



Working session 8: Freedom of assembly and association

*As delivered by Paul Coleman
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My recommendation to OSCE Participating States is that any state system regarding the registration and recognition of religious communities is operated fairly and in a non-discriminatory manner, and that the requirements placed on religious communities are not excessively burdensome or simply unattainable.

The issue of recognition and registration has undoubtedly risen in prominence in recent years as many states have introduced laws that have actually increased restrictions on religious communities, rather than reduced them.

The forthcoming guidelines to be produced by ODIHR in conjunction with the Venice Commission are therefore very welcome indeed and we look forward to their publication.

There are two areas in particular where the registration of religious communities is problematic: (1) the process of registration and (2) the requirements of registration.

For example, in some states the process is incredibly long and can take over a decade from beginning to end. In other countries the process of registration can be highly arbitrary and in some countries there is no domestic remedy against a decision not to grant higher tier registration.

Regarding the requirements of registration – some participating states require extremely large numbers of members, others require the religious community to have been in existence for a very long period of time, up to 100 years in some cases, and some countries allow for a very intrusive investigation into the content and teaching of the particular group seeking registration.

While it is accepted that the different Participating States must be fully entitled to adopt different methods of facilitating the activity of religious communities, and a one size fits all approach is not appropriate, the emphasis must surely always be on finding ways to better facilitate the activities of religious communities, rather than on ways to restrict it.