Dr Nazila Ghanea nazila.ghanea@law.ox.ac.uk

Your Excellencies, Delegations, Ladies and Gentleman,

1. As we have all reiterated today, freedom of religion or belief is a universal and fundamental right, which is far reaching and profound, and – like other human rights – is based on the foundations of the prohibition of discrimination and the guarantee of equal protection.

2. The right to hold a thought, conscience, religion or belief of one's choosing and to change it is central to human development. It makes possible the individual's search for meaning.

3. As an early case outlined:
    - "Freedom of thought, conscience and religion is one of the foundations of a 'democratic society'. It is … one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it.

4. As Ambassador Bennett recalled this morning, freedom of religion or belief includes the freedom to have, adopt or change one's religion or belief AND the freedom to manifest religion or belief in teaching, practice, worship and observance. This has been outlined in international standards as including a wide range of activities:
    - to establish places for worship as well as charitable and humanitarian bodies
    - publishing and the dissemination of publications
    - teaching of religion or belief
    - obtaining and channelling donations
    - electing, appointing and training leaders or community assemblies according to the standards of that particular religion or belief
    - observing holidays and other practices
    - maintaining communication with co-believers at the national or international level, and
    - being consulted by the state on matters that concern them

5. Manifestation can be *alone and in private*, but also *in community with others and in public* – and it is here where the question of registration arises.

6. Registration aims to better ensure, facilitate and institutionalise particular kinds of manifestation *with others and in public*. Registration serves to *enable* the enjoyment of the human right to freedom of religion or belief rather than create *an obstacle* for the enjoyment of these rights. Its purpose is not to offer a means for the state control this right and its limitation. As Ambassador Bennett stated, registration is to promote the ability of the religion or belief organisation to internally operate as well as interact with wider society.

7. A key requirement of registration laws, processes and practices is that they be non-discriminatory. The Human Rights Committee has emphasised that:

    - "If a set of beliefs is treated as official ideology in constitutions, statutes, proclamations of ruling parties, etc., or in actual practice, this shall not result in any impairment of the freedoms under article 18 or any other rights recognized under the Covenant nor in any discrimination against persons who do not accept the official ideology or who oppose it."

    In the case of registration, therefore, there should be no discrimination observed against those that are perceived to lie furthest from the ideology of the state or of the majority population of the state.

8. Some religions or beliefs may *reject* registration. Registration should not be mandatory, as OSCE participating States have agreed (Vienna, 1989, para. 16.3). Persons and communities of religion or belief should be able to carry on with their unregistered activities without state interference or fines (MC Decision 4/03, Maastricht).

9. For religions or beliefs that seek registration and legal personality – as they view it beneficial for their manifestation activities – OSCE standards clearly recognise that such registration should be:
    - quick, easy and without an excessive requirement on the minimum number of members;
    - transparent, fair, inclusive and non-discriminatory; and
    - there should be access to a remedy in cases of rejection.

10. Now we have the opportunity to hear from you about the responsibility of participating States to ensuring that
    - any registration processes for religious and belief communities remain voluntary;
    - that registration – and any forms of legal personality that exist are non-discriminatory, and
    - how any such legislation can be improved, and implemented most effectively.

    Whilst recognising the primary responsibility of participating States, it would also be interesting to hear from you about the role that other actors in can play, for example: religion or belief communities themselves, how NHRIs and NGOs can better follow up on this matter, and how the OSCE and other international actors can assist.