, and undue deference to registration decisions of other European Union countries. Particularly problematic is the adoption of a blatantly discriminatory amendment aimed primarily against minority religious communities. As this Commission commented, “That measure removed safeguards that would have allowed all religious communities currently registered to maintain that status. Regardless of whether they already enjoy registration, all but seven communities would need to reregister.”

The law, which was hastily passed through parliament with a 120-4 vote – without consultation with religious communities, international organizations such as the Organization for Security and Cooperation in Europe, or non-governmental organizations –severely discriminates against "traditional" and smaller religious communities by establishing unrealistic registration standards and by allotting to the government expansive review power.

The Serbian government currently recognizes seven religious communities – the Serbian Orthodox Church, Roman Catholic Church, Slovak Lutheran Church, Reformed Church, Evangelical Christian Church, Islamic communities, and Jewish communities. These groups enjoy privileged status as recognized faiths.

The law passed by the National Assembly guarantees preferential treatment by creating explicit and limited classes of faith groups that advance specific religious communities while marginalizing other faith groups. Registration guidelines require burdensome documentation that only serves to stall groups from moving forward with the process. In the version just passed, the government has the ability to demand any documentation it deems appropriate during the

registration period; another tool to delay registration and frustrate applicants. Under the law, the government also judges the beliefs of the religious organization and the sources of income of both the religious organizations as a whole and its individual members.

These and additional regulations combine to form a religion law that mirror a recent draft religion law in Kosovo submitted by the Kosovo Provisional Authority, which has drawn considerable notoriety and criticism for partiality and extensive religious prejudice.

U. N.-administered Serbian Province of Kosovo

In May of 2006, the Expert Committee on Legislation and Implementation of the Institute on Religion and Public Policy provided an analysis of the Draft Law on Religion then under consideration by the Provisional Authorities of Kosovo. That analysis concluded that the duration and population requirements necessary to achieve special status under the draft law contravened European Human Rights Convention (ECHR), OSCE and United Nations human rights standards regarding the right to freedom of religion or belief.

Since that time, the draft legislation has been substantially revised prior to being adopted by the Assembly of Kosovo in July 2006. The United Nations Mission in Kosovo (UNMIK) promulgated the Law on Freedom of Religion in Kosovo (“Law”) on 24 August 2006.¹ This document provides an analysis by the Expert Panel of the Law and a suggested approach to enforcement of the law in order to ensure that its implementation complies with international human rights norms.

There have been significant improvements in the final law that take into account and adhere to international human rights standards. The Panel is particularly pleased to note that the Law includes strong statements regarding adherence to international human rights standards that form the foundation of religious freedom and religious tolerance. These principles are articulated in Article 1 (Freedom of Religion), Article 2 (Protection from Discrimination), Article 3 (Religious Equality), Article 5 (Religious Neutrality), Article 7 (Self-Determination and Self-Regulation) and Article 8 (Places of Worship). These are noteworthy provisions and the drafters of the Law should be commended for their efforts to comply with international religious freedom standards.

The Law on Freedom of Religion in Kosovo contains many laudable provisions that reflect the highest standards articulated in international human rights instruments regarding freedom of religion or belief. However, the failure of the Law to address religious entity status is disappointing and leaves a gaping hole in religious freedom standards in Kosovo. This should be promptly remedied by a new provision that provides for legal entity status for all religions without discrimination. Finally, implementation should ensure that vague terms in the Law and

1. The promulgation was not made public by UNMIK until 20 September 2006.

identified in this analysis not be interpreted to allow arbitrary or discriminatory infringement of religious freedom rights.

The situation of religious freedom in Kosovo remains utterly intolerable under any standards.

As the time for talks on the future status of Kosovo draws near, the need to examine the record of political and social developments in the province to determine the level of preparation of Kosovo for either autonomous or independent rule is most urgent. The present record of rule of law, protection of the rights of religious and ethnic minorities, and the return/resettlement of internally displaced people by the Provisional Authority of Kosovo – all of which are indispensable for democratic governance – have been gravely unsatisfactory in the last six years. We cannot discuss viable political self-rule of Kosovo unless there is a well-demonstrated, long-term commitment on the part of Kosovo power holders to the preservation of peace and ethnic diversity of the region through both legislative and institutional means. Since 1999, the Kosovo Provisional Authority on numerous occasions acted contrary to pertinent democratic commitments and norms, and therefore cannot be trusted as the sole independent guarantor of rights and freedoms for all peoples of Kosovo.

The Institute on Religion and Public Policy led an investigative delegation of American religious and religious liberty leaders to Kosovo in August 2004 to inspect the situation in Kosovo and witness the damage in Pristina, Prizren, Dechani and other areas of the province in the aftermath of the ethnic violence earlier in March that same year. Admittedly it was the first such independent international religious delegation to visit Kosovo since 1999.

Kosovo since 1999: Key Sociopolitical Dynamics

Kosovo, the heart of Serbian Orthodoxy since the 12th century that largely formed the Serbian national identity in the following centuries, by 1999 was home to diverse religious and ethnic groups.

Kosovo Muslims who inhabited the region since victory in the epic battle of Kosovo in the 14th century constituted a significant majority in 1990s. Unfortunately, since 1981 no official census has been taken, and the demographic stratification of Kosovo is not statistically confirmed. By some estimation it has been increasing over the decades of communist rule favoring the wider autonomy for the region for the sake of balancing out Serbian influence in larger Yugoslavia and has reached nearly 80% of total Albanians living in Kosovo by the early 1990s (hence the sentiment of the predominant Albanian population for self-rule on ethno-historical and demographic grounds).

When in response to demands for greater self-rule and independence in the 1990s Slobodan Milosevic radically reacted by conducting policies of ethnic cleansing and disfranchisement of Albanian population, the United States and NATO considered the plight of the people of Kosovo and engaged through NATO bombing of the Serbian capital Belgrade with the aim of forcing Milosevic to stop the ongoing ethnic cleansing. Following the bombardment, according to UN Security Council Resolution 1244, peacekeeping mission UNMIK was established in Kosovo to oversee administrative matters of the region, while KFOR was formed as an international police

force mandated to deter hostilities, establish security in Kosovo and daily protect the inhabitants. Under the Constitutional Framework for Provisional Self-Government of Kosovo of May 15, 2001, the Kosovo Provisional Authority was to assume power as the indigenous democratic governing body under the supervision of UNMIK. This mechanism was envisioned to ensure peaceful transition of Kosovo to the next stage of political arrangement, where independence was regarded by some as an option. All of these institutions have failed to protect the people of Kosovo from violence and instability.

Since 1999, around 200,000 Serbs have fled Kosovo for fear of communal or institutional violence. Largely these families are rarely known to return. Indeed, the refugees have cast their vote with their feet. As we have well seen from recent Balkan history, any change in demographic balance because of one ethnic group threatening the existence of another is bound to have repercussions in places of region where the same ethnic groups live in close proximity to one other (e.g. Serbia and Bosnia and Herzegovina, etc). This out flux is critical for regional security balance, to say nothing of the day to day needs of fleeing. Unfortunately, this problem in no way was adequately addressed by either UNMIK or Kosovo Provisional Authority.

Not only has the fear of violence been driving Serbs out of their homes in Kosovo, ethnic Serbs that remain in Kosovo are denied treatment in hospitals, denied construction of schools, and are inflicted with increasingly rigid travel restrictions, effectively confining them to Serbian ghettos. With implicit endorsement of the UN peacekeeping forces, this practice ensures the isolation of ethnic groups from each other, and thus conveniently creates an artificial environment where ethnic tension can be caged. But peace confined through a cage is no real peace, nor is it a democratic practice that allows individuals and communities to develop to their best capacity. The true transformation that heeds the rights of minorities and fosters diversity is need, although the Kosovo Provisional Authority has not been able to provide for it.

March 2004 and Its Consequences of for Future Kosovo Stability

The most appalling event that demonstrated the incompetence of Provisional Authority, UNMIK, and KFOR to protect the people of Kosovo started on March 17, 2004. On that day ethnic violence erupted involving over 50,000 individuals in at least 30 separate incidents, which claimed the lives of 19 civilians and injured over 900 persons, including international peacekeepers and members of the clergy. This violence displaced more than 4,000 persons, mainly Serbs, from their homes. The ethnic violence perpetrated by Kosovo Albanians resulted in the destruction or serious damage of more than 900 houses and 150 vehicles belonging to Kosovo Serbs, Roma, Ashkali, and other minorities. Our delegation learned that ethnic violence was directed toward the centers of cultural and religious life of Kosovo's minority communities, more specifically the Orthodox, and it resulted in the desecration of approximately 36 churches and monasteries, many centuries old, added up to the total of over 140 churches and other religious places ruined, damaged and desecrated in the past decade.

Let me illustrate how such atrocities could happen in the presence of multi-thousand regiments of KFOR that were supposed to actually ensure the security in the region. The Monastery of Djakovica is home for several Orthodox nuns, some of them of senior age. During the first night of violence, French KFOR troops held back the attacking mob from the monastery that

historically was a place of great respect and pilgrimage for the Muslim population of Kosovo. On the second night, in the absence of the abbess, French KFOR troops forcefully threw the nuns, in the words of one of the elderly nuns, “like sacks of potatoes” into an armored vehicle. As the troops by watching, an angry mob attacked the monastery. French troops were alerted that an elderly nun who had recently suffered a heart attack was recovering in her cell, but responded that there was nothing they could do for her as the mob set her room on fire. The nun escaped to the neighboring forest and lived in the elements for three days with no food, shelter or blanket before returning to the monastery for fear of her life.

This is an exemplary story of how KFOR has generally perceived its mission: protect people, not property. The result is worth reiterating; 19 people dead, 900 injured. Although Italian and American troops did in some places prevent desecration, in general there is great need to reform KFOR policing practices and communication to prevent this from happening again.

While none of the Churches in Kosovo has yet been restored, the number of mosques has grown significantly with funding from Saudi Arabia and other Islamic states, as the plaques on these mosques indicate. Although many mosques are empty, such process of religious mapping in and of itself has symbolic and political repercussions.

After March 17, 2004 the Serbian population of Kosovo has refused to recognize as legitimate the authorities in Kosovo that failed to fulfill their mandate and largely boycotted the 2004 fall elections for the Kosovo Assembly. Such a political situation is in no way conducive to either larger autonomy or independence of Kosovo.

Clearly, the problem of internally displaced persons, the incapacity of Kosovar provisional institutions to prevent violence, and gross mistreatment of religious minorities in legislative and other socio-political means by current Kosovo institutions demonstrates the lack of democratic infrastructure that would prevent the region from further collapse into the very ethnic and religious violence that the international community initially intervened to stop and avert. Until the above is guaranteed, the independence of Kosovo cannot and must not be an option.

Following are recommendations for urgent steps to address the critical situation in Kosovo:

- UNMIK must appoint an investigative commission to find and render judicial persecution the perpetrators of the March 17 violence;
- The international community through UNMIK and the European Union must allocate aid to restore the demolished and desecrated churches to their full historical appearance and religious functionality;
- UNMIK in the person of Special Representative of the Secretary General Joachim Rucker must require the Provisional Authority to reverse its socio- economic policies toward the minority population of Kosovo and begin a legitimate and objective process for resettlement of the IDPs;

- NATO must permit KFOR to widen its mandate to fully protect all peoples of Kosovo as well as sites of historic and religious value and significantly improve communications and the chain of command and cooperation within KFOR;
- Encourage closer cooperation of OSCE and the structures of the European Union with Kosovo authorities for the economic reconstruction and supervision of the legislative, executive and judicial process in Kosovo.

SLOVENIA

The current law guarding religious freedom and registration of religious organizations in Slovenia dates back to 1976, long before the disintegration of the former Yugoslavia. An attempt to update the law began in 1998 with the introduction of a law to parliament, but the government withdrew the draft soon after. In 2003 the process commenced anew, with the formation of a task force, under the direction of the Office for Religious Communities. The present state of the draft religion law is unclear, with little progress reported in the past year.

After the 1998 draft law was removed for consideration from parliament, the government sought to reach agreements with religious organizations on an individual basis. In 1999 the Catholic Bishops' Conference came to terms with the state as did the Lutheran Church of the Augsburg Confession in 2000. In 2001 the position of the Catholic Church in Slovenia was further legitimized with an agreement between the Vatican and the State.

With two-thirds of the majority in Slovenia and with the head of the task force assigned to draft the new religion law being a member of the Catholic Sovereign Military Order of Malta, many minority faiths have become wary of the government's ties with the Catholic Church. Some have voiced the fear that the implementation of a new draft law will give the Catholic Church a legally privileged status above other faith groups.

In addition, a number of minority religions have faced difficulty in registering with the Office for Religious Communities in recent years. In 2000 the Director of the Office for Religious Communities, ceased processing all applications received from the previous year, declaring the registration law in place to be too vague in its criteria for what constitutes a religious group. The ban was lifted only after intense pressure from political groups and the media.

RUSSIAN FEDERATION

On 22 February 2006, the Commission for the Affairs of Religious Associations presented to the State Duma's Committee on Social and Religious Organizations proposed amendments which would further restrict the registration and activities of religious organizations while also providing mechanisms to summarily liquidate such organizations in Russia. These amendments, if enacted, pose a grave threat to freedom of religion in Russia.

These amendments sanction the Federal Registration Service to inspect and investigate all religious organizations – even those already registered – operating in Russia. The functions of existing expert panels attached to the registration bodies will be considerably broadened. In particular, the Registration Service will have the right to take decisions to liquidate existing religious organizations based on opinions given by expert panels. According to the new documents discussed below, the amendments in question will also determine the means for the financing of expert panels from the funds of the departments the experts panels will be attached to.

Reported by a reputable Russian newspaper *Kommersant*, the “masterminds” behind the amendments state that it will vest the Federal Registration Service with broad enforcement powers to open up “investigations” and “inspections” of all religious organizations. The Federal Registration Service would have virtually unbridled discretion to refuse to register religious organizations or de-register and initiate proceedings to liquidate them if the Service and its experts find any “illegal or extremist” behavior, including charges of “extremist propaganda”.

As *Kommersant* notes, if passed, the amendments will actually vest the Federal Registration Service with authority more common to enforcement bodies of Russia. It is Russia’s Interior Ministry and Prosecutor General’s Office that deal with investigating extremism activities in the country now.

Draft Amendments

Four draft amendments to the 1997 Federal Law on Freedom of Conscience and on Religious Associations were put before the State Duma’s Committee on Social and Religious Organizations in June 2005 for preliminary consideration. These amendments consisted of the following:

- The first proposed amendment would further define one of the existing legal characteristics of a religious association – dissemination of faith – as "missionary activity" and restrict the type of “missionary activity” that may be conducted and the manner in which it may be conducted through this new legal definition.
- The second proposed amendment would allow expert religious analysis by the state not only when considering registration applications unsupported by a centralized religious organization, but also "to confirm the religious character of an organization and to determine the presence or absence of legal grounds to refuse registration of the religious organization with a corresponding title; to identify in the particularities of the doctrine and practice of a religious association the presence or absence of links to illegal acts committed by the association's participants with the aim of filing suit to ban the activity of the religious association and the additional liquidation of a religious organization; and to ascertain whether it is necessary to curtail the activity of a religious association, including in connection with the carrying out of extremist activity." This would give the Federal Registration Service virtually unbridled discretion to investigate religious groups and take repressive action.

- Under the third proposed amendment, religious activity conducted outside specially designated places of worship and their related territory, other premises offered for use by religious organizations, private homes and state institutions such as hospitals and orphanages would take place "in accordance with the internal regulations of a religious organization" following written notification to the local state authorities no more than seven days in advance. Such notification is to include the date of submission, the name of the religious organization, and the full name of the person responsible for the religious event, its format, timetable and location, details of measures taken to ensure public order and medical provision and whether amplification is to be used.
- The fourth proposed amendment would allow only “centralized religious organizations”² to invite foreign citizens to work within their structures.

The official explanatory notes supporting the text of these 4 proposed amendments state that it is intended to homogenize Russia's legislative base, improve the law on religion and provide a precise legal definition of issues related to missionary activity. It states in blatantly discriminatory terms the purpose behind the legislation when it claims that foreign missionary activity in Russia:

"[H]as led to the significant growth of new religious movements – from 20 to 69 registered confessions over the past decade. *The intensive growth of new religious associations is destroying the country's confessional balance, creates a basis for the penetration of extremist and radical ideas, and arouses justified alarm and concern within society and among adherents of the traditional confessions of Russia.*"

The explanatory text also states that the first proposed amendment is a clarification. In relation to the second, it notes that "borderline" groups such as Falun Gong “display religious characteristics but circumvent the 1997 law by registering as social organizations”³. The explanatory memorandum states that the third proposed amendment would bar unregistered religious groups from holding mass public religious services and remove the confusion introduced by the July 2004 demonstrations law, which stated that religious events in public places are to be regulated by the 1997 religion law, which in turn states that they are to be regulated by the law on demonstrations.

² Centralized religious organizations are made up of at least three registered religious organizations where one is designated as the “centralized religious organization”. .

³ The Church of Scientology has registered many of its organizations as social organizations as well because they have been unable to register as religious organizations because of the 15 Year Rule, which requires an organization not affiliated with a centralized organization to be in existence for 15 years before being eligible to register as a religious organization. The Church is currently challenging the 15 Year Rule before the European Human Rights Court.

Regarding the fourth proposed amendment, the explanatory text notes that current practice "allows all local organizations to invite religious workers, who at times preach extremist ideas posing a threat to the security of Russian society (e.g. Wahhabi). Legal practice has shown that numerous uncontrolled invitations from religious organizations result in abuse by some, particularly in the North Caucasus. This practice leads to a reduction in the authority of centralized structures, as well as to the absence of a system of effective control over the activity of invited persons and of responsibility for them."

According to an article on the Russian Orthodox Church (ROC) website, a fifth amendment would allow only centralized religious organizations to own property. It has been reported that this amendment, unlike the others, is not favored by the ROC in its current form as it would restrict a village Church from owning its own property.

Laws which are excessively vague, which are discriminatory in intent and application, and which allow for the imposition of draconian measures on religious communities and their parishioners are incompatible with the rule of law in a democratic society and thus violate fundamental rights protected by all major international human rights treaties.

The purpose of the draft laws is to target minority religious communities on the grounds that "*new religious associations are destroying the country's confessional balance.*" These groups are being targeted on the basis of broad and vague standards which could just as easily be applied to all religions, but which are not so applied due to the discriminatory motives underlying these draft laws. Such draft laws also violate the prohibition against religious discrimination contained in Articles 2 and 26 of the International Covenant on Civil and Political Rights and Articles 9 and 14 of the European Convention on Human Rights. This right to be free from religious discrimination is particularly important to members of targeted religious movements which are the subject of special laws as they are denied the same guarantees of religious freedom provided to Russia's historical religions.

These draft amendments have caused great concern in the religious community in Russia. The Hungarian online publication BosNewsLife quotes one Christian leader, Sergey Rakhuba of Russian Ministries, as saying "Many national church leaders and pastors feel this amendment is reminiscent of some of the control and restrictions of the former Soviet Union."

If the amendments are enacted, religious freedom in Russia will suffer a serious setback. The Federal Registration Service will be vested with unbridled discretion to refuse to register religious organizations or de-register and initiate proceedings to liquidate them if the Service and its experts find any "illegal or extremist" behavior, including charges of "extremist propaganda".

TURKEY

Turkey has numerous laws in place that fail to reach acceptable standards of religious freedom. Although the Constitution provides for freedom of religion, the Government plays an active role in protecting the secular ideology of the State.

Two governmental bodies supervise the state of religious affairs in Turkey. The Diyanet, under the control of the Prime Minister, oversees the country's 75,000 mosques and imams, who are categorized as civil servants. The second agency – the General Directorate for Foundations (Vakıflar Genel Müdürlüğü) – is responsible for oversight of all non-Muslim religious organizations and their corresponding places of worship, education and all other related areas.

The General Directorate for Foundations currently recognizes the legal status of 161 non-Muslim religious communities or “minority foundations.” However, the Government has utilized the Law on Foundations as a method to reclaim land for the State from minority religious groups. In recent years a number of these foundations have lost properties due to an inability to support the land or insufficient community population in the area. When reclaiming land the General Directorate has cited a 1974 High Court of Appeals ruling that stated minority foundations did not possess the right to obtain land beyond that which was declared in 1936. No legislation is currently in place that allows foundations to apply for reacquisition of lost property nor are foundations permitted to claim property listed as owned by a third party, which were often simply names of religious saints.

Many religious communities also have trouble providing education and training in their own faith tradition. In 1997 the Government enacted a law mandating eight years of compulsory secular education. Only after completion of this eight-year term can students elect to attend schools with a religious curriculum, such as Imam Hatip high schools, where young men receive education in both secular and Islamic theology. In addition, all religious courses taught outside of schools are controlled by the Diyanet, restricting children under the age of 12 from registering for official Qur'an courses.

Perhaps the most egregious offense to religious freedom in Turkey is commonly referred to as the headscarf law. Since the 1960s the Turkish government has periodically outlawed the wearing of headscarves for female students and professors in the university setting. The argument made by the government was that in doing so, it protected the laws of others – of those not wearing religiously associated clothing. Such a law maintains secularism and ensures that people not wearing headscarves could not be accused of being non-religious.

In 1997 the implementation of the headscarf law increased in intensity with the Turkish military strictly enforcing the law without exception. This strict interpretation of the law has barred women wearing headscarves from assuming elected positions in parliament, practicing law in court, teaching in private schools and universities, and working as state employees. Despite much international outrage over the law, the European Court on Human Rights upheld Turkey's implementation of the headscarf law in 2005.

Recently, a specific case of severe restrictions being imposed on a religious community has arisen. Several Turkish laws have collided to effectively make it impossible for the Ecumenical Patriarchate to continue in Istanbul. The Ecumenical Patriarch, located in Istanbul, Turkey, has served as the spiritual head of the second largest Christian Church, Orthodox Christianity, with 250 million adherents worldwide today. Radical nationalists continue to harass and intimidate the Ecumenical Patriarch in the course of fulfilling his religious duties. In both October and

November of 2005, demonstrations took place at the entrance to the Ecumenical Patriarchate. The demonstrators are members of the extreme rightwing Nationalist Movement Party, the Turkish Lawyers Union, the Union of Families of Martyrs and the Labor Party.

The Ecumenical Patriarchate will soon end because Turkey is: (1) requiring the Ecumenical Patriarch to be a Turkish citizen while dramatically diminishing the number of Christian Orthodox bishops who are Turkish citizens; and (2) confiscating their properties, closing their seminary, and refusing to recognize the ecclesiastical, liturgical and administrative position of the Ecumenical Patriarch.

Additionally, recent Turkish law specifies that the Ecumenical Patriarch and other religious leaders must be educated in Turkey. Since the government has closed the only school offering an Orthodox education, it has become literally impossible for a Patriarch to be educated in Turkey, and therefore impossible for any person to legally become the next Patriarch.

Ending the Ecumenical Patriarchate will remove the spiritual leader of the world's Orthodox Christians; end Christian control over the Apostle Andrew's Sacred See, where much of the bible was codified and the Nicene Creed written; and force out of the Muslim world the only major Christian presence and the first peacemaker to move Muslim leaders to condemn the 9/11 attacks as "anti-religious."

Only stronger European Union support for the religious freedom of the Ecumenical Patriarchate can prevent this religious tragedy of historic magnitude.

TAJIKISTAN

New amendments to the 1994 Law on Religion and Religious Associations were drafted earlier this year. The proposed amendments included: 1) a ban on unregistered religious activity; 2) an increase in the registration threshold, which would bring the required number of members to the highest in the CIS if the amendments pass; 3) a ban on religious teaching of children younger than 7 years old; 4) expanding governmental control over religious pilgrimages; 5) state control over number of mosques in the country; and 6) a ban on foreign leaders of religious communities, which would affect the strongest the small Catholic community in Tajikistan that has only foreign priests serving in Tajikistan. The amendments have not yet been introduced in the Parliament. However, given the secrecy in which the amendments were drafted, the OSCE authorities as well as the international community must remain alert to any new possible changes in the law.

TURKMENISTAN

Turkmenistan imposes similar religious restriction on its citizens including the necessity to register any religious organization, the banning of any religious activity by an unregistered organization, and limits on religious education. In practice, the Turkmen government has gone so far as to ban a Baptist leader from leaving the country, and also to deport another Baptist

leader. Officials in Turkmenistan are openly intolerant towards Christian converts, especially, ethnic Turkmen. The status of religion laws in Turkmenistan remains openly repressive.

UZBEKISTAN

Uzbekistan continues to be harshly restrictive to religious minority groups and also Muslims even though they comprise the religious majority. Uzbek law requires that religious groups register with the government. It is worth noting, however, that in practice it is now almost impossible for a religious community to be registered in Uzbekistan. State officials refuse registration on various pretexts. For example, the Jehovah's Witness community in Tashkent has been refused registration eight times, according to the religious news service Forum 18 news. In a recent update from August 2006, the Justice Department stripped the registration from the Fergana Jehovah's Witness community, leaving only one registered Jehovah's Witness community in Uzbekistan.

The registration restriction applies to all religious communities in Uzbekistan, and so rural Muslim communities who wish to build a mosque and employ an imam must also register with the government. The fees and the bureaucracy of registering for some small rural communities are prohibitive, which results in these communities being in effect barred from any legal religious practice.

Religious activity by unregistered organizations is punishable by up to 3 years of imprisonment, and also by fines. Uzbek authorities are known to apply very harsh measures to members of unregistered Muslim communities. A highly disturbing outcome of the persecution by the authorities of these Muslim members is that they are often tried on severe charges, including establishing, leading or participating in organizations that are extremist, separatist, fundamentalist or are banned.

CONCLUSION

Religious freedom is a fundamental priority within the human rights basket of the Organization for Security and Cooperation in Europe. Consequently, it is vital that the OSCE continues to dedicate the time, energy, and resources necessary to advance democracy and fundamental rights throughout the OSCE region.

As a mechanism to continue to advance the development of fundamental rights, the Institute on Religion and Public Policy encourages implementation of measures targeting improvement in efficiency of the OSCE in dealing with religious freedom in participating states. Stronger capacity to investigate, review, and recommend actions regarding religious freedom across participating states will be conducive to a more effective management of the issues of religious freedom within the OSCE region.

In conclusion, the Institute applauds the vital work of the OSCE Office of Democratic Institutions and Human Rights that strive to ensure religious freedom throughout the region. We recommend that the OSCE Religious Expert Panel be empowered with the agreement from OSCE states to review and provide guidance on all pending legislation regarding religion and

that the Panel be provided the financial capability to perform such review, and that an effective OSCE complaint mechanism be established to allow religious groups and NGOs on their behalf to file complaints against member states that systematically engage in religious discrimination.