

OSCE/ODIHR HDIM 2015 – WORKING SESSION 15

NOVAE TERRAE FOUNDATION

Madame Moderator, Excellencies

as has clearly been reminded by the honorable introducers, Freedom of religion is fundamentally linked to the other basic human rights.

This right entails a collective dimension, which is essential to enjoy this right itself. Because of this, legal personality is fundamental, it being the necessary condition that allows the religious communities to act as a body.

This fundamental right could clearly suffer on the field of the recognition of legal personality to the religious or belief communities.

Overly long registration processes, and disproportionately onerous registration requirements are among the principal issues in this regard.

It is also very important to respect the autonomy of religious community. Autonomy is a main condition for religious communities to be what they are. Even more, this is a guarantee for the individuals to find a social environment where they may fully exercise the core aspects of the freedom of religion.

The guidelines published by OSCE/ODIHR should be appreciated as a benchmark document, it being a very clear and reasonable tool to well understand the commitments of the Participant States.

All of the difficulties on the field of the recognition of legal personality hurt the individual believers and the communities to which they belong. But society suffers too when churches and other communities are unable to provide hospitals, orphanages, schools or just a place for broken people to meet.

Transparent systems which respect national constitutional orders should be the norm in which the aim is to best facilitate the activities of religious communities rather than to restrict and monitor them.

Participating States should respect these obligations and ensure any registration systems are quick, transparent, fair, inclusive and non-discriminatory.

In this respect, it is useful to remember that the public role of religions is positive. It enhances a social environment as more respectful of human dignity. This is good for the whole of the society.

Therefore we recommend:

- 1) the OSCE/ODIHR to assist the member states in the use of its *Guideline on The Legal Personality of Religion or Belief Communities*, especially on the aspect of their autonomy;
- 2) the Participant States to consider the OSCE/ODIHR *Guideline on The Legal Personality of Religion or Belief Communities* as good way to understand and implement their commitments and adapt their legislation accordingly.

Fostering Freedom of Religion brings good consequences, for all, for each, not only the believers.

Thank you for your attention.