



RELIGIOUS FREEDOM, REGISTRATION ISSUES AND THE COLONIAL LEGACY OF STATE RECOGNITION

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A close-up photograph of a religious object, likely a rosary, resting on a light-colored, textured surface. The object features a wooden cross with a silver crucifix in the center. A string of red, oval-shaped beads is draped over the cross. The background is a mix of light sand and a dark, possibly green, fabric or material. The text "CONDITIONS OF RELIGIOUS RECOGNITION" is overlaid in white, bold, sans-serif capital letters.

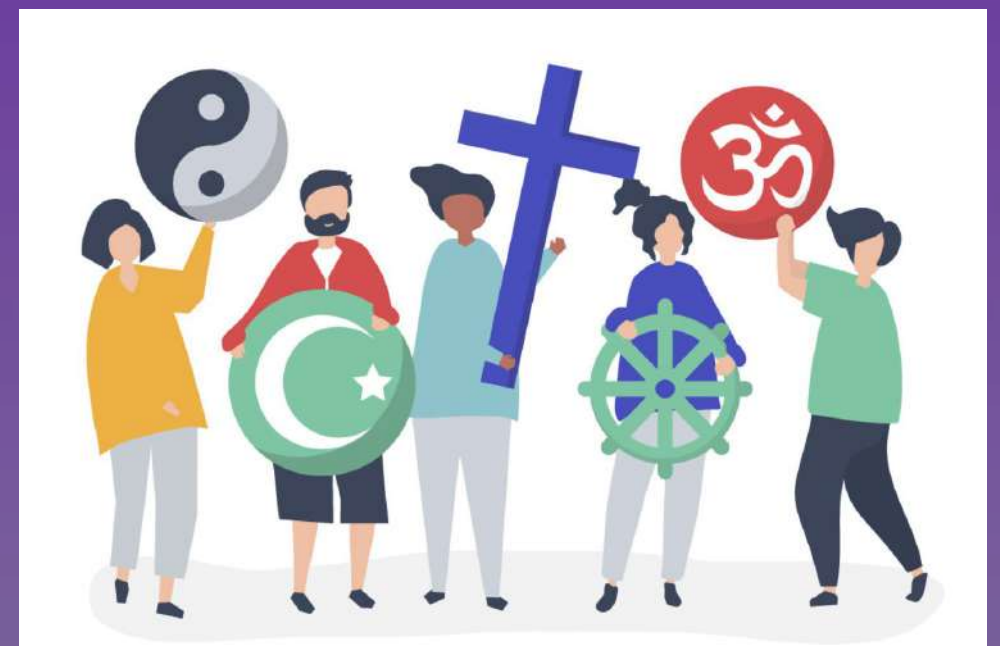
CONDITIONS OF RELIGIOUS RECOGNITION

RECOGNITION & REGISTRATION

- Former UN Special Rapporteur Heiner Bielefeldt advised me to disentangle recognition from registration and to regard them as two distinct processes.
 - **Recognition:** a sociocultural process in which a religion or belief gradually gains validation in society.
 - **Registration:** a legal procedure in which a religious or belief organisation gains personality in law.
- The acronym **FoRB** is used for freedom of religion or belief and during my study I coined the acronym **RoRB** to refer to recognition of religion or belief to include recognition and registration issues.



Heiner Bielefeldt, former
Special Rapporteur on FoRB



RECOGNITION ISSUES

Gaining recognition was found to often be crucial to economic and social mobility. Various 'agents of recognition' were found to act as gatekeepers.

State misrecognition is a key concern, namely, when governments actively distort the character of religious group by accusing them of being a 'cult' or 'extremist' without due cause. This influences public attitudes and increases rates of discrimination and persecution.

Groups most impacted are **minority communities** (e.g. Rohingya Muslims in Myanmar), **new religious movements** (e.g. Jehovah's Witnesses in Russia) and **schismatic groups** (e.g. Ahmadi Muslims in Pakistan).

States that withhold recognition or actively misrecognise cause impediments to citizens in gaining important **national identity documents** (e.g. birth or marriage certificate, passport), **restrict fundamental human rights** and to justify **hegemony of a religion or irreligion**.

RECOGNITION ISSUES

- Privileges for one or more religions or beliefs persist in states that claim to be secular (e.g. many secular governments in South America privilege the Catholic Church).
- Hostile forms of religious establishment in the Middle East, North Africa and Southeast Asia.
- Governments continue to weaponise labels like 'cult', 'extremist', 'foreign', 'sect' and 'untraditional' to justify their restrictions.
- Hierarchies persist whenever states grant higher levels of recognition to one religion or belief and lesser forms to others. For instance, in Egypt, although Christians and Jews are recognised as minorities, they are not given the same recognition as Sunni Muslims.
- State atheism is contained to four former communist states that adhere to hypersecularism — use of secularisation to undermine religious rights.

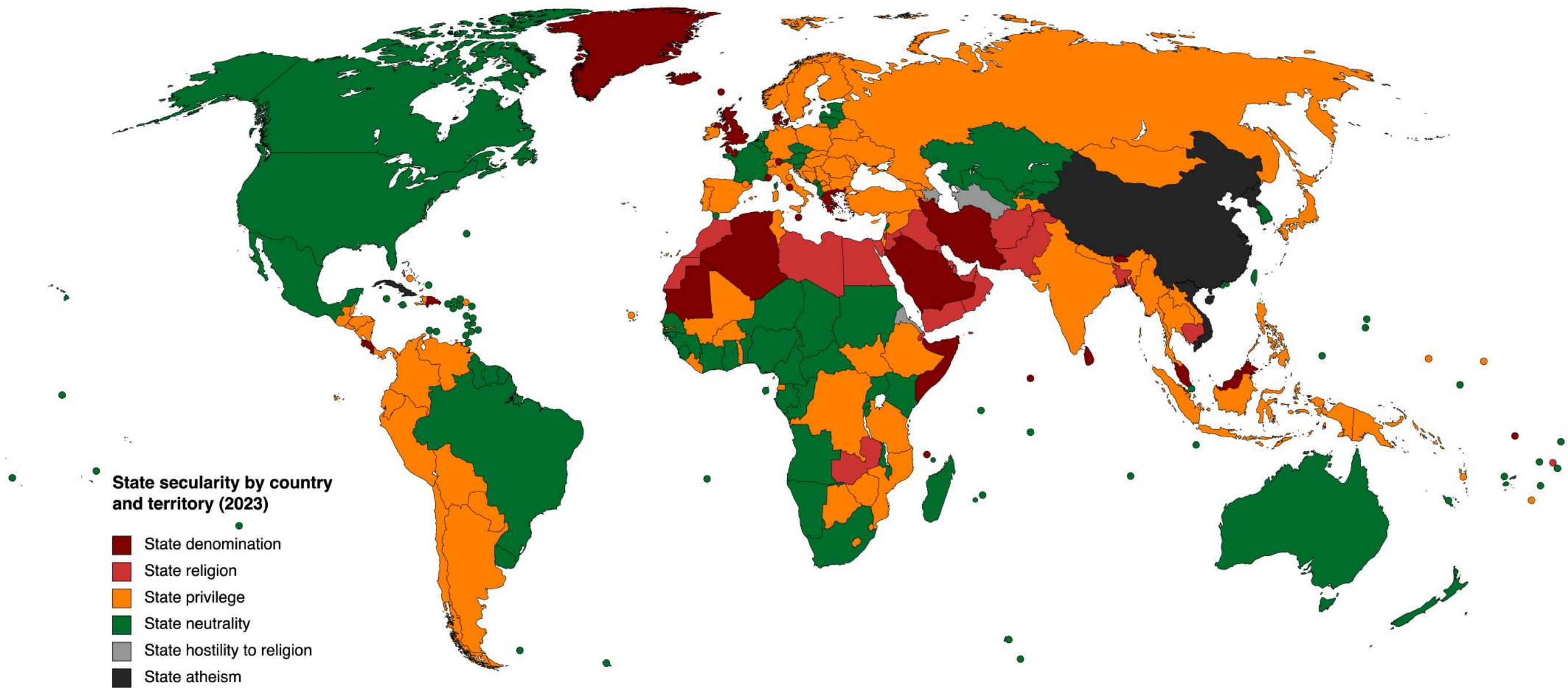


La Plata Cathedral, Argentina. The Catholic Church receives sweeping privileges across most South American countries despite claims they are secular.



Shah Mosque, Isfahan, Iran. In countries where Islam is the state religion, minority religious groups are restricted in the public expression of their faith and are forbidden from proselytising.

MAP OF RELIGIOUS RECOGNITION



State denomination: when a government establishes a specific religious denomination.

State religion: when a government establishes an official religion.

State privilege: when a government claims to be secular yet continues to favour one or more religions or over others.

State neutrality: when a government claims to be secular and this corresponds with their practices.

State hostility: when a hypersecular government does not discriminate between the religions it restricts.

State atheism: when a hypersecular government professes irreligion and advocates for atheism.

FOR OR AGAINST FAVOURITISM

Arguments for religious favouritism

- Preserves cultural heritage and maintaining traditions.
- Preserves national identity and nationhood, safety, security and unity.
- Maintains the public order and moral decency.
- Embracing pluralism would cause internal conflict and destabilise the society.

Arguments against religious favouritism

- Inhibits religious freedom.
- Causes systemic religious discrimination in government institutions.
- Violates the ICCPR and other international human rights conventions.
- Leads to the mistreatment of groups that do not conform.

REGISTRATION ISSUES

Registering with the state is often key to religious or belief organisations accessing **financial benefits** (e.g. tax-exempt status), **legal provisions** while in other countries, registration is crucial to **securing the rights** of religious adherents.

Registration is used to restrict the rights of religious members by **limiting what activities religious or belief organisations may conduct legally** which is effective because institutional religious freedom (IRF) receives **less international protection**.

Lack of registration has implications for citizens in **exercising their religious rights, conscientious objection** and **converting from one religion to another or to no religion**.

REGISTRATION ISSUES

- Mandatory registration order (76 countries and territories affected as of 2022).
- Limiting access to registration (e.g. instituting membership or longevity quotas).
- Onerous registration procedures (e.g. multi-step procedures, several departments involved, delays or non-responses).
- Use of registration for surveillance (e.g. misuse of information gathered during registration later on against registered groups, strict monitorial requirements).
- Inauthentic registration (e.g. religious activities may be “legal” due to registration but might still not be “free”).

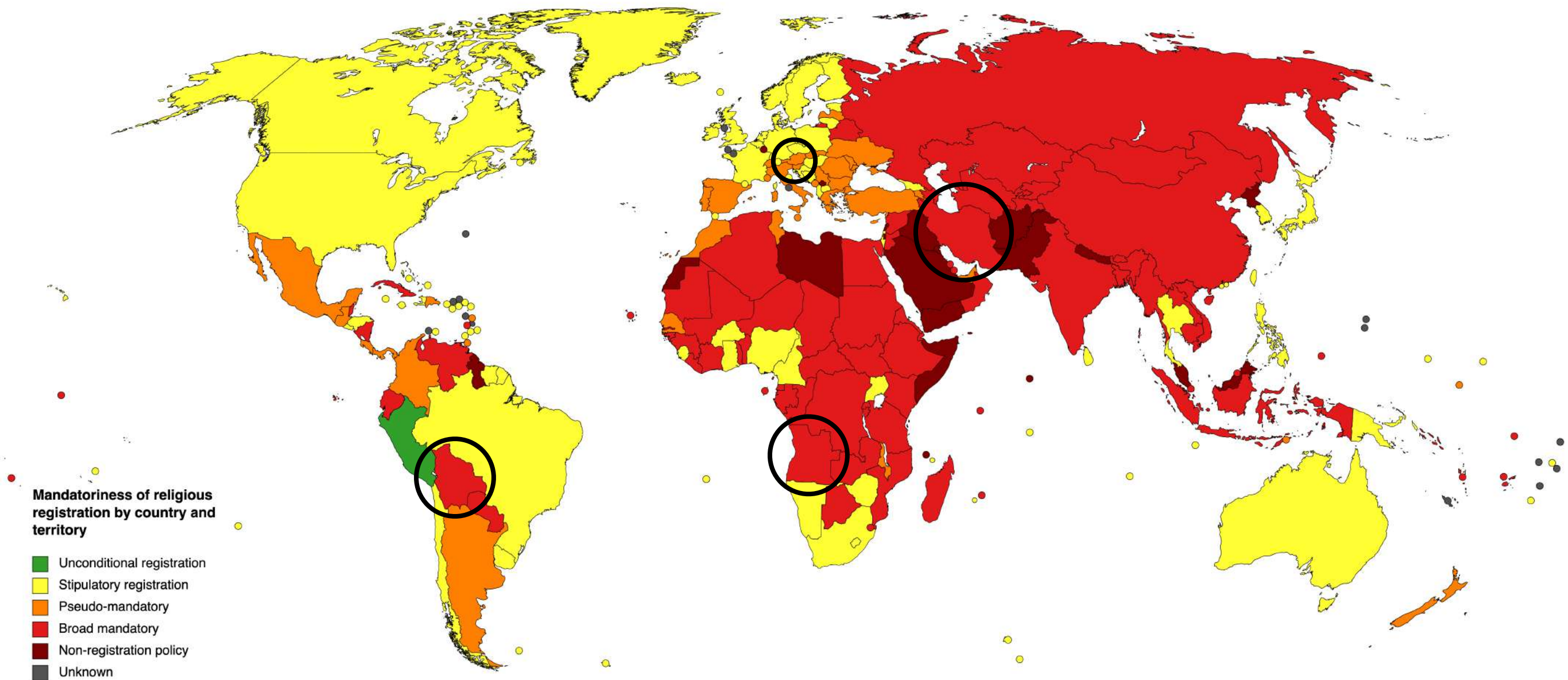


Unregistered house church in Beijing.



Raid on alleged cult activity in Tokyo.

MAP OF RELIGIOUS REGISTRATION



Unconditional registration: registration is not required for a group to conduct any activities.

Stipulatory registration: registration is not required except to legally conducted certain 'registrable religious activities'.

Pseudo-mandatory: a country claims not to mandate registration yet requires registration for a group to conduct at least one of the 'basic religious activities'.

Broad mandatory: registration is mandatory for all or most religious organisations to legally operate.

Non-registration: no coherent registration system established.

CASE STUDY – ANGOLA

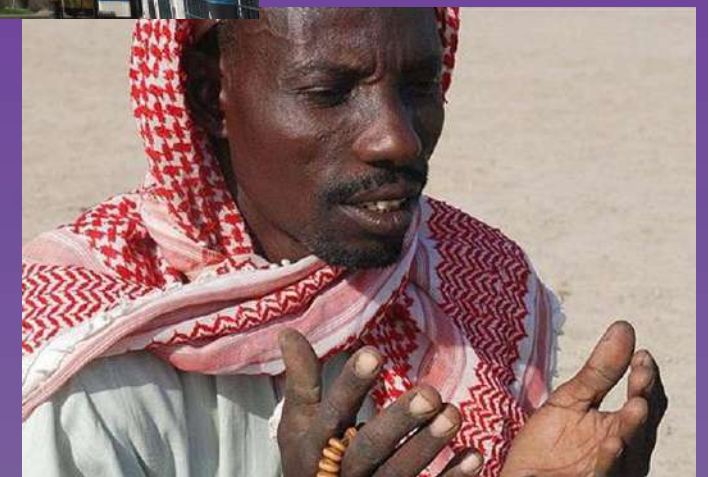
- Angola is a secular state and upholds this principle in practice. However, the Angolan government mandates that all religious organisations must register with it to operate legally.
- Registration is amalgamated with recognition and is known as “legal recognition” which gives more leeway to influence how religions are perceived in civil society.
- 60,000 member signatures are needed to register but at least 1,000 of the signatures originate from members residing in each of the country’s 18 provinces. The estimated cost is \$7 per signature, creating a de facto registration fee of \$420,000.
- Religious groups must also submit documents defining their organisational structure, location, methods and schedule of worship, financial resources, and planned construction projects.
- The government has the legal ability to forcibly close the premises of unregistered groups.



Thousands Of Faithful Gather As Angolan Church Reopens.



Cathedral of Our Lady of Remedies in Luanda.



Angolan Muslims have long struggled to receive legal recognition.

CASE STUDY – AUSTRIA

- Austria claims to be a secular state and does uphold this principle in practice.
- Austria's registration system is classified 'mandatory' because even though the government does not explicitly mandate registration, unregistered religious groups are confined to activities in private residences.
- Austria's registration system is also vertical. It includes three levels for registration which the government judges according to membership size of the group and how long it has existed in the country for.
- The secular designation of 'association' is the lowest form of registration and is often offered to new religious groups but does not recognise their activities as being of a religious or spiritual nature.



Mosque in Telfs, Austria.



St. Stephen's Cathedral in Vienna.



Church of the Most Holy Trinity, designed by Fritz Wotruba.

CASE STUDY – BOLIVIA

- Bolivia claims to be a secular state although practises state privilege for Catholicism. The Bolivian registration system is 'mandatory'.
- To register, religious groups must submit copious amounts of notarised legal documents and information:
 - Including statutes, internal regulations and procedures; rental agreement documents, utility invoices for the place(s) of worship, and a site map; detailed information on board members and legal representatives, including criminal background checks; an INTERPOL certificate for foreigners; proof of fiscal solvency; organisation chart, with names, addresses, identification card numbers, and photographs; a full list of members and identifying information; details on activities and services provided by the organisation, including the location of the services; and information on their financing source(s), domestic and foreign.
- The government distinguishes between 'religious organisations' and 'spiritual organisations'. To register, groups must pay either \$990 if deemed by the government to be 'religious organisations' or \$590 if deemed to be 'spiritual organisations.' Most 'spiritual organisations' are indigenous religious groups.



Women mourn at San Antonio de Asis Church near La Paz, Bolivia.



Cathedral of San Lorenzo, Bolivia.



Offering being given as part of a Bolivian indigenous ceremony.

CASE STUDY – IRAN

- Iran makes only a partial claim to freedom of religion or belief. State denomination is Twelver Ja'afari Shia Islam.
- "Recognised Religious Minorities" are Christians, Jews and Zoroastrians. Iran's registration system is classified as both 'mandatory' and 'non-registration'.
- The Iranian government both mandates that all groups belonging to one of the "Recognised Religious Minorities" must register but also provides no procedures for groups the government considers not to be either Christian, Jew or Zoroastrian.
- Registration conveys certain rights such as permission to use alcohol for religious purposes such as sacramental wine.
- Iran also practises individual registration. Authorities may close a place of worship and arrest its leaders if congregants do not register or if unregistered individuals attend services.



House of the Báb being destroyed by Revolutionary Guardsmen in 1979.



Zoroastrian Fire Temple of Yazd, Iran



Iranian Christians worship at a house church.

IMPACTS OF RORB ON FORB

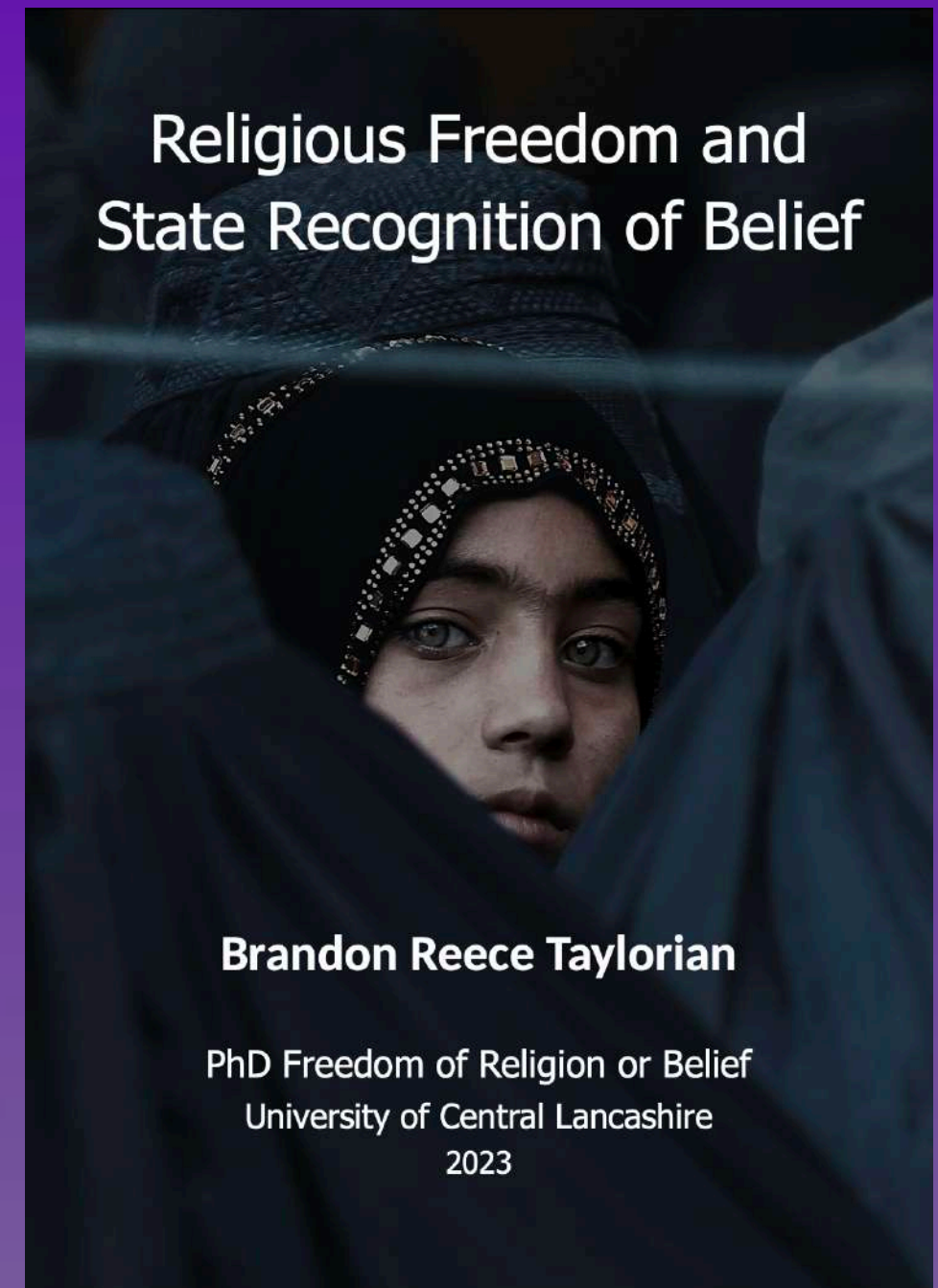
- **Apostasy, blasphemy and forced conversion:** recognition and registration both work to encourage conversion from religions in disfavour with the government to religions in favour either by threatening consequence for 'apostasy' and 'blasphemy' or by placing institutional hurdles in the way of those who convert or to prevent conversion being recognised in law.
- **Censorship:** my study found that state recognition plays a significant role in how state media portrays a religion or belief and its community of adherents.
- **Citizenship and national identity:** entrenched notions of what principles a country stands for and what it means to be a citizen of that country I found to greatly inhibit respect for religious freedom.
- **Discrimination:** lack of recognition I found to be the root of increased institutional and social hurdles for members of unrecognised religions and beliefs such as access to services or treatment by government institutions. Discrimination also exists within registration procedures, namely,

IMPACTS OF RORB ON FORB

- **Institutional religious freedom concerns:** RoRB issues often work by impacting the activities of religious institutions which has a negative effect on individual religious freedom. Examples include it being illegal to import certain kinds of religious goods, religious texts being examined by state officials, financial restrictions (e.g. receiving donations), restrictions on proselytising and confining where religious institutions may host services.
- **Religious exclusivism:** recognition perpetuates notions of exclusivity and superiority towards minorities and new religious movements while registration plays the role of ensuring that such biases are reflected in the legal system.
- **Surveillance and control:** some states are adept at using registration to collect information about religious or belief groups and to use this later to surveil, intimidate, harass and arrest members.
- **Violence:** my study also found that recognition and to a lesser extent registration were factors contributing to how states justify acts of violence directed towards members of unrecognised or unregistered religious or belief organisations.

EMERGENT THEMES

- Cultural relativism vs universality of human rights.
- Religious exclusivism vs religious inclusivism – this theme emerged when discussing state definitions of religion.
- Collective, individual and institutional rights.
- Instrumentalisation of religion – the use of religion to achieve political aims.
- State justification of restrictions on religious activity, including narrative tools (e.g. preserving national unity, protecting cultural heritage, public order, safety and security).
- Reinterpretation of religious freedom at the national level.
- Recognition and registration issues are harbingers of worse violations.



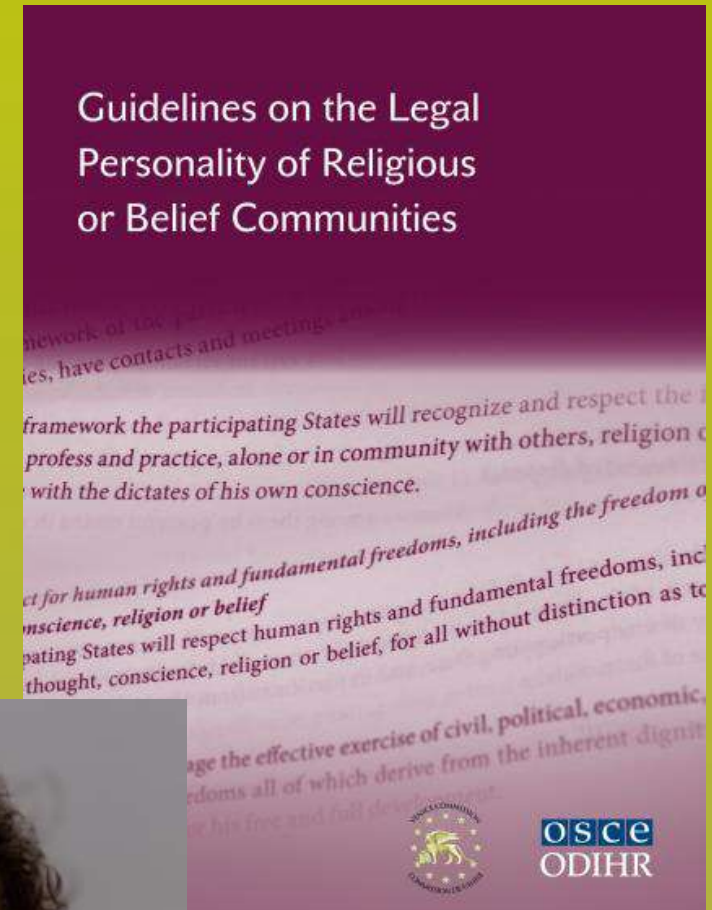
Cover of Doctoral Thesis *Religious Freedom and State Recognition of Belief*.

A photograph of the United Nations Secretariat Building in New York City. The building is a large, light-colored stone structure with a central entrance. In front of the building, there is a large lawn with many tall flagpoles, each flying a different national flag. The flags are arranged in two long rows, creating a perspective that leads towards the building. The sky is overcast and grey. The text "INTERNATIONAL RESPONSE TO RORB ISSUES" is overlaid in large, white, sans-serif capital letters across the center of the image.

INTERNATIONAL RESPONSE TO RORB ISSUES

RESPONSES

- OSCE Guidelines were published in 2014 but there are several inadequacies. Standards are needed to give the guidelines more precision.
- United Nations Special Rapporteur guidance has been too soft on specifying countries using recognition and registration to restrict FoRB.
- European Court of Human Rights (ECtHR) rulings are reactionary rather than preventative for which standards are needed.
- Although some registration issues in Europe have reached the ECtHR, in nations across Africa and Asia, religious groups have little recourse to protect themselves due to corruption in national court systems.



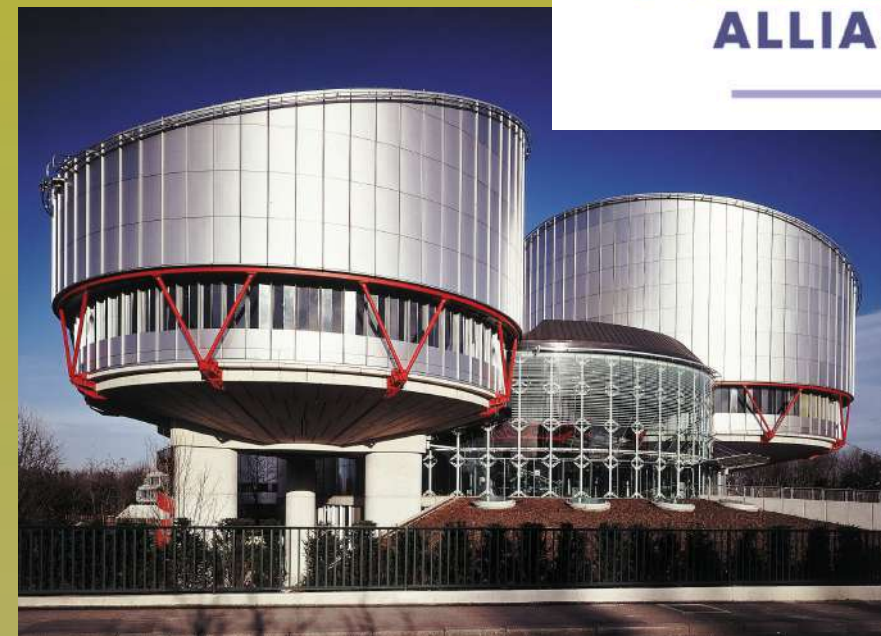
Nazila Ghanea, current UN Special Rapporteur on FoRB

MAIN CONCERNS

- Lack of international standards to curb national policies and practices, especially to attend to granular issues that have gone unaddressed by rights conventions and court rulings.
- Lack of theoretical development from scholars and human rights organisations (i.e. the concept of IRF remains largely unknown).
- Lack of clear guidance from the Strasbourg Court on more ambiguous aspects of religious recognition (i.e. what leeway should states be given to favour some religions over others).



**INSTITUTIONAL
RELIGIOUS
FREEDOM
ALLIANCE**



Strasbourg Court, France.

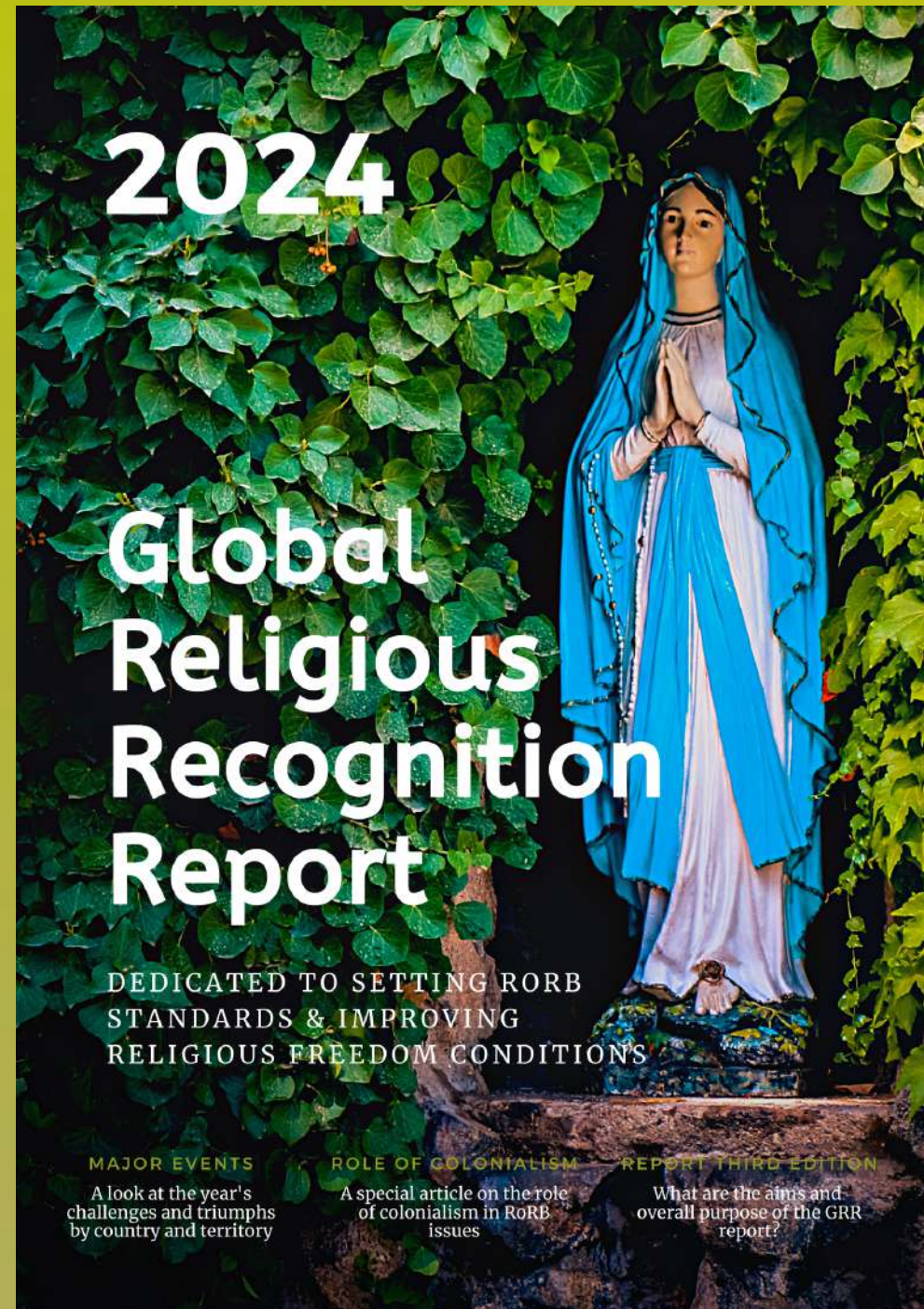
NEW APPROACHES

- A new approach of **recognitionism** that places recognition and registration at the centre of FoRB policy.
- A new approach called **facilitationism** that sees the value of recognition and registration to advance FoRB.
- More specificity on what recognition and registration policies and practices are permissible and impermissible to FoRB.
- More qualitative research and international monitoring specific to recognition and registration issues.



Cover of 2023 *Global Religious Recognition Report*.

VOLUNTEERS NEEDED!



Cover of 2024 Global Religious Recognition Report.

A detailed Baroque painting depicting the Miracle of St. Francisco Xavier. The saint, with a halo and in dark robes, stands on the right, holding a book and gesturing towards a group of indigenous people. The people, dressed in traditional attire like turbans and patterned tunics, are gathered around a large, dark, rocky object. Some are kneeling in prayer, while others look on with expressions of awe and devotion. The background features a lush landscape with trees, a small building, and distant hills under a blue sky. The overall composition is dynamic, with strong contrasts of light and shadow, emphasizing the miraculous event.

THE LEGACY OF COLONIALISM

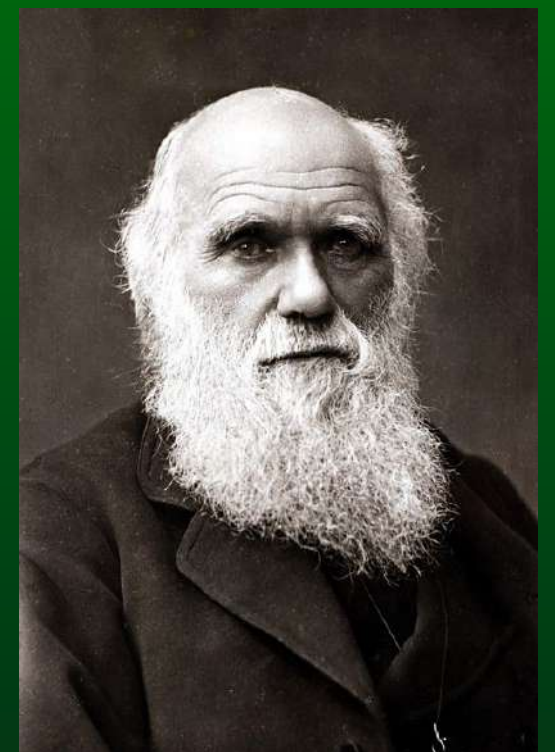
Miracle of St. Francisco Xavier by André Reinoso.

MENTALITY OF SUPERIORITY

- By 1840, there was a growing movement to stamp out all traces of the slave trade in Africa, a practised which had already been outlawed in the British Empire.
- The British aimed to civilise “primitive” peoples through spreading Christian teachings since they believed their religion was superior to all others.
- This effort to evangelise aligned with the aims of imperialist expansionism.

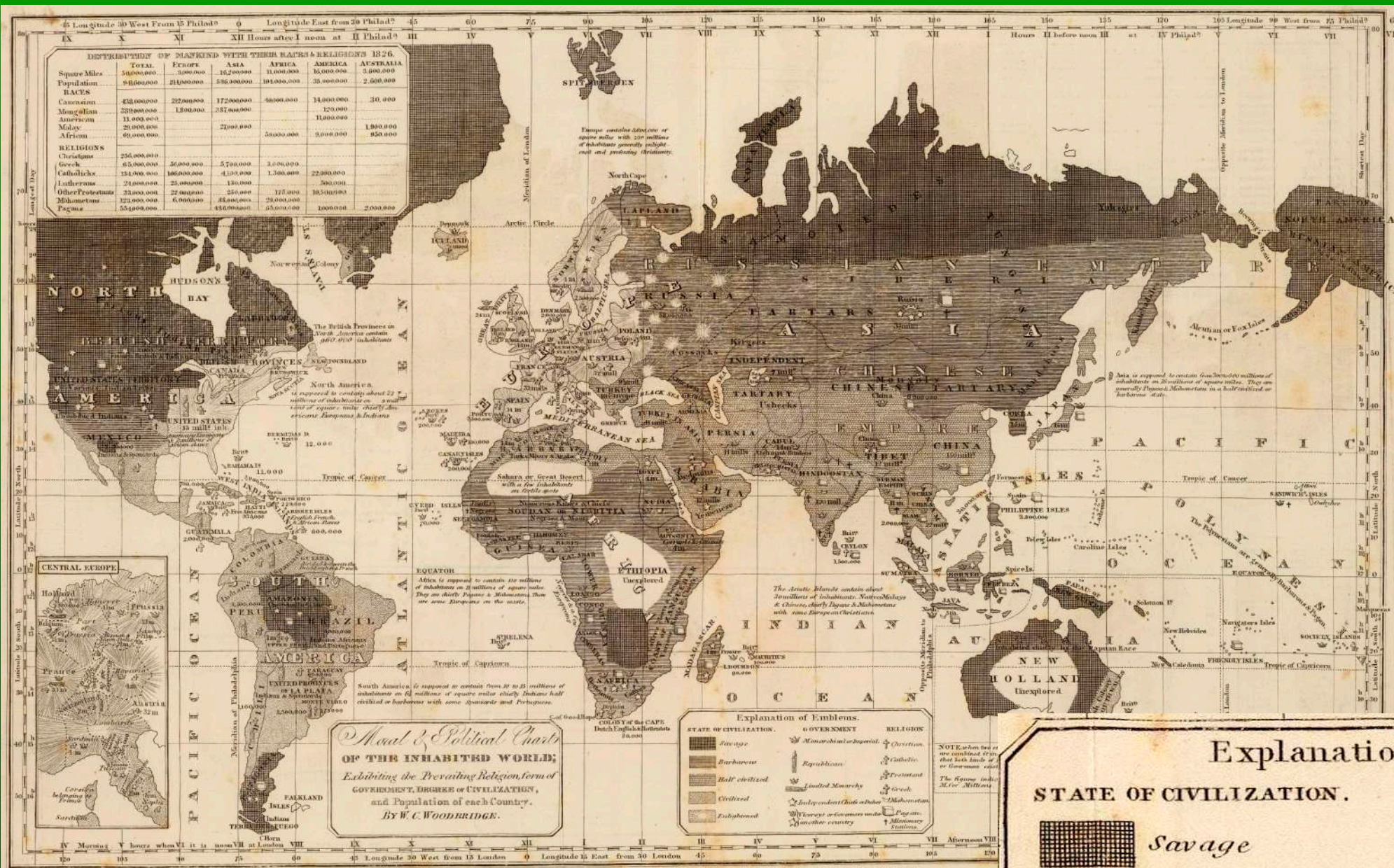


David Livingstone (1813–1873), Christian missionary who advocated bringing the three C's to Africa: Christianity, Commerce and Civilisation.



Charles Darwin (1809–1882), natural historian whose ideas were misused to develop a hierarchy of races biased against civilisations considered 'primitive.'

COLONIAL-ERA CARTOGRAPHY



1821 map of the world's religious populations.

MISRECOGNITION

- Colonial cartography reveals warped Western understandings of the non-Christian religions.
- Muslims were referred to as Mohammedans while the populations of Africa and South America were called "fetishists" or "pagans." The terms "heathens" and "idolaters" were also frequently used.
- An attitude of dismissiveness prevailed which lead to othering and seeing non-Christian religions as inferior.
- Western academic study of the religions of peoples of faraway lands developed Western understanding, one outcome of which was the Orientalist development of Hinduism as a unified Indian religion (King, 1999).
- Imposition of the Western concept of 'religion' onto cultures that do not necessarily share the same belief systems.

IMPERIALISM

- Through studying the mystical East, it was hoped European culture would be restored by rediscovering ancient sources of wisdom.
- Conquering culture 'from the inside' by reinterpreting, dramatising and exploiting cultural differences.
- An enduring sense of entitlement to the culture and knowledge of other civilisations.
- Christianity's role as a civiliser and so Christianity became synonymous with a civilised or enlightened form of religion.
- Imperial attempts at botched classifications of religious adherents (i.e. the British classification of Indians as either Hindus or Muslims with no further distinction).

IMPERIAL MISUSES OF RELIGION

Christianity

Some Nazi leaders developed a Nazi form of Christianity called Positive Christianity which rejected the Jewish origins of the religion and depicted Jesus as an Aryan.



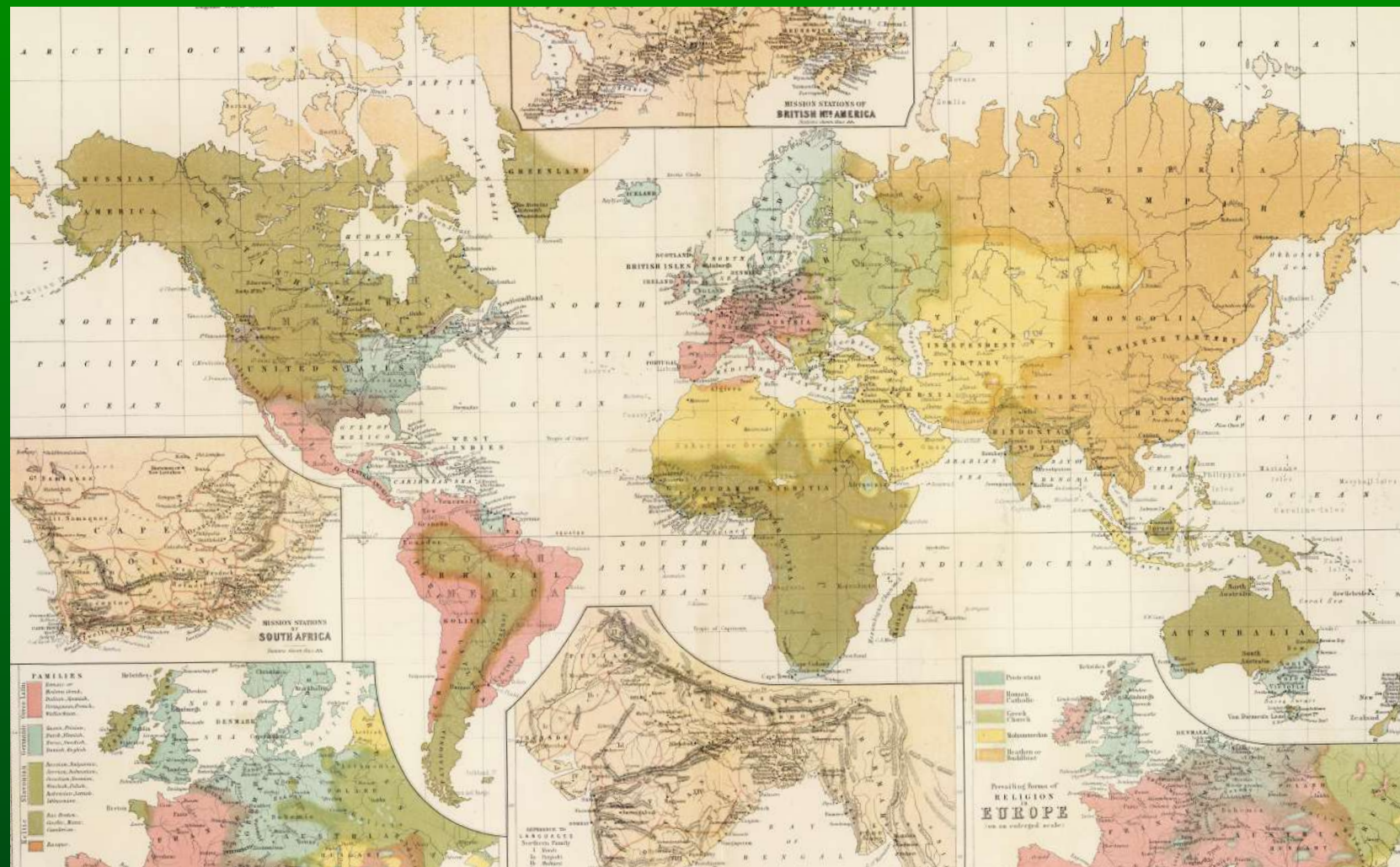
Russian Orthodoxy

The Russian Empire established close relations with the Orthodox Church which endorsed the Tsar as appointed by God and that to challenge the Tsar was to insult God.



Catholicism and Protestantism

Catholic and Protestant evangelism was used by the British, French, Italian, Spanish and Portuguese empires to establish the superior of Western power.



State atheism

The Soviet Union was the first state to actively advocate for atheism and misused irreligion to suppress the rights of citizens.

Islam

The Ottoman Empire was inspired by and sustained on Islam and Islamic institutions until its collapse in 1922.



State Shinto

Imperial Japan used an ideological form of the country's indigenous nature religion to advance the imperial expansionist agenda.



ORIENTALISM

In 1978, Edward Said published *Orientalism*, which argued that colonialists had presented “The East” as exotic, historically frozen in time, sensual, feminine, weak, dangerous, eccentric, irrational, and undeveloped.

- Religious communities were represented in a stereotyped way, especially of Hindus, Muslims and those practising African Traditional religion.
- The Eurocentric view was that African religions were primitive and hinged on superstition rather than sophisticated theologies (Woolley, 2013).
- This resulted in othering non-Christian religions as inferior and forming stereotypical representations of such religions (King, 2005).
- The cultural authority of Europeans led to religious appropriation (Bucar, 2022). This authority also gave license to Europeans to define the religions of their colonial subjects.

RELIGIOUS EXOTICISM

- Aestheticising is the precursor to appropriation.
- Eastern religions were represented as ancient, authentic, mysterious and vibrant alternatives for a disenchanted Western world.
- Said established four dogmas of orientalism: us versus them, modernity versus atavism, subject versus object and humanity versus barbarity (Jacoby, 2023).
- Exoticism as the precursor to exploitation. A form of objectification, marginalisation, domination and oppression.

POST-COLONIAL WORLD

- Changing Eastern religions to suit to Western audiences (e.g. yoga, meditation and shamanism). Westsplainning of indigenous religions through the academic study of religions.
- Former colonies vigorously advocate for state religions or practising state privilege as a mark of their independence and autonomy from colonial rule (e.g. Arab nations of North Africa) and to establish a sense of nationhood, especially for countries created during decolonisation (e.g. Bangladesh and Pakistan).
- Many former Soviet states remain dictatorships and so use religious registration to maintain control over civil society.



New Age meditation group at the Snoqualmie Moondance festival, 1992.



CONTEMPORARY MANIFESTATIONS

- **Discrimination:** state and societal prejudicial treatment of those with new or unfamiliar religious beliefs and practices, such as in access to registration or recognition.
- **Inequality:** one religion being superior to others and reflecting this in the degree of recognition it receives in society and its legal benefits and privileges. These inequalities can also be found in contemporary registration systems.
- **Weaponisation of terms and misrecognition:** accusation of new or unfamiliar religions of being cults or extremist. This often accompanies othering such groups and pressuring them to become social outcasts.
- **Persecution:** examples include Uighur Muslims in Xinjiang and Rohingya Muslims in Myanmar. These campaigns were orchestrated over decades of othering, dehumanising and religious discrimination, part of which is denying such groups recognised and registered status.
- **Inter-religious conflict:** an example is the ongoing conflict between Hindus and Muslims in India.
- **Religious hegemony:** to maintain the dominant position of a certain religion, governments use authoritarian methods to limit citizens' religious activities that venture outside the norm.

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THANK YOU FOR
LISTENING

Are There Any Questions?

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