



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

LEGISLATION FACTSHEET

REGISTRATION LAWS

January 2019

Tenzin Dorjee
Chair

Kristina Arriaga
Vice Chair

Gayle Manchin
Vice Chair

Commissioners

Gary Bauer
Commissioner

Anurima Bhargava
Commissioner

Nadine Maenza
Commissioner

Andy Khawaja
Commissioner

Johnnie Moore
Commissioner

Tony Perkins
Commissioner

Erin D. Singshinsuk
Executive Director

USCIRF's Mission

*To elevate and promote
international religious
freedom as a norm
and practice.*

By Kirsten Lavery, International Legal Specialist

Overview of Registration Laws

Registration is often vital to religious groups. Registration laws govern the acquisition of legal personality, which means that entities are capable of holding legal rights and obligations within a legal system. In addition to frequently conferring economic benefits, legal personality is often required to facilitate basic operations, such as the ability to own or rent property and to operate educational and humanitarian institutions. States use a variety of mechanisms to facilitate the registration process, including review in national courts or administrative applications filed with government agencies.

Human Rights Concerns

Given the importance of legal personality, the [*UN Special Rapporteur on Freedom of Religion or Belief*](#) and the [*Organization for Security and Cooperation in Europe \(OSCE\)*](#) have recognized the ability to obtain legal personality for religious organizations as part of the right to freedom of religion or belief. Often, individuals or groups cannot fully exercise their right to religious freedom unless they are permitted to form legal entities to organize and operate their religious communities.

The [*Universal Declaration of Human Rights*](#) and the [*International Covenant on Civil and Political Rights*](#) provide that freedom of religion or belief includes the right to engage in community religious activities. Both documents also protect freedoms of peaceful assembly and association. Importantly, these rights, including freedom of religion or belief, have the status of human rights prior to and independent from receipt of registration from a state.

USCIRF encourages all countries to develop registration requirements for religious organizations that meet international human rights standards, protect the right to freedom of religion or belief, and allow religious communities to acquire and maintain legal personality.

Standards for Registration Laws

To ensure the protection of freedom of religion or belief and related rights, USCIRF advises that legislation regulating registration of religious groups must adhere to the following standards:

- **Registration of religious groups cannot be mandatory:** Registration can only be required to confer legal personality and must not be compulsory in order to practice religion. Further, states cannot impose sanctions or limitations on religious groups that choose not to register. This is particularly important as some religious groups object in principle to chartering requirements.

In [Azerbaijan](#), non-registered religious groups are not able to operate freely. Registration with the government is mandatory for religious groups to conduct activities. Those that are denied registration or refuse to register on theological grounds are considered “illegal” and may face penalties, which is in violation of the rights of these religious groups.

- **Legislation cannot contain undue restrictions or other bureaucratic burdens that hinder access to legal personality:** Regardless of the process for reviewing registration applications, undue restrictions are inconsistent with the freedom of religion or belief, as well as the freedom of association. Registration procedures must be quick, transparent, and fair. To this aim, states must limit the bureaucratic burdens of registration and define, minimize, and comply with wait times for receiving status.

In [Uzbekistan](#), many religious groups cannot meet expansive requirements for central registration of religious groups, such as a permanent representation in eight of the country’s 14 administrative divisions.

- **Requirements for registration must be precise and defined:** All registration requirements and decisions must be clear with defined formal elements. Registration requirements cannot be vague or grant excess discretion to government authorities. In addition, religious groups should not be given the power to veto the registration of other religious groups.
- **Registration laws must be non-discriminatory:** Under international human rights law, countries are obligated to create registration requirements that are non-discriminatory. Importantly, this means that registration requirements must be inclusive and not limit the rights of religious minorities. States with official, preferred, or favored religions must be particularly cognizant that registration requirements are designed and implemented in a non-discriminatory manner.
- **Religious organizations must be carefully defined:** States must pay particular attention to how religious organizations are defined. While objective, formal criteria can be applied, religion and belief must be construed broadly and include both traditional and non-traditional religions and beliefs, including both theistic and non-theistic beliefs. As international standards protect both the right to believe and not to believe, the legislation must also adequately protect non-believers, including those who have atheistic beliefs. To the extent that religion is defined, the belief in God must not be required.
- **Registration requirements cannot be onerous or invasive:** Registration requirements must not be so burdensome or intrusive that they limit the right of freedom of religion or belief or discriminate against certain communities. Examples of overly burdensome requirements are high registration fees or a rule that all members of the religious community sign the application. Requirements must adequately consider and address the needs of smaller communities. Certain thresholds, such as a high minimum membership numbers or lengthy requirements for existence in a state, can exclude particular religious groups. Registration also should not require examination of the substantive content of the community’s beliefs, structures, or methods of appointing clergy.



- **There must be avenues for appealing denials:** Denying legal personality to a religious community interferes with the right to freedom of religion or belief. Therefore, if a group is denied legal personality or this status is withdrawn, the relevant authorities must provide a clear and specific justification for the adverse decision. Further, religious communities must have channels to appeal such a decision and access remedies.

In Eritrea, several religious communities have been waiting since 2002 for the government to decide on their applications for registration, effectively denying these religious communities the ability to obtain legal personality.

Professional Staff

Ferdaouis Bagga
Policy Analyst

Keely Bakken
Researcher

Karen Banno
Travel Manager

Dwight Bashir
Director of Research and Policy

Elizabeth K. Cassidy
Director of International Law and Policy

Patrick Greenwalt
Researcher

Alex Iverson
Researcher

Thomas Kraemer
Director of Operations and Finance

Kirsten Lavery
International Legal Specialist

Jason Morton
Policy Analyst

Tina L. Mufford
Deputy Director of Research and Policy

Dominic Nardi
Policy Analyst

Javier Pena
Communications and Congressional Affairs Specialist

Isaac Six
Director of Congressional Affairs and Communications

Zachary Udin
Research Assistant

Scott Weiner
Policy Analyst

Kurt Werthmuller
Policy Analyst

Henry Young
Management and Program Analyst