Religious Freedom and State Recognition of Belief

To what degree do recognition and registration issues impact conditions of freedom of religion or belief?

by

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Abstract

How governments recognise and register religious groups is a reasonable concern to those monitoring human rights records, given how often recognition and registration policies discriminate based on religion or belief. This thesis identifies the frequency, severity and variety of recognition and registration issues across diverse cultural, political and religious contexts. Using case studies, it develops ways of measuring the degree to which recognition and registration issues impact conditions of freedom of religion or belief (FoRB). It concludes that recognition and registration play a significant role in limiting or interfering with the freedom of religious communities.

The findings presented in this thesis stem from a series of interviews conducted with members of minority religions and human rights professionals. The participants explained what recognition and registration issues they believe are most pressing. The issues that participants considered crucial were states limiting access to legal personality, criminalising unregistered religious activity, making registration onerous, using information gathered during registration to surveil religious services and deregistering groups if they fail to conform to state regulations. The thesis analyses the interplay between recognition and registration and explores the extent to which recognition policy influences how groups fare before, during and after they have registered. State recognition appears to be a permanent fixture in state-religion relations. It also tends to worsen the impacts of registration due to the widespread practice of states giving special privileges to favoured denominations. Although registration has a legitimate function in regulating groups that are fraudulent or harmful, how registration policies are developed and applied is often not conducive to pluralism, especially if there is a narrow recognition policy that prevents communities from registering. Although the study finds the most drastic impacts to appear in authoritarian states, recognition and registration systems in democracies are not free of inequality and prejudice. The thesis synthesises various dimensions of FoRB by introducing the Spectrum of Religious Recognition (SRR-1), the Spectrum of Religious Registration (SRR-2) and the Scale of Rights Violations (SRV). Each can be used to rank countries on how severely their practices impact conditions of FoRB.

Keywords: freedom of religion or belief, human rights violations, registration issues, religious prisoners of conscience, state recognition of religions.

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List of Abbreviations

- **ECHR**: European Convention on Human Rights
- **ECtHR**: European Court of Human Rights
- **FoRB**: Freedom of religion or belief
- **IACtHR**: Inter-American Court of Human Rights
- **ICCPR**: International Covenant on Civil and Political Rights
- **IRF**: Institutional religious freedom
- **NRMs**: new religious movements
- **ODIHR**: Office for Democratic Institutions and Human Rights
- **OSCE**: Organization for Security and Co-operation in Europe
- **SRR-1**: Spectrum of Religious Recognition
- **SRR-2**: Spectrum of Religious Registration
- **SRV**: Scale of Rights Violations
- **UN**: United Nations
- **UDHR**: Universal Declaration of Human Rights
- **USCIRF**: United States Commission on International Religious Freedom

Part One

Introduction

Section 1.1 – Preliminary considerations

In November 1981, the General Assembly of the United Nations (UN) declared that it would work towards eliminating all forms of intolerance and discrimination based on religion and belief (General Assembly, 1981). Freedom of religion or belief (FoRB) was one of the inalienable rights included in the legally binding International Covenant on Civil and Political Rights (ICCPR) that entered into force in 1976. The following clauses of the ICCPR's Article 18 established protections for FoRB:

> 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
> 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
> 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
> 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

The 174 countries that have since signed and ratified the ICCPR have committed themselves to upholding FoRB as a sixfold right that includes the freedom to express, observe and organise any religion or belief in public and private or to refrain from doing so. The language of human rights instruments has invoked notions of recognition from the outset, implying a role for recognition in advancing human rights. For example, the preamble of the Universal Declaration of Human Rights (UDHR) in 1948 began by affirming the 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family', while Article 6

of the Declaration affirmed that 'everyone has the right to recognition everywhere as a person before the law' (Illueca, 2023, p137-151).

The notion of a 'right to recognition' in the UDHR indicates that recognition in its legal and social forms is a crucial part of what it means for states to uphold human rights. Recognition may also be significant in the context of FoRB as the ability to freely exercise the full range of rights included under the banner of FoRB appears to rest on the degree of legal, social and state recognition a religion or belief has received (Stinnett, 2005, p429-451). Despite international human rights instruments establishing explicit protections for FoRB, many governments have reworked FoRB to fit in with their vision of what constitutes an ideal social order (Evans, 2001, p116). Those monitoring conditions of FoRB have since specified in their reports that how states recognise religions and register their affiliate organisations is a common way governments restrict religious activity (Fox, 2016, p1-57; Majumdar & Villa, 2021). My study explores this assertion to understand to what extent recognition and registration issues influence conditions of FoRB, with a focus on analysing the impacts on religious communities, especially the lives of members of minority religions or new religious movements (NRMs) (Finke & Grim, 2011, p100, 121-125).

In pursuit of this research aim, my study addresses several recognition and registration issues across diverse cultural and political contexts and reflects on the guidance published by human rights commissions, courts and rapporteurs to ascertain the extent to which the issues negatively impact conditions of FoRB. To reach this goal, I interviewed two types of stakeholders who gave different perspectives (see Appendix 1 for a list of participants). The first was from human rights professionals working on religious freedom who gave a bird's-eye view by considering whether the international human rights system is sufficiently equipped to address recognition and registration issues. The second stakeholder perspective came from members of minority communities or NRMs who provided insight into what it is like to face recognition or registration issues and how this impacts their ability to exercise their FoRB. In this thesis, I use data from secondary sources to support the findings of the

interview series, including the United States Department of State's annual *Report on International Religious Freedom*, judgements from relevant cases at the European Court of Human Rights (ECtHR or Strasbourg Court) or the UN Human Rights Committee (see Appendix 2 for a list of cases cited in this thesis) and intelligence gathered by the United States Commission on International Religious Freedom (USCIRF) on prisoners of conscience incarcerated for unregistered religious activity (see Appendix 3 for a list of prisoners of conscience cited in this thesis).

Since the first nations emerged, religious institutions have sought endorsement from the state to achieve sweeping privileges (Bilsky, 1971). Although many countries separate the state from religious affairs, such as France, the Netherlands and the United States, in others, close-knit relationships between the state and religions have accelerated in contemporary times, even with governments purporting to be secular sometimes showing a preference for certain religions. For example, several countries in South America, including Bolivia, Colombia, Paraguay and Peru, claim to be secular yet grant exclusive privileges to the Roman Catholic Church, enabling it to maintain its political and sociocultural dominance on the continent (Mantilla, 2019, p87-103; Puntigliano, 2021, p455-470). After analysing the range of state systems for recognising and registering religions during this research, I found that they are often discriminatory. For instance, Austria, Czechia and Hungary hierarchise religions by granting degrees of recognition, each with incremental privileges based on the state's preference for certain denominations (Alston et al., 2007, p570-577).

At the outset of the interview series of my study, Professor Heiner Bielefeldt[1], the former United Nations Special Rapporteur on Freedom of Religion or Belief, stated that 'we have to distinguish very clearly between recognition and registration.'

[1] Professor Bielefeldt served as Director of the German Institute for Human Rights from 2003 to 2009 and was later appointed to the Chair of Human Rights and Human Rights Policy at the University of Erlangen–Nuremberg. In June 2010, Bielefeldt was appointed UN Special Rapporteur on Freedom of Religion or Belief, a post he held until 31st October 2016. During his term, he produced thematic and country reports on challenges, emerging obstacles, and best practices for protecting the freedom of religion or belief. One of his notable outputs is *Freedom of Religion or Belief: An International Law Commentary* (co-edited with Michael Wiener and Nazila Ghanea) which is a widely referenced work in the field. After his mandate, he remained active in human rights scholarship and public discussion, especially on religion, pluralism, secularism, and the intersection of human rights and belief.

Bielefeldt also clarified that ‘a community wishing to enjoy their freedom of religion or belief does not need recognition which is the premise held by the international community. One of the practical implications is that non-registered communities should enjoy their freedom of religion or belief.’ After reflecting on these answers from Bielefeldt, I came to understand recognition as the sociocultural process of a religion or belief receiving acceptance and greater prominence in a society, a status confirmed by the state whenever it grants religious groups exclusive privileges or any type of special status (i.e. making a religion the official religion of the state). On the other hand, I understand registration is an administrative process that a religious or belief organisation pursues to obtain legal personality, granting it several rights as an organisation under the law and financial benefits (Rohoziński, 2023, p89-100).

A running theme of my study’s interview series was that the attitude of states towards religious diversity tends to influence their recognition and registration practices. For example, some states like Belgium, Estonia and Finland, to remain committed to the European Convention on Human Rights (ECHR), have cultivated a legal and social environment in which a plurality of religions and beliefs may coexist equally. By contrast, other states like Iran, Malaysia and Myanmar establish a specific religion or denomination in their constitution and remain averse to religious diversity (Richardson, 2003, p224-232, 443). A smaller number of countries—primarily communist states like China, North Korea and Vietnam, and to a lesser degree Cuba and Laos—have integrated atheism into their state policy and impose severe penalties on any citizen whose dedication to their religion might supersede their loyalty to the state (Cliteur & Ellian, 2020, p103-132). These models range from state acceptance and toleration to state rejection of religious pluralism. In essence, it seems that the more intolerant a regime is to religious diversity, the more non-compliant with FoRB its recognition and registration practices become (Fox, 2020, p38, 106, 112, 180; Lœgaard, 2013, p52-76). However, I wanted to understand this in greater depth by conducting interviews with members of minority communities to grasp the relationship between recognition, registration and FoRB from the perspective of

people living under different types of governments. By no means is my study comprehensive, given the wide range of issues and my limited resources. However, the select group interviewed grounds the more abstract ideas of the discussion in real-world examples.

Looking at reports produced by the current UN Special Rapporteur on Freedom of Religion or Belief as preliminary sources, Nazila Ghanea emphasises how issues worsen whenever state recognition interferes with the registration process (Ghanea, 2023, p56-61). For instance, groups affiliated with a religion or belief favoured by the government are sometimes exempt from having to register, a privilege that the Roman Catholic Church and Protestant Reformed Church enjoy in Equatorial Guinea (Office of International Religious Freedom, 2023). Conversely, organisations professing an unrecognised religion might find registering difficult or may have their registered status revoked without warning. For example, in 2011, Hungary's National Assembly passed Act CCVI that deregistered more than 350 religious groups and left in its wake only fourteen registered religious organisations affiliated with denominations the Hungarian government favours (Baer, 2019, p1-17). In most countries, state recognition is essential for religious or belief communities to gain and retain legal status. Recognition typically confers financial benefits, the right to operate and the freedom to proselytise, which are essential to the growth and survival of any religious community (Fox, 2015, p39-135; Witte Jr., 2001, p619-629).

However, those monitoring conditions of FoRB seem to be most concerned with how some governments request excessive information from religious or belief organisations during registration, such as the personal details of group members. For instance, a participant in my study's interview series, a Russian Jehovah's Witness exiled to Denmark[2], explained how Russian authorities have 'in the past raided Kingdom Halls based on addresses and contact information provided during mandatory registration.' In similar authoritarian and semi-authoritarian states like

[2] Interviewee 30 is a Russian citizen and a member of Jehovah's Witnesses. They escaped Russia following the federal ban on Jehovah's Witnesses in 2017 and found refuge in Denmark, where they continue to practise their faith.

Guinea, the Maldives and Oman, state officials often infiltrate religious services to ensure that sermons align with government regulations (Müller & Neundorf, 2012, p559-582; Zrinščak, 2011, p157-182). Moreover, data patterns in countries where Islam is the state religion show that recognition and registration are used to restrict the growth of new religions and to subjugate minority communities (USCIRF, 2005, p8). For example, in Algeria, non-Islamic organisations are forbidden from operating outside registered places of worship. In Egypt and Iraq, the government bans new religions like the Bahá'í Faith and Jehovah's Witnesses, deeming them subversive (Turner, 2005, p359-395). From these examples, it appears that when states favour one religion or strictly regulate religious activity, how recognition and registration are applied tends to violate FoRB (Sealy, 2021, p49-52, 195-216).

Equally concerning are cases where states impose multiple restrictive policies simultaneously, thus escalating violations and causing further detriment to religious communities. In such instances, FoRB violations turn systematic as the more restrictions there are, the more severe violations become. It appears two types of systems exclude religious communities. First are those that restrict religions and beliefs by actively misusing recognition or registration, like how Tunisian law demands that religious groups complete an onerous registration process before they can organise meetings or publish leaflets legally (Office of International Religious Freedom, 2023). Meanwhile, some countries restrict passively by lacking ways of gaining recognition or instituting registration procedures. For example, in the West Bank and Gaza Strip, the Palestinian National Authority (PNA) has failed to establish since its creation in 1994 an official registration process to give religious or belief organisations a clear avenue for receiving legal personality in the areas the PNA controls (Cliteur & Ellian, 2020, p103-132; Office of International Religious Freedom, 2023). In 2014, in response to issues involving recognition and registration, the Organization for Security and Co-operation in Europe (OSCE), an intergovernmental organisation that has a mandate that includes a security-oriented promotion of human rights, published a set of guidelines on how states might

approach registering religious or belief organisations (Posner, 2009, p33-62). However, these guidelines lacked definite standards for states to follow and were largely Eurocentric despite recognition and registration issues appearing across Africa, Asia and South America. Given how widespread state restrictions on religion have become and paired with outdated and unclear guidelines, my aim for this thesis is to conduct a thorough analysis of recognition and registration issues to ascertain and scale to what degree they influence conditions of FoRB. I intend for my findings to inform governments and human rights organisations more clearly about the impacts of recognition and registration issues (USCIRF, 2020).

I aim to contribute new knowledge to the field by synthesising various dimensions of FoRB into two spectra: the Spectrum of Religious Recognition (SRR-1) and the Spectrum of Religious Registration (SRR-2). I intend for these spectra to capture the scale of recognition and registration issues in different countries and contexts. The SRR-1 will focus on categorising countries according to how their recognition policies and enforcement of registration laws impact conditions of FoRB. The reason for developing the SRR-1 is to establish the variance of how recognition and registration policies are applied to determine their compliance with international standards on FoRB (Bielefeldt, 2013, p33-68; Fox, 2008, p32-104). The SRR-2 defines a range of state registration policies and classifies them into ‘mandatory’, ‘optional’ and ‘non-registration’ categories to measure their compliance with FoRB. To complement both spectra, I also aim to introduce a Scale of Rights Violations (SRV) to show the difference in severity, from ‘minor’ to ‘grave’, of FoRB violations resulting from applications of recognition or registration.

In 1993, General Comment 22 of the Human Rights Committee on Freedom of Religion or Belief asserted that there are to be no limits placed on freedom of conscience and religion (OHCHR, 2022). Following my preliminary reading of the relevant literature, I chose to investigate the impacts, pervasiveness and severity of recognition and registration issues to discover to what extent recognition and registration policy and practice shape conditions of FoRB (Bielefeldt, 2011; Buckley

& Mantilla, 2013, p328-348). An underlying tension in my research is how the universality of rights like FoRB contradicts states' assertions that its preferential treatment of certain religions preserves national identity, maintains public order and promotes cultural heritage. After reading the work of Mariam Abdulla (2018, p102-115), for example, states appear to justify their preference for the majority religion under the guise of protecting the cultural rights of citizens. This attitude is evident in countries that use registration policies to restrict new or minority religious groups from proselytising. For example, in Romania, religious groups must complete a cumbersome registration procedure before their members may proselytise legally (Office of International Religious Freedom, 2023). Meanwhile, in countries as diverse as Armenia, Belize, Djibouti, Nepal and Niger, proselytising is either banned with administrative or criminal penalties or heavily restricted (Fox, 2023, p267-279). For example, since 2018, anyone caught proselytising in Nepal can be sentenced to a combined penalty of five years imprisonment and a fine of up to 50,000 Nepali Rupees ($500) (Office of International Religious Freedom, 2023).

These restrictions on proselytising reveal an aversion among governments to the spread of religions, especially the growth of minority religions and NRMs. While this thesis argues that equal opportunities for recognition and registration are essential for protecting FoRB, it is important to acknowledge the complexities involved. Some NRMs—such as Heaven's Gate in the United States, the Order of the Solar Temple in Europe and Aum Shinrikyō in Japan—have posed serious risks to the safety and wellbeing of their adherents and, at times, to wider society. In these exceptional cases, the refusal of a state to register or formally recognise a group may be understood not as an infringement of religious freedom but as a protective measure, intended to prevent the conferral of legitimacy on organisations that demonstrate harmful, coercive or violent tendencies. This thesis therefore recognises that while the presumption should favour inclusion and equal treatment, the state may on rare occasions be justified in withholding recognition or registration where compelling evidence of significant danger to public order, health or safety exists.

It seems that wherever culture overlaps with religion, narratives such as preserving culture sometimes support a national reinterpretation of FoRB that state recognition and registration appear to play a crucial role in maintaining. Hence, one of the strands of discussion in my thesis centres on how human rights organisations might strike a compromise when dispensing guidance to states between the universality of FoRB and the desire of states to use recognition to preserve cultural traditions or national identity. A related discussion is what margins of appreciation might be reasonable for states to exercise without violating their national and international commitments on human rights. To tackle these complex issues, firstly, I will turn to the philosophical discourse of recognition theory, then to the findings of human rights reports, followed by the experiences and opinions of a range of interviewees to study the interplay between recognition and registration to understand the degree to which they impact conditions of FoRB.

Section 1.2 – Literature review

To develop, in this review, a discussion of the current academic discourse on recognition and registration issues, I will analyse the work of scholars who have drawn several conclusions on the role of recognition and registration in state-religion relations and the subsequent impacts on conditions of FoRB. I plan to divide the review into three parts, with the first taking a philosophical approach by exploring the nature of state recognition and its sociopolitical functions (Schleutker, 2019, p282-307). I will use the work of four philosophers of recognition theory as a springboard for discussing ideas relevant to recognition in the context of FoRB. In the second part, I will explore the development of the literature since the 1960s on state registration of religious organisations. To end, I will discuss the literature on models of state-religion relations to highlight their impacts on conditions of FoRB.

States that misuse recognition and registration tend to threaten what I identified during my preliminary reading of the literature to be the seven key attributes of human rights. I identified seven attributes of human rights, include the following: (1) 'imprescriptibility', meaning human rights are not to expire or be revoked (Demenchonok, 2009, p273-301); (2) indispensability, meaning human rights are fundamental, inherent and necessary (Whelan, 2015, p69-89); (3) indivisibility, meaning human rights are not to be hierarchised or segregated (Nickel, 2008, p984-1001); (4) invariability, meaning human rights are not to be changed or reinterpreted (El Fadl, 2013, p167-183); (5) inviolability, meaning human rights are not to be eroded, infringed or undermined (Williams, 2007, p132-157); (6) non-negotiability, meaning human rights are not to be made conditional (Bielefeldt, 2012); and (7) universality, meaning human rights are not to be restricted to whom they apply and who they are invoked to protect (Martin, 2013, p59-75).

The 1948 UDHR states that human rights are universal, a characteristic that distinguishes modern human rights from prior 'natural rights' declarations like the Declaration of the Rights of Man and of the Citizen (1789). Older declarations tended

to limit access to rights, usually based on gender, nobility, race, religion or wealth (Gutmann et al., 2023, p1-40). The attributes of 'imprescriptibility' and inviolability address concerns involving contemporary states manipulating the international commitments they have made by narrowing the meaning of rights or subverting them by suggesting unreasonable circumstances in which they may be infringed (Essink et al., 2023, p1-18). Here, the derogability of rights is important, especially when discussing recognition and registration issues, since these mechanisms appear to limit or interfere with FoRB based on the state's claim that there is a justified reason for doing so. Determining in what circumstances rights within FoRB are derogable or non-derogable may be essential to establishing clearer parameters for states to follow in their recognition and registration practices (Umam, 2020, p119-134).

My emphasis on the attribute of non-negotiability stems from the expertise of Bielefeldt. During his interview for my study, Bielefeldt stated that 'human rights are beyond negotiation and are the non-negotiable preconditions, so the enjoyment of human rights is not a matter of negotiation or a matter of mediation but instead a matter of clarification.' Bielefeldt defined human rights as 'the non-negotiable preconditions of meaningful negotiations.' Bielefeldt gave the example that during his tenure as a UN Special Rapporteur, he witnessed religious leaders and state officials attempting to negotiate with him on what limits they could place on FoRB, often framing these negotiations as an attempt to retain their community's cultural and religious identity. Related is the attribute of indivisibility that addresses the growing concern of certain rights being given supremacy over others and attempts by some state or non-state actors to divide rights by suggesting, for example, that FoRB is incompatible with LGBT rights (Koppelman, 2020, p21-49). Meanwhile, the attribute of invariability reflects a concern central to state recognition and registration issues, namely, state-led attempts to change the definition of rights and reinterpret them at the national or international level. An example of an international reinterpretation of rights was the Cairo Declaration of Human Rights in Islam (1990) which reframed the international definition of FoRB to make it sharia-compliant by omitting the right to

change one's religion and the right to proselytise (Green & Witte, 2013, p15-36). Finally, the attribute of indispensability constitutes a three-pronged affirmation: (1) human rights are a permanent fixture in contemporary society; (2) human rights are of central importance to diplomacy, economics and politics; and (3) while the human rights system may be imperfect, the rights themselves remain essential to global sustainable development (Gewirth, 1984, p1-24; Gewirth, 1986, p329-344).

The seven attributes of human rights I emphasise herein continue the tradition of seeing human rights as a set of aspirational, even utopian, principles. However, historian Samuel Moyn challenges this approach. For example, in his 2010 work *The Last Utopia*, Moyn presented, through his analysis of the history of rights, how human rights developed during the decade following 1968 as a Western political tool rather than solely as a benevolent international reaction to the Holocaust as is widely believed (Equality and Human Rights Commission, 2018; Mazower, 2011, p29-44). Moyn instead attributes the invention of human rights to Western powers as an unquestionable, universal moral standard the West could frequently invoke to retain its domination over its colonies in the face of uprisings during the post-war de-colonisation movement (Moyn, 2010, p86). Moyn argues that Western superiority continues today under the guise of human rights. Moyn's view of human rights lends credence to the notion advanced by Stephen Hopgood in his 2013 work *The Endtimes of Human Rights*, namely, that human rights represent a system grounded in and made to suit a Western Christian worldview (Hopgood, 2013, p96-118). Hopgood argues that human rights are in their 'end times' because 'the vast superstructure of international human rights law and organisation is no longer fit for purpose.' Hopgood asserts that the 'three branches of the humanist tree we now call humanitarianism, human rights, and international justice' have roots among nineteenth-century European middle-class intellectuals who believed they possessed 'privileged insight.' These intellectuals saw themselves as 'Good Samaritans' fulfilling their duty to save their souls by providing humanitarian assistance to 'less civilised' nations. Hopgood maintains that the intellectual Europeans 'elevated [humanism] into a set of social

practices and institutions grounded by a culture of transcendent moral sentiment with strong Christian components.' Hopgood provides two examples to illustrate this metanarrative of human rights. Firstly, he refers to images of an 'abandoned child, the starving child, and the war orphan' as 'the passive and innocent victim' on the front covers of human rights books and reports. He argues that human rights discourse uses religious images of suffering children as a way of creating political outcomes or what he calls 'social magic.' Hopgood laments that rather than challenging this metanarrative, many who advocate for human rights construct and institutionalise it as a power play. The second example Hopgood gives for the downfall of human rights is how the global balance of power is shifting 'away from a unipolar American-led system towards a more multi-polar world' in which rapidly industrialising nations such as China and India are playing a larger role. As a result, the human rights system as it was conceived in the twentieth century is now redundant because it can no longer satisfy the needs of a world in which non-Western and non-Christian countries play an influential role in international politics (Hopgood, 2021, p116-129). Hopgood points to the emergence of East Asian and African versions of human rights as a challenge to the 'one-size-fits-all universalism of global Human Rights', which he argues is an outdated model.

Hopgood and Moyn's views are relevant to my study because how states recognise religions is often contrary to pluralism and religious equality, with governments usually justifying their actions by asserting that they wish to protect the traditional culture and national identity. Hopgood and Moyn identify a tension between whether the human rights system works for all countries or only those adhering to a Western moral standard. Hopgood's most significant contention is the issue of 'who gets to decide global rules to define legitimate exceptions to them' which strikes at the heart of my study's discussion on recognition and registration practices that are legitimate under international conceptions of FoRB. From my perspective, recognition and registration issues sit at the centre of this discourse because how states recognise and register religious communities often seems to challenge the margins of appreciation

available to states through the international human rights framework. This needs to be understood more clearly in the academic discourse and points to why the aim of my thesis is to grasp the relationship between recognition, registration and FoRB. In turn, I plan to analyse the impacts of recognition and registration to measure them based on how they influence conditions of FoRB and to make conclusive remarks about their significance.

Subsection 1.2.1 – Academic discourse on recognition issues

Recognition theory is a discipline crowded with philosophers addressing many contemporary issues involving interpersonal and governmental forms of recognition. Several nineteenth and twentieth-century philosophers found recognition to possess personal, political and social significance but differed in their interpretation of how recognition should be applied (McQueen, 2015, p18-40). There are four main approaches to recognition theory that I will use during this review as a springboard for the discussion of religious recognition. I will consider these four philosophers in the following order: Immanuel Kant, Georg Hegel, Charles Taylor and Axel Honneth.

Kantian view

Kant's views of recognition concentrate on establishing respect in the form of the equality of 'autonomous beings', a goal he thinks is achieved through recognition (Kant, 1879, p78, 240; Saunders, 2016, 164-182). Kantianism brought about a transition from honour-based social systems to those based on dignity, leading to Kant's conception of recognition as the acknowledgement of the dignity of human beings that has since become prominent in the contemporary conception of human rights (Zalta, 2016). Crucial to Kant's view is the notion of respect as the underlying mode of recognition since the act of recognising involves respecting the subjectivity of moral questions and thereby facilitating religious diversity by giving human beings

as rational agents the option to make moral decisions, including practising whatever religion they choose or none. Accordingly, for an individual to be dignified necessitates they are recognised and for a government to be dignified, it participates in recognition to demonstrate its respect for citizens capable of making decisions about religious observance without state interference (Bayefsky, 2013, p809-837).

In the context of states recognising religions, the government assumes the role of the recogniser while the religion, its institutions and adherents become the 'recognisees.' Hence, the state is responsible for establishing sufficient procedures for groups seeking recognition and registration (Young, 2011, p11-12, 37, 155, 160-230). The main concern is the potential for governments to use recognition and registration to facilitate or restrict religious activity, with the subjectivity of recognition a possible root cause of its use to restrict. Subjective matters include the criteria for what may be labelled a religion, the degree to which a community is organised and sufficiently notable to be considered recognisable and the lack of international consensus on how, when and to whom recognition should be bestowed and under what circumstances it may be reasonably revoked (Feinberg & Narveson, 1970, p243–260). Key to this discourse is the recognisability of belief systems. What makes a religion or belief recognisable depends on the quality of information at the disposal of governments in making informed decisions about whether to grant recognition or registration. For recognition to remain inclusive, it might be expected that the information available to officials accurately reflects a communities' beliefs and practices. For example, it would be ideal if decisions of recognition were not stalled because a religion's customs are unfamiliar to the state or contrary to the nation's traditional culture. Hence, the prevalence of ethnocentrism may make it difficult for states to apply recognition and registration in ways that are compliant with FoRB. Equal levels of respect would ideally be bestowed to all religions during recognition and registration regardless of their conformity to the dominant culture (Darwall, 1977, p36-49).

Perhaps Gerard Ryan (2016, p907-923) was accurate when he stated that religion represents a dimension of recognition and vice versa, pointing to why state

recognition has long been important to the growth of religions, such as its role in developing Nicene Christianity (Leppin, 2019, p71-89). After the Great Fire of Rome in the year 64, Emperor Nero made Christians a scapegoat for his failings which he used to justify his decrees to torture and execute Christians by the most heinous methods of crucifixion, immolation or having them fight wild animals (Gray-Fow, 1998, p595-616). Despite these events of persecution, Christian struggle and martyrdom, Trinitarian Christianity became the official religion of the Roman Empire in 380 when Theodosius I issued the Edict of Thessalonica (Fredriksen, 2006, p587-606). Then invested in seeing the imperial Roman Church grow, successive Roman emperors hosted ecumenical councils to cast out heretical doctrines like Arianism and Nestorianism to craft the form of Christianity that the Eastern Orthodox Church, Oriental Orthodox churches and Roman Catholic Church claim to stand in continuity with today (Artemi, 2014, p139-150). The role of the Roman imperial institution in developing Christianity is a historical example of how state-religion relationships sustain religious institutions and serve a crucial function in statecraft (Hamid & Mandaville, 2018). In the contemporary, however, equality and non-discrimination standards necessitate that states recognise all religions and beliefs to avoid the recurrence of persecution and to respect FoRB.

Hegelian view

Hegel sought to test recognition in different spheres of the modern world (Deranty, 2012, p39-62; Siep, 2010, p107-128). For example, one of his defining contributions was how he conceived recognition as governments acknowledging the 'self-consciousness' of citizens, namely, their desire to know how they fit into society and how society will respond to them, with civil freedoms a precondition for any positive interaction (Hegel, 2018, p265; Neuhouser, 2003, p35, 46). Through acts of recognition, states can support citizens in developing their 'self-consciousness' which may be key to a well-functioning society, making the degree of recognition one has

received correlate with their social mobility (Saarinen, 2016, p1-20, 200-203; Williams, 1997, p1-28). States that fail to recognise their citizens' religions and beliefs equally (i.e. those that favour one religion) or force their citizens into uniformity lead to the erasure of religious diversity (Harris, 1996, p233-252). Examples of this emerge in states like Iran, North Korea and Saudi Arabia, where the dominance of a single religion or secular ideology homogenises citizens, with little regard for their religious beliefs as individuals (Redding, 2019, p229-246).

A specific example of a persecuted member of an unrecognised religion is the religious prisoner of conscience Marjan Davari who was imprisoned for participating in a religious organisation banned by the Iranian government. Davari is an ECKist, a member of Eckankar, a new religion founded by an American spiritual teacher named Paul Twitchell in 1965. In September 2015, the Iranian authorities arrested Davari at her home. She was detained at Rajai Shahr Prison before being transferred to Evin Prison in Tehran, where she was subjected to prolonged solitary confinement, denied sufficient medical care for severe joint pain and was refused access to a lawyer (USCIRF, 2021). On 12th March 2017, according to the nonprofit human rights advocacy organisation United For Iran, Davari was charged with 'sinful relations, assembly and conspiracy against the regime' for her translation of Eckankar religious books (United For Iran, 2020). This was followed by three years of toing and froing on behalf of Tehran regarding what sentence to levy against Davari, with capital punishment tried twice but that the Supreme Court of Iran rejected. Ultimately, Davari was sentenced to seventy-five years in prison, of which she is expected to serve twenty-five. It was reported in October 2020 that Davari was living in inhumane conditions in Qarchak Prison. Although an October 2021 unconfirmed report indicated that Davari had been released from prison temporarily, no official information has surfaced since regarding her whereabouts (USCIRF, 2021). Davari's case reflects the extreme conditions those belonging to unrecognised minorities must face, especially those who are active in organising a new religious group, despite the right to convert having been enshrined in the ICCPR, which Iran ratified in 1975.

Another example of a restrictive use of recognition is Iran's recent change to its policy on the national identity cards the government issues citizens. Since 2020, the Iranian authorities only allow citizens to register their religious affiliation—a mandatory unit of information—on their national identity card if they are either Muslim or belong to one of the three state-recognised religious minorities which includes only those communities that predate Islam, namely, Christians, Jews and Zoroastrians. However, the recognised minority status does not include converts from Islam to any of the recognised religions (Office of International Religious Freedom, 2023). Since this policy was introduced and the previous option for 'other religions' was taken away, 'Bahá'ís, Yarsanis, Sabean-Mandaeans and other religious minorities or atheists must either lie to receive a national identification card or be denied access to services, such as insurance, education, banking, and, most recently, public transportation' according to the Atlantic Council in a statement it made in September 2021 (Farmand, 2021).

Taylorian view

Canadian philosopher Charles Taylor expanded Hegel's approach to recognition by introducing his theory of the three forms of recognition: 'politics of difference', 'politics of individuality' and 'politics of universalism' (Taylor, 1994, p25-74). In his analysis, Taylor emphasises how recognition in any society manifests differences. The question remains as to whether multiculturalism and pluralism or traditionalism and exclusivism are the superior approaches to handling difference and individuality while respecting universal values like dignity, fairness and peace (Siep, 2011, p117-144; Weinstock, 2007, p244-264). The nature of state recognition—applied at local and national levels—is how it influences the social acceptance and equality enjoyed by communities and individuals (Owen & Tully, 2007, p265-291). Hence, a state's recognition of many belief systems implies that it acknowledges the free choice of citizens to self-identify with whatever religion they choose. Moreover, a person's

sense of social acceptance may be reflected in their confidence to associate with others by engaging in economic and political activity which, according to studies by Souza and Thompson, correlates with the degree of respect afforded to citizens to manifest their belief or non-belief (Souza, 2016, p13-27; Thompson, 2006, p42-186). Christos Makridis (2020, p1-24) also explored this correlation in a study of 150 countries to find that the degree to which members of religious minorities interact with broader society correlates with the respect states show for FoRB.

Since the protection of FoRB may depend on state recognition, acts of recognition or lack thereof could be partly responsible for the poverty experienced by some religious minorities, ongoing religious discrimination, terrorism and the cultural or political alienation of members of unrecognised religions (Zurn, 2012, p63-86). Moreover, Christian Lazzeri (2021, p233-253) asserted that the degree of recognition a person enjoys corresponds with their sense of social esteem (i.e. their confidence in their social worth), reiterating that recognition is central to social mobility. Taylor explored these concerns for individuals about the social and state recognition of their religious beliefs and how they manifest their beliefs in communal settings. Taylor concluded that recognition holds ontological functions; it is 'core to being.' He indicates that as a person's philosophical or religious beliefs often form a central component of their identity, state recognition of these qualities or lack thereof impacts their 'sense of being' (Taylor, 1994, p25-74; James, 2011, p278-290, 302).

Recognition of religion or belief is thereby equated in Taylor's work with the recognition of being, specifically, the human capacity and inherent right to believe or disbelieve, highlighting the influence of recognition on a person's 'relation-to-self' (Laitinen, 2010, p319-342). Moreover, this can extend to recognising individual autonomy as a way of maintaining equality among believers, irrespective of what those beliefs are (Rancière, 2016, p83-95). For instance, one of the defining qualities of human evolution is a person's capacity to conceive of a higher power. It is this spiritual capacity of human beings that FoRB protects and what state recognition and registration seem to have the potential to facilitate on a practical level, such as

enabling the administration of a religious organisation (Bellah, 2011, p44-117). However, for any act of state recognition to be genuine, it must be equal. The equality of recognition is reflected in whether it is distributed across religions and beliefs regardless of their familiarity with society or the state (Patten, 2014, p149-185, 196-204). Therefore, fair recognition would necessitate reducing stigmatisation against new or unfamiliar beliefs so that state recognition can be a positive force in driving social cohesion (Lindemann & Ringmar, 2014, p60, 64-65, 78, 211, 218).

Honnethian view

Honneth's approach builds upon previous considerations by maintaining that individuals develop self-confidence, self-esteem and self-respect through state recognition (Honneth, 2002, p499-519; Ikäheimo, 2002, p447-462). This rationalises attributing a role for recognition in preserving FoRB and serves as an extension of the Hegelian principle that state recognition impacts the 'self-consciousness' of citizens (Deranty, 2009, p185-226). In linking recognition theory to FoRB, religion and belief can be said to share the function of strengthening Honneth's triad of self-confidence, self-esteem and self-respect (Mookherjee, 2017). Related is von Scheve and Walter's 2019 work (p98-116), focusing on 'religious feelings.' It looks at how the emotions produced during religious practice drive religion and belief to become integral to personal identity.

Honneth contended that if recognised by the state, a religious community can experience a sense of validation to satisfy its 'struggle for recognition' (Honneth, 1995, p1-64). It appears that Honneth's triad can be validated through state recognition in three ways. Firstly, the validation a community receives via state recognition can enhance self-confidence, with misrecognition or lack of recognition having the opposite effect (Owen & van den Brink, 2010, p33-134, 238-269, 323-347). Secondly, the self-respect that state recognition encourages is reflected in the growth in awareness that a religion or belief and its community of adherents

receive after being officially recognised. Many faith communities simply wish for the government and society to acknowledge their existence and to respect their right to practise their religion or belief in public or private. The value of state recognition is the confidence and humble sense of validity it can provide (Markell, 2009, p1-38, 152-189). Thirdly, the 'self-esteem' aspect of Honneth's triad is reflected by individuals living in a recognised community when their quality of life improves due to their greater freedom to express their religion. By the state recognising their place and value in society, individuals can excel in various aspects of public life, including the freedom to represent their religious community at local and national events (Lefebvre & Monnot, 2020, p236-239).

By discerning the value of recognition, the negative impacts of misrecognition become more apparent. After being misrecognised, the innate reaction is to want to fix this mistake (McNay, 2007, p24-197). This reaction seeks to ensure that groups are viewed by the world as they wish to be perceived, demonstrating the importance to communities and individuals that the recognition they receive from society and the state corresponds with how they self-identify. For example, similar debates on state recognition are taking place in the realm of gender and sexual identity which, like religious beliefs, are also central to 'self-consciousness' (Ryan, 2018, p3-13). It is not surprising then that those belonging to minority religions tend to fall into depressive feelings due to their social exclusion, leading in some cases to radicalisation (Buffel et al., 2020, p2504–2530). Therefore, Charles Taylor asserts that misrecognition should be equated to a form of oppression, thus capturing the power of state recognition to impact the lives of the misrecognised and unrecognised (Taylor, 1994, p25-74). This reinforces how recognition is central to FoRB and confirms that state restrictions imposed through recognition are incompatible with human rights (Blum, 2008, p51-68). While Taylor views misrecognition as a form of oppression, being misrecognised by the state might instead manifest as affirmative action among believers. For instance, members of minority religions facing accusations by the state of being a 'cult' or 'extremist' may use this ill-treatment as a means to contend the

purity of their belief in its resilience against persecution (Lund, 2018, p959-985). This entrenchment of faith rebuffs state recognition, with communities instead focusing on cultivating religious practice and seeking spiritual forms of recognition such as martyrdom (Boyd-MacMillan, 2019, p181-192). I saw this attitude reflected in some of the responses from members of religious minorities during my interview series which I will discuss later in the thesis.

If Honneth was correct that recognition is the nurturing of self-realisation through love, respect and social esteem, then recognising religions and beliefs opens up an opportunity for a state's self-realisation (van Leeuwen, 2007, p180-205; Zurn, 2000, p115-124). State recognition produces a vision of what the nation is and what it means to be a citizen, establishing an ideal social order that too frequently excludes belief systems and communities that fall outside or challenge the mainstream (Iser, 2019, p1-5). Even in nations that adhere to the separation of religion and state, how states handle religion can sometimes be a cornerstone of national identity. For instance, one of the key features of the modern French Republic that distinguishes it from other European nations is its adherence to the secularist policy of laïcité. Historically, the Soviet Union was also characterised in part based on its relationship with religious institutions since it was the first de facto atheist state (Van den Bercken, 1985, p269-281). The Soviet Union's ideological objective was to eliminate religion by instrumentalising atheism. It appears that recognition of religions, or lack thereof, in statecraft extends to states that profess indifference to religion. This includes state attempts at supplanting religion with a secular ideology or by enforcing positive atheism like in communist Albania under Enver Hoxha when he banned all religion in 1967 (Harris, 2016, p29-40). Conversely, the United States, a secular country that upholds FoRB, affirms theism in its constitution and interacts with religious organisations by registering them as tax-exempt 501(c)(3) entities (Blair, 2009, p405-437). From these examples, it seems recognition and registration are inherent to how states regulate religious activity. However, my study will provide much-needed primary data to deepen the understanding of recognition and registration issues.

Returning to Honneth's view, his 1992 work *Struggle for Recognition* epitomises the endeavour faced by minorities and new religions to achieve recognition and respect from the state and society (Finnegan & Fleming, 2010). By states establishing a recognition system, all religious or belief communities should, in theory, receive acknowledgement for their legitimate existence (Cavell, 1969, p220-245). Therefore, it might be expected that a state system offers religious communities an equal opportunity for legal and social recognition regardless of their public awareness, how many members they have or how long they have existed (Thompson, 2006, p1-18, 42-186). In this approach to religious recognition, states would not merely tolerate NRMs but welcome them and support their development. This approach—which I named facilitationism during my study—aims to guide states in applying recognition and registration to make easier the observance and organisation of a diverse range of religions and beliefs (Durham et al., 2013, p321-407). On this basis, state recognition is one, albeit crucial, piece to the issue of deciding what holds a society together (Heidegren, 2004, p365-373). It involves placing religions and beliefs at the core or periphery of the national identity and constitutes a vital part of nation-building (Trittler, 2017, p708-720).

It seems that for many nations, recognising minority religions and beliefs is tantamount to embracing pluralism and thereby accepting the heterogeneity of the citizenry (Grzymała-Busse, 2015, p227-328). Each government must face this reality. In doing so, the nation becomes more diverse than officials might wish to admit, perhaps to maintain hegemony for political gain (Habermas, 1994, p107-148). For instance, the narrative that most citizens believe in the same religion continues the façade of a clearer national identity for governments to instrumentalise (Hjerm & Schnabel, 2014, p1-14). Admitting that a country is diverse comes with the challenge of trying to govern in a way that garners public support which may be more difficult in a nation when its religious diversity is revealed. An example of this appeared in a study by the Western research foundation Gamaan in 2022 on attitudes among Iranians to religion. After surveying 200,000 Iranians through social media and a

platform available in Iran through a VPN, Gamaan found that only 56% of the respondents self-identified as Shia Muslim, 12% said they had no religion, 10% were atheists and 7% were agnostics (Arab & Maleki, 2023). These figures contrast sharply with those retrieved during the latest census in Iran in 2011, leading to the claim that 99.3% of the population self-identify as Muslim. However, non-Muslims were only able to choose Christianity, Zoroastrianism and Judaism as alternatives, resulting in a claim that religious minorities constitute a minute proportion of the population at just 150,000 people (Statistical Center of Iran, 2011).

Honneth's work on the 'struggle for recognition' highlights the power of recognition to acknowledge the differences between faith and organised religion. When states recognise religions and beliefs, this is a recognition of the individual's capacity for faith and a right to their faith as well as a collective right to organise a faith (Fox, 2015, p1-22). Faith sits at the foundation of religious expression and tends to drive organised religion which is frequently of interest to the state and often comes under scrutiny (Finke et al., 2017, p720-736). The discussion of faith in the context of state recognition is perhaps even more pertinent in a world where around a hundred nations claim to be secular (Pew Research Center, 2017). With the West facing a continuing decline in religiosity, states are now more than ever expected to accommodate communities without faith, like humanists, just as much as those with faith (Inglehart, 2020, p110-118). This challenges states to make recognition and registration work for all belief-based communities, whether their beliefs are philosophical, religious or spiritual.

Although acts of state recognition and registration have the potential to facilitate FoRB (Seglow, 2012, p127-146), in many instances, they remain a double-edged sword. If applied equally, recognition provides minorities with acknowledgement from the state that they not only require to thrive practically but may otherwise desire (van der Vyer & Witte, 1996, p18, 39, 354, 471). Equally possible is the instrumentalisation of recognition and registration, leading states to exert excessive control over their citizens and allow a single religion to dominate (Barro & McCleary,

2005, p1331-1370). Moreover, George Herbert Mead's social psychology adds to the discussion of recognition. Mead asserts that the social praxis resulting from the collective effort to 'enrich the community' culminates in a 'struggle for recognition' (Honneth, 1995, p85-86; Mead, 1934, p320-330). Although recognition might take a central position in dialogue regarding FoRB, it should not become a precondition to FoRB. Otherwise, the right to FoRB becomes subject to the 'politics of recognition', contravening its universality (Fraser et al., 2004, p7). As Axel Honneth and Nancy Fraser discussed in their 2003 work *Redistribution or Recognition*, the material disadvantages of a lack of recognition are just as prominent as the cultural, psychological and social disadvantages as Mead emphasised. Moreover, Fraser saw the material and the immaterial overlap whenever there is a lack of participatory parity (i.e. the ability to interact with peers on an equal footing), which prevails when there is a lack of recognition for religious minorities. From this, it is clear to see how terrorism, for example, emerges in the context of societies that suffer from systemic inequality or where minority communities are continuously misrecognised (Henne, 2019, p67-86; Saiya, 2018, p1-104).

The cultural and social segregation that a lack of recognition instils is evident in places like Xinjiang, where Uighur Muslims face severe human rights violations (Kolodner, 1994, p407-430). These violations are rooted in a decades-long, heavily orchestrated campaign by the Chinese government to erode and tarnish the Uighur identity by intentionally misrepresenting the ethnic group as dangerous religious extremists to gradually undermine their legitimacy in an attempt to justify the revocation of various legal rights that the Uighur community once enjoyed. State misrecognition and non-recognition can be indispensable tools in campaigns culminating in severe human rights violations. A similar example is how the regime in Myanmar misrecognised and later dehumanised Rohingya Muslims to justify the expulsion of that ethnoreligious group from the country in 2016, a campaign now internationally designated as a genocide (Leider, 2018, p1-35; MacLean, 2019, p83-95; Sohel, 2017, p1007-1018).

In his reflections on recognition, Heikki Ikäheimo (2019, p51-69) focuses on why there is such a lack of recognition in the world if more of it is key to preventing and resolving human rights violations. Ikäheimo identifies mainly superficial reasons for the absence of recognition, citing insufficient state resources and a lack of understanding among the public regarding the positive attributes of recognition. Although these reasons are likely accurate, Ikäheimo overlooks the factor of state power and the concessions the state is willing to grant. Ikäheimo's reasons for an absence of recognition seem based on the assumption that governments wish to provide recognition but cannot. Alternatively, states that fail to bestow recognition may not want to. However, I find Ikäheimo's delineation of horizontal and vertical forms of recognition to be a valuable contribution: the former denotes recognition between religious communities and the latter is state recognition of religious communities.

Perhaps it is not enough for states to recognise a belief system, but to establish a society that values FoRB, communities must recognise each other despite their differences. This mutual acceptance of difference is at the core of religious pluralism. Here, the words of Honneth re-emerge, particularly his conception of freedom as intertwined with 'mutual recognition' which he defines as the 'reciprocal experience of seeing ourselves confirmed in the desires and aims of others' (Honneth, 2014, p44-45). In Honneth's view, legal and social recognition assume a precursory role in the full implementation of FoRB. This should lead to religious or belief organisations operating freely and legally, not merely so that they may survive, but so that they may thrive (Ricoeur, 2005, p150-246). However, deeper than the practical administration of a religious community is how recognition develops 'self-consciousness' and 'self-identification' (Brandom, 2007, p127-150). Conversely, state misrecognition and non-recognition can lead to a cultural framework in which a religion or belief's lack of recognition ostracises adherents, a factor found by scholars such as Winston Chou (2016, p1129-1152) to fuel radicalisation. It is not difficult to see how this leads to discrimination and—in the most severe cases—the persecution of unrecognised

religious communities (Fuller et al., 2017). Despite appearing abstract and administrative, it seems recognition has real-world impacts (Fox, 2019). If true, it makes sense that recognition and registration could advance the body of rights protected under FoRB (Sennett, 2004, p205-264). It appears state recognition influences affairs taking place in the public sphere. Therefore, if recognition and registration are applied to facilitate religion, this may improve the receptiveness of a society to a range of religions and beliefs beyond those most familiar.

After considering each of the four approaches to recognition, I find the keyword 'struggle' to be a recurring theme. Recognition is often a prolonged endeavour to alleviate 'status subordination' involving financial hardship, personal suffering and the arduous navigation of bureaucracy (McNay, 2008, p271-296). In the literature, scholars rarely present recognition as something straightforward to attain. The struggle of religious communities to gain recognition reflects this, even in nations purporting to be democratic and liberal. Honneth's concept of the 'struggle for recognition' originates in martyrdom (Frend, 2014, p79-103, 477-535). As I explained earlier, in the first three centuries of Christianity, Christians were persecuted and to survive, sought recognition from the Roman Empire, a 'struggle' that lasted over three hundred years and saw the deaths of countless Christians in the name of their faith (Croix, 1963, p6-38). However, with this loss of life and suffering in mind, I raise a final question: Are the rewards of recognition worth the struggle? For Christians, after enduring the severe Diocletianic Persecution that started in 303, one could argue that the reward of being accepted by Emperors Constantine and Licinius in the Edict of Milan in 313 and later recognised as the Empire's official religion in 380 was worth the struggle (Loewenstein, 1973, p411-419). With this newfound state recognition, the Christian Church could finally supplant the polytheistic Roman imperial cult, entrench itself in Europe as its new spiritual centre and ironically outlive the Empire (Gwynn, 2014, p237).

From my review of the literature on recognition theory, I draw out four key aspects that I want to emphasise and take forward as I write this thesis: (1) recognition is an

inherent part of state-religion relations; (2) recognition is important to human beings and appears essential to upholding human rights; (3) gaining recognition is significant because living without it can be detrimental to economic and social mobility and quality of life; and (4) there is a lack of recognition in the world for religious minorities due to the fear that granting it will undermine the dominant religion or the traditional national culture. However, what has seen less discussion is how religious minorities feel about living in a country where there is a state religion or where one religion is favoured by the government. Conducting this review has revealed a gap in the literature of qualitative data on religious minorities and members of new religions facing recognition and registration issues. Therefore, I aim to begin filling this gap with qualitative research by conducting interviews.

Subsection 1.2.2 – Academic discourse on registration issues

The academic discourse addressing religious registration issues accelerated with scholars in the West in the late 1960s, such as historian Michael Bourdeaux and missiologist Walter Sawatsky. At this time, scholars began describing the negative impacts of Soviet laws on the freedoms of religious groups. Bourdeaux's discussion of registration law began with his 1968 work *Religious Ferment in Russia* by referencing bureaucratic mandatory registration in the context of Russian Protestants expressing their opposition to the harsh Soviet policies on religion. Bourdeaux emphasises in his work the fundamental importance registration had for religious groups to function legally in the USSR (Bourdeaux, 1968, p3-6). He addresses registration early on in his work and includes the following quotation from Moscow lawyer Yuri Alexandrov: 'Registration should not be thought of as a mere formality… it is an obligation stipulated by Soviet legislation on religious cults…what are the possible reasons for refusing to register a religious community? There can only be one: If the members of the religious community do not recognise Soviet legislation on cults and their religious doctrine and rituals incite believers to break state laws and the

country's established order.' However, Bourdeaux criticises Alexandrov's statement, arguing that the state's involvement in the affairs of religious organisations violates the separation of church and state enshrined in the 1918 Constitution of the Russian Soviet Federative Socialist Republic (RSFSR).

Bourdeaux also criticises the lack of democracy when it comes to the discussion on how registration laws ought to be devised and administered. He distinguishes between how Alexandrov frames registration law and actual practice in the USSR by describing registration as neither 'automatic nor so simple.' To support his criticism, he cites two Christian sources, with the first recounting how evangelical Christian and Baptist churches in Russia were given a narrow window between 1947 and 1948 to register with the authorities, after which they were denied access to registration. The second source is a 1961 appeal by Baptist congregants in Vladivostok who testified that 'there is not a single registered community in the region. We are all forced to assemble without registration, although we have asked for it continuously and insistently. There is not a single community where workers of the police have not appeared with threats to prohibit church services' (Bourdeaux, 1968, p5). Here, Bourdeaux highlights how the rate at which religious groups register can be a measure of its onerousness. Bourdeaux's work echoes that of Boleslaw Szczesniak, who discusses in his 1959 work *The Russian Revolution and Religion* how Karl Marx saw religion as a problem in society that the state must work to eradicate. As a way of demonstrating the crucial role registration played in the USSR's suppression of religion to achieve Marxist aims, Szczesniak cites a 1922 Decree of the All-Russian Central Executive Committee, whereafter no religious or belief organisation could begin activities without previously gaining registration from a Provincial or Regional Executive Committee (Szczesniak, 1959, p148-151).

What also brought registration issues to the attention of Western scholars were changes to registration laws and leaked documents from behind the Iron Curtain. For example, Sawatsky's 1976 article *The New Soviet Law on Religion* discusses the legacy of the 1929 Law on Religious Associations in setting out the registration

system for religious groups in the USSR (Sawatsky, 1976, p4-10). The 1929 law included a mandatory registration order for all religious groups, a ban on Soviet citizens belonging to more than one religious group and a legal definition of what constitutes a registrable religious group based on a membership quota of at least twenty people. This law also set out the procedure religious groups would need to undergo to obtain registration, beginning with each congregation having to register with the local Soviet bureau. The bureau then collected the information and sent it to the provincial committee of the Council of Workers' Deputies for approval which forwarded the application to the Council for Religious Affairs for final approval before the religious group could operate legally (Sawatsky, 1976, p4-10). The 1929 law was the first of its kind in giving registration a central role in religious policy, especially as a means to filter out from legal activity religious groups the state did not approve of and as a tool for influencing religious activity more broadly. However, after forty-five years without any legislated changes, the Law on Religious Associations was augmented in July 1975, with changes made to almost half of the law's sixty-eight articles, imposing further restrictions on the activities of religious groups in the USSR. Western scholars like Sawatsky took notice of these revisions to the 1929 law. They studied how registration laws inhibited the USSR from upholding its commitments to FoRB after it signed the ICCPR in 1973. In late 1975, a law book from 1971 edited by the Council for Religious Affairs chairman Vladimir Kuroyedov was leaked, prompting Sawatsky to contribute a second article titled *Secret Soviet Lawbook on Religion* since the leaked document discussed the USSR's registration practices (Sawatsky, 1976, p24-34).

Although the USSR was the first nation to integrate a complex registration apparatus into law that inspires modern-day authoritarian regimes regarding registration practices, it was not the first to use registration to restrict religion. For example, researchers Osamu Saito and Masahiro Sato described in a chapter of a 2012 work how in seventeenth-century Japan, the Tokugawa shogunate used religious surveys to root out Christians and expel their religion from Japanese shores (Saito &

Sato, 2012, p113-136). Historian Simon Szreter in the same work from 2012 explained how religious registration in Europe emerged following the Protestant Reformation as the English authorities used it to differentiate between conformist and nonconformist denominations (Szreter, 2012, p67-92). For example, an early incarnation of a religious registration law was the Toleration Act of 1688, passed by the Parliament of England and granted royal assent in 1689 (Bromley, 1970, p210). The Act granted most nonconformist denominations the freedom to worship in public buildings or other premises specifically registered with local authorities for such purposes. However, caveats on this freedom riddled the Act similar to how caveats on rights protected by FoRB appear in legislation today (Pincus, 2009, p406). For instance, under the Toleration Act, nonconformists were expected to accept and swear the Oath of Allegiance and Oath of Supremacy to gain the right to operate their places of worship legally and to have their own schoolteachers. Moreover, the Act excluded all Roman Catholics due to their belief in the doctrine of transubstantiation and all Jews, nontrinitarian Christians and atheists due to their rejection of the doctrine of the Trinity (Spurr, 1989, p927-946). The Act of Toleration was later expanded to Roman Catholics in 1791 and then to all places of worship in 1852, at which point registration started to be handled by the General Register Office at the national level, although it remained a compulsory requirement (Akhtar et al., 2023, p28-42). It was in 1855 that the United Kingdom abandoned the mandatory registration of places of worship, instead opting for a conditional registration policy under which only buildings used to perform marriages were obliged to register (Welch, 1966, p116-120). Before 2013, there was an explicit requirement in law that places of worship must be associated with a religion professing theism to qualify for registration. However, following the case *R v Registrar General of Births, Deaths and Marriages* heard by the Court of Appeal of England and Wales, this exclusionary stipulation that discriminated against non-theistic communities was overturned (Arlow, 2014, p258-259).

The academic discussion of religious registration accelerated in the 1990s as the USSR collapsed and its successor states began developing new registration laws to

maintain control over Indigenous communities and religions of foreign origin. Academics during this period tended to conduct case studies on post-communist states. For instance, law professor Helen Hartnell conducted a case study in 1996 on post-communist Hungary's relations with the Roman Catholic Church and its constitutional arrangements addressing FoRB from 1989 to 1994 as Soviet influence withered (Hartnell, 1996, p731-756). Another example is Lavinia Stan and Lucian Turcescu's case study on Romania in 2000, discussing the increasing influence of the Romanian Orthodox Church on state policy and practice as the country underwent democratisation (Stan & Turcescu, 2000, p1467-1488). These case studies highlight a range of themes intersecting religious recognition and registration. For instance, scholars studying Central Asian and Eastern European states tended to discuss the challenges of readjusting relations with the majority religious denomination and NRMs in the post-communist landscape, a crucial part of which involved formulating new registration laws. An example is an article by Eileen Barker in 1999 in which she summarises the legal status of minority religions in post-communist societies, including states using recognition and registration to regulate NRMs (Barker, 1999, p49-74).

These analyses of post-Soviet states expanded to other countries in the 2000s, with the attention of academics turning to China's registration laws. For example, former UN legal counsel Sharon Lin gathered legal opinions on Chinese laws on registration in 2005. Lin was explicit in her view that the registration system in China at the time was invalid under international law as it impermissibly discriminated between registered and non-registered religious communities (Lin, 2005, p6-15). Lin also identified how China's registration practices violate its constitutional arrangements separating the state from religion. Later, in 2007, Wu Chenglian reviewed the Chinese registration system, focusing on how Christian house churches had sometimes failed to navigate the country's complex registration laws (Chenglian, 2007, p73-84). Chenglian came to the same conclusion as Lin: How the Chinese government applied registration negatively impacted conditions of FoRB for all communities that fall

outside the concept of 'normal religious activity' embedded in Chinese law and religious policy. Both scholars urged the Chinese Communist Party (CCP) to work on dismantling the registration apparatus, especially to abolish aspects of the system that violate the principles of non-discrimination and religious equality.

This interest in registration issues beyond the countries of the former Soviet Union coincided with the publication of the first *Report on International Religious Freedom* by the U.S. Department of State in 1999. Since then, the report has provided information each year on shifts in the constitutional arrangements of states impacting FoRB and has taken a global view by addressing religious freedom in every sovereign state and in dependent or disputed territories (Finke & Grim, 2011, p13). This focus on addressing in detail recognition and registration laws across a diverse range of countries highlighted issues that previous studies limited to post-Soviet states had not discussed, such as the application of recognition and registration in Buddhist-majority countries or those governed under Sharia law (Gutter, 2001, p1-17; Migdalovitz, 2010, p7-8). Having said this, the level of attention by academics on the application of registration in sub-Saharan African, Buddhist, Islamic and Latin American countries has never reached the same scale as the literature on the post-Soviet states of Central Asia and Eastern Europe. It was also during the 2000s when cases started to appear before the ECtHR involving European states denying access to registration or using it to limit FoRB impermissibly. Today, there is an array of judicial opinions addressing registration issues over the last twenty years in Europe which I have compiled and included in Appendix 2.

Despite the expansion in the legal literature during the 2000s, there persisted a lack of rigorous, systematic analysis of registration as a mechanism and its specific impacts on conditions of FoRB. To fill this gap in the literature, in the last decade or so, sociologist Roger Finke, alongside Jonathan Fox and Dane Mataic, concentrated on pushing the discourse on FoRB towards institutional religious freedom and analysing registration issues systematically. They achieved this by identifying patterns in registration policy and practice and inquiring into why governments use

registration to limit religious activity. For example, in a 2017 work they coauthored, Finke, Fox and Mataic compiled case studies and fixed effects models using nineteen sets of data to test for the consequences on FoRB of introducing registration requirements, finding that they increase restrictions, especially on minority religions (Finke et al., 2017, p720-736). This work was closely related to a report the same scholars prepared in 2015 for the U.S. Department of State's Office of International Religious Freedom[3] in which they gave an overview of the impacts on FoRB under different types of registration policies, with Azerbaijan, China, France and Russia explored as case studies (Finke et al., 2015). In 2021, Finke and Fox advanced the discussion of registration by identifying how restrictive registration practices principally impact institutional religious freedom, thereby causing a detrimental impact on the collective and individual dimensions of FoRB and other human rights (Finke & Fox, 2021, p273-296).

With my study beginning in 2021, Finke and Fox's article emphasising the importance of institutional religious freedom influenced how I planned for my research to make intellectual contributions to the literature. I endeavoured to explore the impacts of recognition and registration issues by interviewing members of minority religions to begin to fill the gap in qualitative data. I also aimed for my study to contribute to the literature by creating the Spectrum of Religious Recognition (SRR-1), the Spectrum of Religious Registration (SRR-2) and the Scale of Rights Violations (SRV) to synthesise dimensions of FoRB to highlight and scale the severity of the impacts of recognition and registration issues. I also planned to compare

[3] The Office of International Religious Freedom is a unit within the U.S. Department of State, headed by the Ambassador-at-Large for International Religious Freedom. Its mission is to integrate the promotion of FoRB into U.S. foreign policy, monitor violations of that freedom around the world, advocate for victims of persecution and recommend responses. he office also leads the preparation of the Annual Report on International Religious Freedom, as required by the International Religious Freedom Act (IRFA). Its budget is part of the U.S. federal government's appropriations for the State Department, specifically tied to foreign assistance, human rights and democracy promotion programs.

recognition and registration practices using case studies from authoritarian[4], semi-authoritarian[5] and democratic[6] states. I anticipated this would create a definite link between recognition and registration practices and conditions of FoRB through an analysis supported by court cases, accounts of religious prisoners of conscience and qualitative data from the interview series.

However, since beginning my study, some notable developments have emerged in the discourse. Country-specific research has expanded, with examples including Alexander Ignatenko and Yaroslav Kotylko's 2022 article (p171-179) on religious registration in Ukraine and Seth Tweneboah's 2023 article (p25-45) on Ghana's use of registration to regulate one-man churches. These case studies highlight the diversity of registration issues, pointing to why I plan to include six case studies in this thesis. I anticipate these case studies will convey the political regime as the salient factor in determining how registration policy is devised and enforced. As well as this, academics' critical analysis of policy documents continues, with jurist Gabriele Fattori's review of a 2019 document published by the OSCE, a recent example aiming to guide governments on handling issues intersecting religion and security like radicalisation, terrorism and violent extremism (Fattori, 2022, p4-11). Fattori emphasised in his analysis how security and FoRB are complementary rather than competitive rights and that the policy document's ideal of 'comprehensive security' can only be reached with adequate protection of and respect for FoRB.

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[4] Defined based on Juan Linz's 1964 chapter *An Authoritarian Regime: The Case of Spain* during which Linz describes authoritarian states as possessing four characteristics: (1) political pluralism is limited by constraints on the legislature, political parties and interest groups; (2) political legitimacy is based on appeals to emotion and presenting the regime as a necessary evil to combat social problems; (3) minimal political mobilisation; and (4) no established mechanism for transferring executive power (p291-342).

[5] Defined based on Marina Ottaway's 2003 work *Democracy Challenged: The Rise of Semi-Authoritarianism* in which Ottaway describes semi-authoritarianism as a system of government that allows some degree of public participation in state decision-making processes but continues to engage in censorship and limits civil liberties (Ottaway, 2003, p3-6). There are formal commitments to upholding democratic institutions and fundamental freedoms, but these are consistently ignored or subverted by the political elite for whom there is limited accountability (Ottaway, 2003, p7-10).

[6] A system of government where power is vested in the general population and exercised by them directly or through freely elected representatives (Schwartzberg, 2014, p851-862). Another measure of democracy is the degree to which the state upholds national and international commitments to fundamental freedoms, for which there are mechanisms to exact accountability (Møller & Skaaning, 2013, p142-156).

Fattori's work sits alongside that of political scientist Ani Sarkissian, who has made efforts recently to expand the discussion of intersectional themes addressed in the discourse on religious registration. For instance, in 2023, Sarkissian coauthored an article with Ann Wainscott that explored the role of religious affairs ministries using registration to sustain political power for authoritarian regimes fearful of religious groups that use revolutionary language in their materials (Sarkissian & Wainscott, 2023). Early in 2024, Sarkissian continued the trend of discussing how registration issues intersect with other themes by highlighting how registration regulates religious diversity and ensures nationalism is promulgated in post-communist states in Eastern Europe (Sarkissian, 2024, p290-306). These developments in the academic literature occurring since my study began have reinforced the need for more qualitative data. Such data has the breadth necessary for exploring various themes intersecting recognition and registration issues from the perspective of key stakeholders, including members of minority religions who have directly experienced the issues and human rights lawyers seasoned in understanding how the international human rights system can practically respond. The gap in qualitative data gives my study an opportunity to contribute to the literature by producing primary data to explore the themes in greater depth and highlight emerging trends.

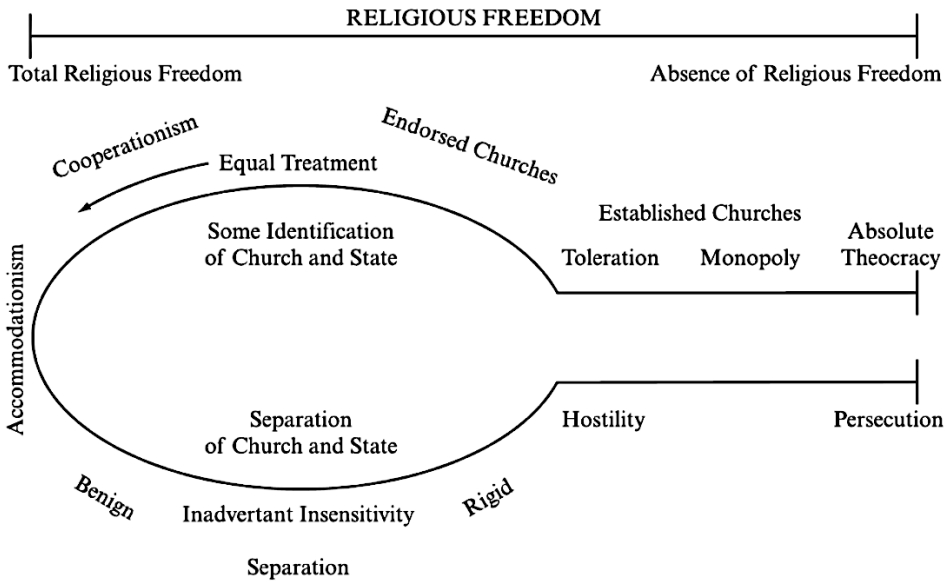
There are a few key outcomes that my review of the literature on registration has revealed that I want to draw out and emphasise in this thesis, including the following: (1) religious registration has a long history stretching at least as far back as the 1688 Toleration Act; (2) the modern use of registration by authoritarian regimes to restrict religion can be traced to the first decade of the Soviet Union; (3) case studies of registration systems accelerated in the 1990s and 2000s following the collapse of the Soviet Union; and (4) systematic analysis of registration policies and practices commenced in the late 2000s and accelerated in the 2010s. However, a gap in the literature persists when it comes to qualitative data on how members of different religious minorities are navigating registration issues on the ground and how they feel about registration as a restrictive measure. A further outcome of my review is how

registration systems in countries beyond Eastern Europe and Central Asia remain poorly understood, including in Africa, South America and Asian countries where Buddhism or Islam is the state religion. My thesis works to fill this gap by conducting case studies on Malaysia, where Sunni Islam is the state denomination and Ethiopia and by highlighting the accounts of religious prisoners of conscience from Myanmar, where Buddhism is the state religion, Nicaragua and Eritrea.

Subsection 1.2.3 – Models of state recognition and registration

Aside from addressing registration issues, some academics have taken a systematic approach to analysing how states recognise religions, including creating models to convey the impacts of state recognition on religious communities. For example, in 2012, American law professor Cole Durham published his religious freedom continuum which identified the range of ways states conduct their relations with religious institutions measured against conditions of FoRB (see Figure 1 on the following page) (Durham, 2012, p360-378). Durham's explanation of the various kinds of recognition systems included in a chapter of the 2012 work *Religion and Human Rights* advanced the discourse on state-religion relations. Durham's continuum identifies key links between how states recognise religions and how this can positively or negatively impact conditions of FoRB (Durham, 2012, p360-378). I plan to introduce the SRR-1, SRR-2 and SRV in this thesis with a similar purpose in mind. However, the spectra convey the scale of impacts of recognition and registration on conditions of FoRB in greater depth than Durham's continuum and make an original contribution by synthesising different dimensions of FoRB. Durham based his model on data provided by four primary producers of knowledge: academics, non-governmental organisations (NGOs), governments and independent rapporteurs. These knowledge producers continue to publish data and comment on how models of state recognition can have a negative or a positive impact on

Figure 1 – Models of state-religion relations and their impacts on FoRB developed by Cole Durham



conditions of FoRB, prompting me to identify several recurrent themes in the literature on recognition and registration issues.

After studying registration laws and religious freedom reports, I found that at the national level, registration is often key to accessing a series of financial benefits, legal provisions, privileges or rights already protected internationally under FoRB (Freitag & Traunmuller, 2011, p253-269; Shorten, 2017, p242-258). I also found that the practice of states extending privileges to one or more religious denominations remains widespread, even in secular states that have formally disestablished a state religion, such as European countries with former state churches like Portugal, Spain and Sweden (Laegaard, 2011, p85-106; McFaul, 2017, p13-30; Nardocci, 2018, p1-22). Less benign forms of religious establishment continue to drastically impact the conditions of FoRB across the Middle East, North Africa and Southeast Asia (Maclure & Taylor, 2011, p26). Also, governments appear to be using various pejorative labels to classify belief systems, leading to religious communities becoming hierarchised, discriminated against and treated unequally (Joas, 2009, p1-22). In 2010, Durham (p3-14) outlined fifteen principles from his review of European approaches to the

legal registration of religious or belief organisations based on cases lodged with the ECtHR. My study uses Durham's principles to guide the development of my SRR-1 and SRR-2, with the aim of providing a clearer idea of FoRB-compliant versions of recognition and registration. The Durham principles are a starting point for ascertaining how states can make recognition inclusive and registration accessible (Cesari, 2016, p135-144; Fox, 2011, p384-401). Since my analysis of recognition and registration issues during my study found that these mechanisms are widely used to exclude religions not favoured by the state, I emphasise the principles of accessibility and inclusivity to avoid recognition or registration negatively impacting FoRB (The Religious Studies Project, 2018). The interview series of my study and my analysis of recognition and registration issues, including case studies of recognition systems and analysis of current international guidance, are central to my methodology which aims to understand to what degree recognition and registration shape conditions of FoRB.

Jonathan Seglow's chapter in the 2012 work *Recognition Theory as Social Research* (p127-146) found that paying attention to how states recognise religions and beliefs is key to understanding the role of religion in secular liberal democracies (Laborde, 2011, p67-86). Seglow concludes that recognition is core to various concerns for religious communities, including the public display of religious symbols, religious education in publicly funded schools[7], minority rights and whether there can ever be FoRB-compliant limits on religious expression. Seglow's contributions reinforce the notion that recognition is central to the provision of FoRB yet remains incendiary if not managed with the intent to advance FoRB. Related is Christophe Monnot and Solange Lefebvre's 2020 editorial *Religious Minorities and Struggle for Recognition*[8] (p236-239) in which they attribute the need for greater attention on recognition and registration issues to the diversification of religions and beliefs. They pinpoint how globalisation, increased rates of immigration and the rejection of

[7] See the recent IACtHR case 'Pavez v Chile' (2022) for an example of the Roman Catholic Church which receives exclusive privileges in Chile exerting its influence over the national curriculum.

[8] Lefebvre and Monnot looked at studies on Jewish people living in Barcelona (Martínez-Ariño, 2020, p240-250), Buddhists and Muslims in Switzerland (Baumann & Khaliefi, 2020, p273-285), Muslims in Montreal (Lefebvre, 2020, p251-261), and Syriac Christians in Türkiye (Ekinci et al., 2020, p296-306).

traditional religions in favour of alternative spiritualities or secular philosophies cause diversification. However, Lefebvre and Monnot's approach differed from my study because they focused on a bottom-up[9] rather than a top-down approach to recognition. Their work demonstrates that new claims for recognition are constantly made due to religious diversification (Arnaiz et al., 2013). As populations shift in their religious affiliation, states are confronted with the considerable task of reflecting this diversification in education policy, public health and other communal spaces (Pfeffer, 1977, p73-86). To help understand this, French sociologist Jean-Paul Willaime divided the functions of recognition into five categories: ethical, legal, political, social and symbolic (2015, p779-809). Willaime emphasises the concept of social recognition by considering how belief systems positively contribute to society, especially as a precursor to international and national recognition.

More recently in 2021, research fellow Bouke de Vries wrote the article *Five Arguments Against Single State Religions* (p226-234) in which he explained his views on how arguments against mono-recognition are insufficient. Essentially, de Vries tried reorienting the argument against state mono-recognition by formulating a two-pronged argument of a 'desire-based objection.' His approach considers mono-recognition wrong whenever states fail to recognise religious or belief communities seeking recognition. Secondly, de Vries saw mono-recognition as wrong whenever states fail to recognise religions and beliefs that are entitled to recognition due to their considerable membership size, contributions to society or the injustices inflicted against their community by state or non-state actors (Seglow, 2021, p211-215). However, I challenge de Vries by pointing out how he failed to acknowledge the inherent right based on FoRB of communities and religious institutions to recognition regardless of their desire for it or their claim. The same point carries over into my study because participants addressed the validity of a right to recognition and registration. In the same work, de Vries introduces 'diachronic plural recognition', namely, state recognition of multiple religions and beliefs on a rotational basis. De

[9] Bottom-up recognition is seeking recognition from sources alternative to the state, such as the media.

Vries proposes rotational recognition to appease religious communities by bestowing temporary establishment, as practised in Lebanon (de Vries, 2020, p1-16). 'Rotationalism' assumes that religious communities naturally seek to dominate others, contrasting with pluralism which aims to remove any desire to dominate by fostering an environment where all religions and beliefs have an equal opportunity to be recognised.

An alternative model of mediated recognition was proposed by Heikki Koskinen[10] in his 2019 book *Recognition and Religion: Contemporary and Historical Perspectives* (p33-50). He suggests that genuine state recognition is attainable only through a mediator. Perhaps Koskinen's concept would practically manifest as a quango that mediates the state and its citizens to ensure state recognition and registration practices remain compliant with international standards on FoRB. In theory, mediated recognition has the benefit of preserving the secularity of the state while facilitating religions and beliefs, as it prevents any denomination from becoming established yet can still interact with the state through the intermediary. Overall, 'mediationism' is a solution to the issue of state-religion relations becoming too close or too detached, yet this approach is not without its challenges. The primary setback is achieving genuine authority for the mediator. For instance, establishing an independent agency that makes decisions that do not hold the same weight as those made by the government is likely to descend into a case of pseudo-recognition[11] which would be counterproductive to protecting and upholding FoRB.

Last among my review of academics is Brian Grim, whose work focuses on how corporations can encourage state compliance with international standards on FoRB (Grim, 2010, p3-7). Grim's work relates to recognition and registration issues because the ability of religious or belief organisations to conduct the full range of their intended activities, such as proselytising, is often contingent on registering with the state (Alston et al., 2007, p600-616). Understanding that businesses can integrate

[10] Of note is Koskinen's notion that an inclusive application of recognition is integral to multiculturalism (Koskinen et al., 2016, p1000-1001), a relationship also commented on by Modood in 1998 (p378-399).

[11] When the religions or beliefs a government claims to recognise are all state-controlled versions.

FoRB into their corporate social responsibility is important when other avenues of engagement, like direct contact with the government, are less viable. The work of Grim carries over into my study as I aim to understand how registration issues inhibit the operations of religious or belief organisations and negatively impact conditions of FoRB (Laborde, 2017, p113-238; Lerner, 2012, p218-235). For instance, legal registration is often tied to financial benefits such as tax exemption (Pfeffer, 1977, p39-42). Countries vary in the degree to which their tax systems benefit and discriminate between religious or belief organisations, with Germany being one of the most generous to groups the government recognises (Alston et al., 2007, p582-583).

Moving to literature produced by commissioners and rapporteurs, Heiner Bielefeldt dedicated some of his tenure as a UN Special Rapporteur[12] to addressing recognition and registration issues. For example, in 2011, Bielefeldt dedicated a report (A/HRC/19/60) to recognition issues impacting FoRB. In the report, he outlines three different meanings of recognition: (1) 'recognition in the sense of the due respect for the status of all human beings as right holders by virtue of their inherent dignity'; (2) 'recognition in terms of states providing for the possibility of obtaining the status of legal personality, which religious or belief groups may need for the exercise of important communitarian aspects of their FoRB'; and (3) 'recognition in the sense of states according a specific privileged status position to some religious or belief communities.' Afterwards, Bielefeldt explained the power of recognition as having a positive effect on communities yet equally negative impacts if it is applied without respect for FoRB. Bielefeldt's report highlights how state recognition should be used very carefully because of the influence it can have and requires oversight from both

[12] Initially established in 1986, the position "Special Rapporteur on Freedom of Religion or Belief" is one of the "Special Procedures" under the United Nations human rights mechanism. The position is an independent expert appointed by the Human Rights Council (the mandate holder is not to be a UN staff member, is not to be paid and is to be supported by OHCHR staff and resources). The mandate holder reports to the Human Rights Council (in Geneva) and the General Assembly (in New York). Core functions of the Special Rapporteur include monitoring and reporting on global trends, country situations, emerging threats to FoRB; conducting fact-finding missions (with state consent) to investigate conditions on the ground; receiving and acting on complaints of FoRB violations; issuing urgent appeals or allegation letters to governments; producing annual reports exploring cross-cutting issues (e.g. conversion, blasphemy laws, minorities, gender, religious dress, etc.); and engaging with governments, religious communities, NGOs, and other UN bodies to promote compliance with FoRB standards.

state bodies and civil society to ensure it is implemented in compliance with FoRB. Bielefeldt also highlights how any new approach to recognition and registration should be acceptable to states, communicable and practicable. He emphasises recognition as a core theme of human rights since the drafting of the UDHR, a principle reflected in my approach by focusing on the role of recognition and registration in FoRB policy. Bielefeldt calls for registration procedures to be 'quick, transparent, fair, inclusive and non-discriminative', five characteristics Bielefeldt considers necessary for compliance with FoRB. Bielefeldt's work carries over into this study as my interview participants discussed which policies and practices most often fail to comply with FoRB.

Bielefeldt continues in his work by asserting that dignity relates to FoRB as a right inherent to all human beings 'independent of any acts of state approval.' Likewise, I intended for my study to explore this assertion through the interview series by linking human dignity, recognition, respect and the advancement of FoRB by giving a voice to those directly impacted by recognition and registration issues. Also important to reiterate is that the provision of FoRB must be upheld regardless of the recognised status of a belief, a principle that Bielefeldt (p9-10) affirmed in a report following his visit to Vietnam in 2014. Moreover, a religious or belief community's right to FoRB should not be contingent on their belief having received recognition nor the registration of their institutions (Bielefeldt et al., 2016, p13, 223, 225, 231). Instead, according to Bielefeldt, the bestowal of recognition and registration should be a means for the state to reinforce and advance FoRB. International human rights instruments have set out principles on FoRB, but establishing a system in which recognition is inclusive and registration is accessible allows states to prove their intention to uphold FoRB (Durham et al., 2013, p364, 375, 430-431, 705; Thompson, 2019, p15-34). Bielefeldt identifies in the same report on Vietnam what characteristics would make an approach to recognition and registration non-compliant with FoRB. According to Bielefeldt, a key concern for FoRB is when states narrow their definition of religion to exclude unfamiliar beliefs or those that do not assimilate into

the national culture (Fox & Sandal, 2013, p15-18). Labels like ‘known religion’ and ‘traditional religion’ aim to justify excluding NRMs and minorities from accessing recognition or registration (Fox, 2014, p4-27).

Having said this, even when religious minorities are recognised, this may not equate to the same level of recognition received by the majority religion which is the case for Christians, Jewish people and Zoroastrians in Iran. According to Bielefeldt, it is FoRB non-compliant for states to claim there are too many minorities to recognise or that there is an inadequate amount of staff in the government to deal with registration issues. Although one might appreciate that registration procedures could take months to complete at most, the attempts of the Iranian Bahá’ís to achieve ‘Recognised Religious Minority’ status have been rebuffed by the Iranian government for decades. This is evidence of an intentional exclusion of the Bahá’ís from receiving recognition which is essential in Iran for communities to organise religious services and exercise basic rights (Alston et al., 2007, p585; Guttman & Voigt, 2015, p351-380; Zabihi-Moghaddam, 2016, p124-146). Bielefeldt also highlights how some states use predefined conceptions of religion to inhibit the universal application of FoRB. For example, if a religious community is labelled by the state as a ‘cult’, their protection under FoRB might be made void which is the case in French law (Ollion, 2013, p121-136). These actions misconstrue the universality of FoRB which protects the right to believe and practise no matter how religions and beliefs are labelled by the government (Finke & Mataic, 2019, p587-606). Emerging is a fundamental concern with states defining religion to influence religious activity and debilitate FoRB (Bradney, 1993, p124-126). Moreover, this reveals an attempt by some states to impose their definitions of religion on the *forum internum* of their citizens to influence what they believe and practise (Evans, 2001, p72). Bielefeldt’s report highlights the importance of addressing recognition and registration issues and that a new framework may be required to guide states so that they remain compliant with the commitments they have made to FoRB (Brugger, 2009, p160-180).

Separate from the work of the UN Special Rapporteur is data produced by governments, commissions and NGOs which serve an important role in providing intelligence from on the ground. The International Institute for Democracy and Electoral Assistance (International IDEA) is one such organisation that regularly produces data addressing FoRB violations and the status of religious prisoners of conscience. Its September 2014 report *Patterns of Religion State Relations* affirmed that state recognition is an important tool in shaping the role of religion in communal, individual and national identity (International IDEA, 2014). However, International IDEA also reiterates how recognition can negatively impact the rights of minorities if applied without respect for FoRB (Bloom, 2015, p832-853; Petersen, 2020, p6-23, 65-88). In the same report, International IDEA points to the role national constitutions play in religious recognition (Flores & Fox, 2009, 1499-1513). Although most constitutions set out provisions for FoRB and may identify some belief systems recognised by the state, the static nature of such documents means they lose the flexibility required to remain inclusive in the complex and fast-changing landscape of religious affiliation (Halmai, 2015, p1-83). There is often a significant disconnect between national constitutions and state policy on religion, as is seen in China, Myanmar and North Korea, where the claims to FoRB found in these countries' constitutions are grossly violated in practice (Fox, 2011, p59-81). National constitutions tend not to give details on recognition and registration law and often lead to the exclusion of religions and beliefs left unmentioned (Lerner, 2013, p609-655). An ideal role for a constitution might involve delineating a set of principles on FoRB and affirming the state's commitment to international standards (Halmai, 2017, p175-207). A national constitution could also give a short outline of the national recognition and registration system by describing some of its key aims and functions but refraining from mentioning any specific religion or detailing policies and practices (Amos, 2016, p27-35; Brettschneider, 2012, p142-167).

Moving to the final aspect of the literature, materials produced by the U.S. Department of State and USCIRF include intelligence gathered by U.S. embassy

officials on the whereabouts of religious prisoners of conscience and analysis by experts employed by USCIRF to comment on issues impacting FoRB. For example, one of USCIRF's recent factsheets refers to the financial regulations imposed on religious or belief organisations in several countries and explains how these regulations negatively impact FoRB conditions (Chen et al., 2021). These factsheets often highlight the role commercial activities play in the survival of religious or belief organisations, how registration inhibits religious activity and how this prevents religious groups from thriving. Article 6(f) of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief states that FoRB protects the freedom of religious or belief organisations 'to solicit and receive voluntary financial and other contributions from individuals and institutions' (OHCHR, 1981). USCIRF highlights that accessing funding is key to the survival of religions, their affiliate organisations and communities of adherents, pointing to why some states have imposed restrictions on how religious or belief organisations may legally solicit and receive funds to inhibit their growth (De Francesco & Patrikios, 2020, p745-766).

Common narratives that attempt to justify such financial restrictions include security concerns like preventing the funding of terrorism or fraud and money laundering. However, these narratives have also been weaponised as such accusations levied against religious or belief groups have, in some instances, been baseless[13] (Meyer & Pinkus, 2008, p82-107). USCIRF also identifies which states are known to have imposed financial restrictions of various kinds.[14] I aim for my study to identify which types of restrictions are most pressing from the perspectives of participants. Although financial crime, state security and concerns over terrorism are legitimate (Henne, 2016, p22-66), the misuse of these issues to restrict the legitimate commercial

[13] However, when organisations fronting as religions have funded terrorism or engaged in fraud, states are obliged to protect members and prosecute organisations, but to refrain from discriminating during court proceedings and to avoid impeding the basic religious activities of members.

[14] Including excessive requirements and restrictions on foreign funding (e.g. China, India, Nicaragua, Russia), excessive auditing that hinders religious activity (e.g. Nigeria, Tajikistan), freezing assets held by religious organisations (e.g. China, Kazakhstan), and imposing fines and seizures (e.g. Belarus, Russia).

activities of religious or belief organisations and, by extension, hinder religious activity constitutes a violation of FoRB (Fox, 2018, p150-168). For example, during the interview series, Elizabeth Prodromou[15], who is the Director of the Initiative on Religion, Law, and Diplomacy, stated that 'more focus should be placed on the commercial dimension of religious or belief organisations because in doing so, a greater understanding will be achieved of how communities sustain themselves and thrive.' USCIRF's consistent focus on these topics of direct relevance to recognition and registration implies that both play key roles in shaping conditions of FoRB.

Subsection 1.2.4 – Aims of the thesis

In conclusion, I will take forward some points from this literature review as I explore in-depth the degree to which recognition and registration issues impact conditions of FoRB. Generally, in the literature, academics tend to focus on historical cases of how religions have been established or summarise contemporary relations between governments and religious institutions. For example, Bielefeldt dedicated some of his reports while in office as a UN Special Rapporteur on recognition and registration issues and their impacts on FoRB (Bielefeldt, 2011). Commissioners at USCIRF represent a similar voice in addressing contemporary recognition and registration issues as they pertain to violations of FoRB. I also find that government departments and NGOs continue to play a crucial role in providing data that independent academics are less likely to be able to accumulate alone. During my review, I understood recognition to possess psychosocial and sociocultural functions. Hegelian and Kantian logic inspires me to focus on how recognition might encourage greater acceptance and respect to fulfil the aims of pluralism. The Honnethian approach

[15] Professor Prodromou is a scholar, policy practitioner, and educator whose work lies at the intersection of religion, geopolitics and human rights. Over the years, she has held roles in both academic and policy arenas: she served on the U.S. Commission on International Religious Freedom (2004–2012) and participated in the U.S. Secretary of State's Religion & Foreign Policy Working Group (2011–2015). At Fletcher, she founded and served as Faculty Director of the Initiative on Religion, Law & Diplomacy, helping to embed religious literacy, dialogue and legal–diplomatic frameworks into international affairs education. Her research focuses on topics such as democratisation, religious pluralism, cultural heritage and institutional religious freedom, especially in the Eastern Mediterranean and Middle East.

focused on a ‘struggle for recognition’ since recognition should not be easily bestowed in a way that undermines its significance. Nevertheless, a diverse range of religions and beliefs ought to be given an equal opportunity to access recognition, save in those exceptional circumstances where a group demonstrably threatens public order, health or safety. The issue of the recognisability of religions and beliefs emerged in my review, as did the question of whether FoRB should protect a right to recognition and registration. The issues raised during my review have intimated that recognition and registration play a crucial role in shaping conditions of FoRB. In my study, I want to understand to what extent recognition and registration impact conditions of FoRB by conducting an in-depth analysis using insights from members of religious communities that have faced recognition and registration issues.

I plan to achieve this by conducting a rigorous examination of recognition and registration issues by interweaving the qualitative data from my interviews. The insights on recognition and registration issues will show how they impact individuals on the ground and identify options for addressing the issues at national and international levels. I will then expand my examination of recognition and registration by analysing several ECtHR and UN Human Rights Committee judgements on recognition and registration issues impacting religious communities. I will also analyse the current regional and international guidance issued for states on recognition and registration. I will introduce my new approach to analysing registration issues by splitting registration into three stages: preregistration, registration and postregistration. I anticipate that this method will draw out how different issues emerge at each stage of registration, demonstrating the obstacles religious communities face. Deconstructing the registration process will reveal issues that religious communities are likely to face at each stage of registration which will be useful in providing a clearer understanding of registration issues and how they impact conditions of FoRB.

My examination of recognition and registration issues will culminate in six case studies: three on recognition systems and another three on registration systems. Each

case study will be conducted on an authoritarian, semi-authoritarian or democratic state to highlight the variance between states in how they devise and enforce their recognition or registration policies. Highlighting these differences will produce a comprehensive analysis of recognition and registration issues that considers how they manifest in Europe and beyond, especially how they impact members of minority communities and new religious groups. Finally, I expect my study to contribute to knowledge by introducing the Spectrum of Religious Recognition (SRR-1) to categorise countries according to how their recognition and registration policies and practices impact FoRB. I will also introduce the Spectrum of Religious Registration (SRR-2) to define and classify registration policies in 'mandatory', 'optional' and 'non-registration' categories. I will introduce a Scale of Rights Violations (SRV) to show the variation in severity of FoRB violations caused or enabled by state recognition and registration. I anticipate this approach will lead to a much clearer understanding of the topic by synthesising recognition and registration policies and practices with FoRB.

Section 1.3 – Methodology

Subsection 1.3.1 – Introduction

At the outset of the study, I was faced with the issue of states across the spectrum of authoritarian and democratic governments using recognition and registration in ways that seemed to be negatively impacting conditions of FoRB (Denzin & Lincoln, 2011, p1-20). This led me to want to analyse the dynamic between recognition and registration and the full range of issues resulting from how these mechanisms are misapplied to try to ascertain the types of religious communities most affected and how these issues impact conditions of FoRB. I conducted an interview series to produce qualitative data to gain a deeper insight into recognition and registration issues (Tongco, 2007, p147-158). I anticipated that the perspective of professionals working as human rights advocates would likely differ from those who had directly experienced violations of FoRB. In turn, I decided to divide my interview participants into two categories. Category One included religious freedom specialists, herein referred to as 'experts', who communicated their technical knowledge of state recognition models, registration laws and the tools available to the international human rights system to respond to national laws and practices non-compliant with FoRB. The chosen experts were mainly notable advocates of FoRB working for human rights organisations, with a special interest in recognition and registration issues. Category Two included members of religious minorities who provided first-hand insight into their ongoing or past experience of recognition or registration issues, with most having directly endured violations of FoRB.

By taking a qualitative approach to my research, I discussed the topics that achieved results rich in detail, expert insight and personal experience (Mohajan, 2018, p23-48). The complexity of the topic necessitated discussing its themes and a degree of nuance that I believed would be best achieved through interviews with experts alongside individuals who had directly experienced the issues of concern. For

instance, if interviews had been conducted only with human rights professionals, I would have missed an opportunity to fulfil the research objectives. Instead, I could compare any disparity between experts and individuals on the ground. However, the drawback to this approach meant that I lacked sufficient contacts and time to create a third category that would have allowed government representatives to express their perspectives on recognition and registration. However, this opens up opportunities for future research involving interviews with government representatives.

Conducting an interview series gave the participants a chance to highlight recognition and registration issues that they consider to be most pressing (Brink, 1995, p461-475). Based on prior recommendations by scholars such as Cohen and Crabtree (2006) and Schmidt (2004, 253-258), I followed a semi-structured approach for the interview series by creating a set of primary questions posed to all participants to guide the discussion. I decided that location-specific questions would be suitable as secondary questions to correspond with either the expertise of Category One participants or the country of origin of Category Two participants. Adopting this approach meant that the interviews began with a broad discussion of religious recognition but progressed to subtopics that satisfied the areas of expertise and concern of each interviewee. I found that this technique increased the engagement of each participant as the interview progressed because the topics discussed drew closer to their specific interests which a structured interview series would not have allowed.

Harvey Bernard (2006, p210-213) regards semi-structured interviews to be the most suitable approach whenever the researcher has a limited allotted time to converse with each participant. In my case, I had allotted one hour to speak with each participant, making semi-structured interviews the most appropriate option. The interviews were limited with respect to time to avoid causing fatigue for the interviewer and participant and to prevent answers from overlapping. In his work, William Adams (2015, p492-505) outlined some disadvantages of semi-structured interviews: ‘They are time-consuming, labour intensive and require interviewer sophistication’ and produce arduous amounts of transcripts. Despite acknowledging

these challenges to come, I anticipated that semi-structured interviews would be the most efficient at producing the data necessary to fulfil the research objectives.

Subsection 1.3.2 – Interview approach

I anticipated that my approach to interviewing the two categories of participants would need to vary slightly due to their different expertise. Category One participants being subject-matter experts on religious freedom meant they had professional experience dealing with human rights violations and explaining complex recognition and registration issues. Although they had neither experienced the issues personally nor lived in countries where their participation in an interview was likely to impact their safety, they had trained to understand recognition and registration law. By conversing with the Category One participants, I aimed to understand what options are available at national and international levels to help reduce the negative impacts of the most pressing issues. I anticipated that the same technical discussion would not be possible with the Category Two participants, none of whom had trained in human rights law. Nonetheless, I anticipated they would provide valuable personal insight into the issues raised. Therefore, I decided that the interview series would aim to answer the following three questions: (1) how pervasive are recognition and registration issues?; (2) which recognition and registration issues have the most detrimental impacts on FoRB?; and (3) what options are available to reduce and prevent recognition and registration issues?

According to the work of Shazia Jamshed on qualitative research (2014, p87-88), the role of an interviewer is to ensure that the interview progresses smoothly and is guided by the research methodology. Before conducting the interviews for my research, I created an interview schedule that reminded me of the data I needed to gather and would keep each of my interviews on topic to achieve my aims. During the interview preparations, I kept a copy of the interview schedule on hand with a pen and a piece of paper. The Participant Information Pack (PIP) and consent forms were

nearby during the interview so I could refer to them if necessary. During each pre-interview, I initiated a brief conversation with the interviewee to settle them and to retain the rapport I had built with them. I made certain the interviewee was ready, that they knew the interview would take approximately one hour and understood what was expected of them during the interview before I pressed the record button. During the pre-interview, the interviewee also had the opportunity to ask any final questions and could reconfirm they were comfortable for the interview to be recorded. At this stage, I informed each participant that the recording could be stopped at any time if they wished to take a break or to discuss something they would prefer not to be recorded. This, in addition to key body language like smiling, I found was crucial to maintaining my rapport with each interviewee and ensuring they felt at ease throughout due to the sensitive topic of human rights violations which may have caused distress for the participants. I asked at the end of the pre-interview whether I could turn on the record button so the main interview could commence.

I began the interview by reiterating the research aims, addressing the matter of confidentiality and the right of the interviewee to withdraw. I found it was important not to interrupt the interviewee at any time to avoid putting them on edge and that it was important to nod, express continuers like ‘yes’, maintain a positive facial expression and ensure that participants knew they were being listened to. I also found prompting the interviewee to be a good technique for expanding on their initial answers, especially in retrieving clarification or further details on any ambiguous responses they gave. I ensured that I was diplomatic and relaxed and spoke fluently throughout each interview. It was my responsibility to guide a smooth ending to the interview by initiating final comments and expressing thanks to the interviewee for their participation. Once I had stopped the recording, I debriefed the participants and asked if they were comfortable with what happened which allowed them to ask any final questions before the meeting concluded. A transcription of each hour-long interview was expected to take approximately eight hours. Therefore, I scheduled the appropriate amount of time for transcripts to be completed. Part of my technique of

transcribing included identifying each speaker's contribution in turn and numbering each line to achieve a verbatim word-for-word transcription (Jowett, 2020). The transcripts were formatted with double-line spacing and wide margins so that I had space to make analytic notes. Overall, the participants understood the questions, were sufficiently qualified and were comfortable with answering all the questions to fulfil the research objectives.

Holt and Thorpe (2007, p117-123) once discussed the range of approaches to qualitative interviewing and identified the advantages of each that I used to justify my choice of the semi-structured approach. A semi-structured approach gives researchers the freedom to ask additional questions and interviewees to contribute more information. Conversely, a structured interview would not have given the interviewees enough freedom to express their experience or expertise sufficiently to produce interviews rich in data. Instead, the semi-structured approach allows researchers to probe further into topics that arise during the interview that they had not anticipated. In 2014, Mueller and Segal conducted a comparative analysis of the three interview approaches: semi-structured, structured and unstructured. For this study, conducting unstructured interviews would have been too open-ended and a risk to the research aims if the interviews had taken on a tangent away from the main topic (Brinkmann, 2020, p424-456). With religious freedom encompassing many subtopics, the data collection process would likely have been undermined if I had adopted an unstructured approach.

Conversely, I did not choose a structured approach for my interviews because the research required asking secondary questions to accommodate the interest areas and personal experiences of the participants. A structured approach would have hindered acquiring the detailed qualitative data my research aims required (Brinkmann & Kvale, 2009, p123-142). It is important not to conflate the semi-structured approach with making the interviews informal because I intended for them to remain formal. The individuals invited to participate were doing so in their capacity as either experts on FoRB or as individuals who had experienced violations of their religious freedom.

Since I would be asking questions on matters as serious as human rights violations, this set the tone for a formal interview series. As my study began in 2021, I had to adapt it to the Covid-19 pandemic (Dodds & Hess, 2020, p203-217). Therefore, I decided early in my preparations for the interviews that they would take place remotely to avoid any complications with coronavirus transmission. I recorded the interviews through the Microsoft Teams programme on the University of Lancashire's secure server. I kept the recordings in a password-protected folder in accordance with the terms set out in the PIP.

Subsection 1.3.2 – Sampling method

Once I decided on the approach I would take to the interviews, I could then focus on who in particular I would need to interview to gain the data necessary to fulfil my research aims and how I would go about choosing each interviewee. I selected purposive sampling for my study (Patton, 2014, p3-36), also called strategic or theoretical sampling (Atkinson & Hammersley, 1995, p23-54; Bagnasco et al., 2014, p6-7). I adopted this approach based on prior research by other scholars who said it works best in building data rich in detail from individuals who have specialised knowledge and insight to share (Jupp, 2006, p138-140; Nola, 2006, p231-258; Tariq, 2015, p228-231). I could then measure the data collected against the research question about the degree to which recognition and registration issues impact conditions of FoRB and pair the data with secondary sources to reach a conclusion. Another reason I selected purposive sampling was that the research required a target number of participants rather than a strict quota like in quota sampling (Guest et al., 2005, p1-7). Maria Tongco (2007, p147-158) said that purposive sampling is helpful in research that requires expertise which I anticipated would be necessary for my study. Rather than demographic, purposive sampling is thematic which I thought would work well in drawing out themes from the discussion of human rights violations. Having said

this, I knew that determining which individuals are best qualified to address the topic would be key to the success of the interview series.

As my study required the input of individuals active in religious freedom advocacy, I decided that purposive sampling would allow participants to express themes so that I could achieve my research aims (Robinson, 2014, p5243-5245). It was also important that my study focus on a small group of advocates and scholars who could provide sufficient information to address the range of topics involving recognition and registration. This research required field-specific terminology, informed experience from those on the ground and expert knowledge (Teddlie & Yu, 2007, p77-100). To achieve the research aim, developing a preselected criterion for each participant was crucial. However, as Rebecca Robinson (2014, p5243-5245) highlights in her work, the primary criticism of purposive sampling is that researchers often fail to disclose their selection criteria. To pre-empt this issue and to leverage my analysis, I used the following criteria to select my participants: (1) each participant should be actively involved in the field of FoRB or have witnessed the state misuse recognition or registration; (2) each participant should be able to speak at length for each question posed so the researcher can ask secondary questions to exercise the semi-structured approach; (3) each participant should be able to provide an informed view of current issues involving recognition and registration based on their experience or expertise; (4) each participant should possess sufficient experience and knowledge to the degree that they can convey its complexities in ways that are conducive to analysis; (5) each participant should be able to convey the different approaches to religious recognition and engage in conversation by comparing these approaches; and (6) each participant should be able to discuss in detail government restrictions on religious activity.

Receiving the opinions of those active in the field was central to the research design based on my aim of improving how recognition and registration issues are understood and to analyse their impacts on FoRB (Roof, 2011, p68-80). To fulfil this aim, experience from those active in the field was essential, reiterating why I chose purposive sampling for my study (Bywaters et al., 2020, p652-661; Shaw, 1999,

p59-70). Glaser and Strauss (2017, p45-79) once asserted that purposive sampling produces a range of views on any given topic which would allow for my study to fulfil the objectives. I anticipated that the efficiency of purposive sampling would benefit the study by reaching individuals competent to answer the questions posed and were more effective at collecting information. Despite purposive sampling being the most appropriate method for my study, some drawbacks emerged during the interview series. One concern was how purposive sampling relies heavily on my judgement of the individuals I invited to participate (Rubin & Rubin, 2012, p25-41). Due to the concentrated nature of the interview questions (i.e. each participant was required to speak at length), it was essential to confirm the competence of each participant. Structured into the preparation stages of my study was a period of research into the backgrounds of each potential participant to determine their suitability. This was crucial because purposive sampling relies on the competence and knowledge of the chosen participants (Duan et al., 2015, p533-544). Therefore, gauging whether each participant could provide enough quality data became a key aim of the interview preparations. Finally, it was essential to monitor theoretical saturation, namely, the point I felt each participant fulfilled their role in the research and could no longer provide new insight (Guest et al., 2005, p1-7).

Although it was important to gain a series of views from the participants, I had to limit the number of interviewees to around thirty due to the overabundance of information that would have overlapped (Lee, 1993, p97-141). I limited the theoretical saturation by applying snowball sampling by analysing each interview immediately after it took place to guide subsequent interviews to extract as much relevant information as possible to cover each area of the subject. Finally, snowball sampling had a second useful function in my study. As the interviews took place, it became clear that Category One participants held contact details of other experts in the field who I had not known previously or were uncontactable, leading to my use of mixed methods research (Clark & Creswell, 2011, p1-19). I felt it was important that I

responded to these ‘hidden populations’ because they allowed me to expand my study as the interview series progressed (Creswell, 2014, p1-8, 14-18).

Subsection 1.3.4 – Data analysis method

I focused my data analysis on determining whether the views expressed in the interviews warranted a conclusion on the degree to which recognition and registration issues impact conditions of FoRB. To achieve this aim, I used interpretive phenomenological analysis (IPA) on the Category Two interviews to draw from interviewees’ personal experiences. IPA is a qualitative research method that has an idiographic focus as it mainly uses interviews (other options include diaries or focus groups) to gain insights into how a person in a given context makes sense of a given situation rather than producing nomothetic findings (Tuffour, 2017, p52). It is typical for these situations to be of personal significance, such as a major life event or traumatic experience. IPA usually draws on the accounts of a small number of people, with the most acceptable sample size between three and fifteen participants (Reid et al., 2005, p20-23). Participants are invited to take part precisely because they have the unique knowledge and experience best suited to offer the researcher meaningful insight into the topic. Each participant is expected to have certain experiences in common with one another or a shared characteristic (Abayomi, 2017, p9-19). The small-scale nature of a simple IPA study shows how a person understands their experiences in a given context. A study using IPA can be expanded to offer multiple perspectives from different stakeholders (Clifton et al., 2006, p102-120). It is typical for a researcher to approach IPA from a flexible position using open-ended inquiry by adopting a curious and facilitative stance rather than one that is challenging and interrogative.

Rather than setting out to test a hypothesis, researchers using IPA suspend their preconceptions about the data to focus on grasping the experiential world of the interviewee (Stainton-Rogers & Willig, 2017, p664). There are two dimensions to

IPA: one that is phenomenological and another that is interpretative. My study aims to address both of these dimensions by inquiring what it is like for members of religious minorities facing recognition and registration issues (phenomenology) and how each interviewee makes sense of this experience (interpretation). IPA is bottom-up in that it generates codes from the data rather than using a pre-existing hypothesis to identify codes that might apply to the data. As such, IPA does not test a hypothesis but leads to the development of existing theories. In my study, I intend for my research to explore the extent to which recognition and registration play a role in influencing conditions of FoRB by building upon existing research. Hence, my study aims to show recognition and registration issues in a new light through the use of qualitative data that is scarce in this field to make some conclusive remarks about the role recognition and registration play in shaping conditions of FoRB. Furthermore, my analysis of the interview transcripts has led me to identify several patterns and superordinate themes I will explore as I discuss my findings in this thesis.

In 2021, researcher Jonathan Smith and others published a journal article in which they pointed out four signs of high-quality research using the IPA method: (1) a compelling, unfolding narrative; (2) a vigorous experiential or existential account; (3) an analytic reading of the words of interviewees; and (4) sufficient attention paid to convergence and divergence between participant responses (Smith et al., 2021, p369-386). I developed my study with these four qualities in mind. Firstly, I built on existing research that discussed the significance of recognition and registration to FoRB and positioned this as my unfolding narrative through the experiential accounts of my interviewees. Secondly, I analysed my interviewee's responses and will include direct quotations in this thesis to ensure clarity. Finally, I paid close attention to when participants' views converged on matters of recognition and registration and when they diverged. I also expanded my study by including the opinions of human rights professionals as a second set of stakeholders to deepen the discussion.

I anticipated that IPA would work well in my study because it is best applied in the context of a major life event, such as experiencing or witnessing a human rights

violation. To add more credence to my chosen approach, I looked to see if IPA had been used in other studies on human rights and will now highlight two examples. First is the work of Maree Higgins, who used a similar approach by conducting semi-structured interviews and applying IPA to her transcripts to understand how African families from refugee backgrounds view human rights (Higgins, 2016, p161-174). I found that this related to my aim as I was trying to understand how members of religious minorities and new religious groups regard recognition and registration issues in light of FoRB. The common thread is the aim of establishing views on human rights from first-hand perspectives, namely, those who have had their freedoms limited or infringed on. The second example to highlight is a piece of research conducted by Erik Carlquist and others that similarly applied IPA to semi-structured interviews with Burmese protesters to try to understand why they were protesting despite violent repercussions and imprisonment (Carlquist et al., 2022, p101-110). I found this example relevant to my study because the researchers used IPA to draw insights from their interviews to answer the initial research question, an approach I decided to adopt for my research on recognition and registration. IPA focuses on one participant at a time to ascertain how their experience of the situation impacted them personally. Therefore, I expected IPA to be an effective method allowing me to understand the significance of recognition and registration issues in the lives of members of religious minorities.

The aim of my Category Two interviews was to understand the experiences of those living in a country where the state favours a religion other than the one the participant belongs to. Following this approach allowed me to discuss, compare and contrast the experiences of Category Two participants in light of the specialist knowledge provided by the subject-matter experts from Category One. Adopting the IPA method allowed me to collect opinions from both sets of participants and to reflect on how recognition and registration issues are perceived differently. I thought IPA would be useful for gaining insight into how participants interpreted and made sense of their experiences, especially their mobility in society as a religious minority.

To contextualise and clarify the opinions and personal experiences of the participants, I chose to draw data from several secondary sources, including, among other reports[16], the U.S. Department of State's annual *Report on International Religious Freedom* which monitors conditions of FoRB extensively.

For the Category One interviews, I applied a thematic analysis which I found to be better suited to the Category One interviews based on Kiger and Varpio's work (2020, p846-854). Kiger and Varpio believe a thematic analysis is more effective at clarifying complex problems and identifying potential solutions. I could not apply IPA to the Category One participants because while they had extensive knowledge of recognition and registration issues, they had not experienced the issues first-hand. Instead, using a thematic analysis allowed me to explore explicit and implicit meanings within the data from Category One participants. It is also known for working well alongside phenomenological research methods such as IPA (Guest et al., 2012, p11). Thematic analysis is flexible enough to coalesce in my study with the Category Two interviews analysed using IPA to produce two datasets based on different stakeholder perspectives. The Category One participants are stakeholders in recognition and registration issues as they have an interest in grasping a clearer understanding of the issues to prevent them and reduce their impacts on FoRB. The Category Two participants are stakeholders because they have directly witnessed recognition and registration issues impact their community. Both IPA and thematic analysis deal with meaning but in distinct ways which is why I applied them to separate datasets in my study.

Similar to my preparations when choosing IPA, I researched how other studies in the human rights field used thematic analysis and whether this had been successful. The first example to highlight is the work of Robin Redhead and Nick Turnbull (2011, p173-189), who used thematic analysis on a small sample of human rights practitioners to study how they interpreted their work as 'human rights practice.' The

[16] Including *Freedom in the World*, *Foreign & Commonwealth Office Report on Human Rights & Democracy*, *State Department Country Reports on Human Rights Practices* and data collated by the Pew Research Center.

thematic analysis seemed to work well in Redhead and Turnbull's study by drawing contrasting opinions on the same subject, allowing the researchers to come to clear conclusions despite the conflicting opinions. In turn, I felt thematic analysis would work well with my study's Category One interviews as they hold a broad perspective and were likely to have contrasting opinions in some areas. Although the Category One participants had not experienced the impacts of recognition and registration personally, they had dedicated their careers to FoRB advocacy. I anticipated they would be able to speak at length on several of the topics so I could draw out key themes and compare viewpoints. The second example to highlight is the work of Joanna Barlas and Kelly Zainal, who used a reflexive thematic analysis on semi-structured interviews focused on discussing the human rights of domestic migrant workers in Singapore (Barlas and Zainal, 2022, p116-128). Barlas and Zainal's work is relevant to my study because by applying a reflexive thematic analysis on a human rights issue, they were able to draw out superordinate themes from their primary data and use this to develop a discussion and make some conclusive remarks which is comparable to the aim of my research.

Besides the primary data from my interviews, I also decided to collect secondary data to support my primary sources. An example of a secondary source I used is the intelligence gathered by USCIRF on the status of religious prisoners of conscience incarcerated for leading or participating in unregistered religious activity. However, the exclusion of monitoring the U.S. from reports by USCIRF and the Department of State highlights their main criticism as sources given their partiality to an American worldview. To balance out the American sources, I looked to reports by the UN Special Rapporteur on Freedom of Religion or Belief and case notes on relevant judgements made by the European Court of Human Rights (ECtHR) and the UN Human Rights Committee. I anticipated that this selection of secondary sources would complement the findings of the interviews and provide the evidence necessary to support a well-rounded discussion.

I adopted a thematic analysis for the Category One interview series to draw out key themes from the large body of data collected to produce new knowledge on how recognition and registration issues impact religious communities. I began my analysis of the Category One interview transcripts by identifying the most pressing problems involving recognition and registration that each interviewee highlighted. I analysed the Category Two interviews to gain a clearer understanding of the impacts on the lives of religious minorities. I anticipated this would contribute to knowledge in the field due to the limited qualitative research conducted before my study. In assessing the options available to reduce the impacts of recognition and registration issues, I anticipated that applying the thematic analysis on the interview transcripts of the Category One participants would gather expert opinions to inform my development of the Spectrum of Religious Recognition (SSR-1) and the Spectrum of Religious Registration (SRR-2). In turn, I could make better sense of the issues raised by ranking recognition and registration systems into categories to measure their impacts on FoRB. Beyond my three research questions, I began to think about the following topics during my research preparations: (1) Are restrictions on the commercial activities of religious or belief organisations a concern to FoRB?; (2) what recognition and registration issues are most common?; (3) what religious communities are most impacted by recognition and registration issues?; (4) what options are available to help understand recognition and registration issues and reduce their impacts on FoRB?; and (5) how does lacking recognition or registration impact religious communities?

I anticipated that interviewing to collect primary data would enable me to begin to address these topics. The initial part of this strategy involved creating a professional and inviting Participant Information Pack (PIP). Alongside the invitation email, the PIP was the initial interaction with the research content for all participants. This meant it was important the information in the PIP was clear, adequately introduced participants to the study and convinced them to accept the invitation. The second aspect of the strategy involved building a rapport with each participant. This meant

keeping in frequent contact with participants to ensure they were comfortable with the data collection process and to communicate my role as the researcher and my aims for the study. My logic was that the more the participants knew about my approach and understood my research aims before the interview, the better prepared they would be to engage with the questions during the interview (Hesse-Biber & Leavy, 2006, ix-xxx). Overall, the chosen interview questions were direct, succinct, held a coherent purpose and used terminology tailored to each participant's expertise.

I also decided to create separate PIPs for each category of participants. In their respective PIPs, I informed the Category One participants that their identities would not be anonymised but that Category Two participants would be anonymised for the duration of the study and its publication. The participants in both categories were also informed at this stage of their rights regarding withdrawal from the study. To protect the research schedule, I set the limit for withdrawal at thirty days following the interview. I also included in each PIP a disclaimer that my research may be published elsewhere and is the property of the University of Lancashire which reserves the right to use the research at their discretion. I clarified how a third party may republish my research on other platforms beyond my knowledge or control and that other researchers could use the data from my study in future research. I gained explicit consent from participants by creating consent forms that detailed how and where I would store the information. I sought consent for a final time before submitting this thesis, establishing an ongoing process of informed consent throughout the study.

Subsection 1.3.5 – Reflexivity

In 2009, sociologist Norman Denzin (p40-65) stressed the importance of reflexivity because researchers are social individuals who naturally have assumptions, beliefs and preconceptions. These inherent characteristics impacted the course of my study, meaning that just as the results are moulded by the researcher, the researcher is moulded by the results, raising implications for the study's validity (Dodgson, 2019,

p220-222; Duberley & Johnson, 2003, p1279-1303; May & Perry, 2017, p1-9). My interest in NRMs inspired my study and influenced its course. I observed how NRMs have struggled to gain recognition, leading me to realise that how states recognise new religions contrasts considerably with how they recognise more familiar religious communities. Moreover, there seemed to be significant obstacles for a community belonging to a new religion to organise itself to gain recognition and other benefits from the state, leading me to query to what extent recognition and registration issues impact conditions of FoRB (Abdulla, 2018, p102-115; Reinhart & Reuland, 1993, p657-720).

To form a reflexive analysis, I must clarify that studying systems for recognising and registering religions and beliefs held personal significance due to my membership in an NRM (Burroughs & Winter, 1989, p38-50). The impact of this was demonstrated in how I posed the primary research question and also influenced which participants I selected for the interview series (Carpenter, 2018, p35-50). For example, I recognised that my membership in an NRM would raise a legitimate concern over my bias to present NRMs more favourably than a researcher who belonged to a major religion or who was irreligious. To help curb the potential for bias, I opted not to choose any interview participants who belonged to the same NRM as myself and also relied on expert input from the Category One participants to shape the results of the study since they could provide a perspective on the issues in an official capacity.

Also influenced by my assumptions were the subtopics I chose, specifically which recognition and registration issues warranted greater attention during the study. This involved organising theories addressing recognition and registration to understand their role in shaping conditions of FoRB. However, the most influential was the underlying paradigm resulting from this notion. This paradigm took the form of a dichotomy in which one side asserted the significant role that state recognition and registration play in determining FoRB conditions while the other reduced the degree to which recognition and registration influence FoRB. Hence, my research aims to conclusively determine whether or not and to what degree recognition and registration

issues impact conditions of FoRB. My study produces an interview series and compiles data from secondary sources to rigorously analyse the topic to make some conclusive remarks (Gregg & Scholefield, 2015, p1-14, 105-153; Helland, 2005, p1-16). It was my responsibility as the researcher to maintain the scientific integrity of my study by accepting all results and including them in this thesis to avoid the issue of cherry-picking. Finally, in the fifth part of this thesis, I plan to reflect on how well I think my chosen methodology worked in achieving the aims of my study.

Part Two

Recognition of religion or belief

Section 2.1 – Spectrum of Religious Recognition

The primary data I retrieved during my study's interview series indicates that a person's right to the free practice and expression of their religion or belief is too often contingent on whether their religion is registered or recognised by the state. In this second part of my thesis, I will introduce the Spectrum of Religious Recognition (SRR-1) alongside a discussion of the primary data from my interview series, including some challenges facing the international human rights system in responding to recognition issues. I will conclude this part of my thesis by applying the SRR-1 to three case studies focusing on the recognition systems of an authoritarian state, Kazakhstan; a semi-authoritarian state, Malaysia; and a democratic state, Germany. These case studies will highlight the degree of state interference with religious activity and violations of FoRB caused by how recognition policies are applied. Through these case studies, I aim to compare how governments across the political spectrum approach state recognition and respond to recognition issues raised by religious communities. The case studies will reveal how the SRR-1 works to set a standard to judge and categorise countries according to the severity of their recognition and registration issues.

One of the reasons I decided to develop the SRR-1 was because some of my interview participants asserted that even though states recognising religions increases discrimination and inequality, state recognition is a permanent fixture of state-religion relations. For example, Category One participant Dr Mine Yildirim[17], who is the Head

[17] Dr Yıldırım is a Turkish human rights scholar and activist, widely regarded as one of Turkey's leading voices on FoRB. She founded the Freedom of Belief Initiative in 2011, the first human rights–based Turkish organisation dedicated to monitoring, reporting, and advocating for the right to belief (including non-belief) in Turkey. Her academic work encompasses issues such as conscientious objection to military service, religious accommodation in workplaces and restitution of religious minority property.

of the Freedom of Belief Initiative[18] at the Norwegian Helsinki Committee, highlighted how 'state recognition remains a permanent feature of the ways states interact with religious or belief organisations even if registration procedures are abolished.' Yildirim cited Pakistan as an example of this type of policy, given that it has no official registration procedure for religious communities yet continues to engage in acts of recognition. For example, the Constitution of Pakistan recognises Islam as the official religion and establishes barriers for those who are legally defined as 'non-Muslim.' The Constitution defines 'non-Muslim' as anyone 'belonging to the Christian, Hindu, Sikh, Buddhist, or Parsi community, a person of the Qadiani group or the Lahori group (who call themselves Ahmadis), or a Bahá'í, and a person belonging to any of the scheduled castes.' This apparent permanence of recognition in how states interact with religious communities was also identified by professors Silvio Ferrari[19], Jonathan Fox[20] and Russell Sandberg[21] during the interview series, showing a convergence of expert opinions. However, Fox extended his view to include registration which he saw as a necessary counterpart to recognition and central to state-religion relations. Ferrari attempted to shift the discourse away from abolishing registration to scrutinising the content of registration procedures to remove policies and practices that negatively impact conditions of FoRB. For example,

[18] The Freedom of Belief Initiative is a human rights–focused project based in Türkiye that monitors and advocates for the protection of freedom of thought, conscience, religion or belief in line with international human rights standards. Established in 2011 by scholar and activist Mine Yıldırım, it was the first initiative of its kind in the country to take a rights-based approach to issues of belief and non-belief. The Initiative documents violations, prepares monitoring reports and policy briefs and engages in dialogue with government institutions, international organisations and civil society to advance legal and social reforms.

[19] Professor Ferrari is a distinguished Italian scholar of law and religion. Professor Ferrari has been active as an advisor to international bodies (including EU and OSCE committees) and engaged in comparative research on religious pluralism, Islam in Europe, canonical law and inter-religious legal regimes.

[20] Professor Fox is a leading scholar in the field of religion and politics, and currently holds the Yehuda Avner Chair in Religion and Politics at Bar-Ilan University in Ramat Gan, Israel. Over his career, Fox has published extensively on the ways in which states interact with religion—both in terms of regulation, favoritism, discrimination and broader policy dynamics.

[21] Professor Sandberg has served in leadership roles within the law faculty at Cardiff for several years, including being the Head of the Law Department between 2016 and 2019. Professor Sandberg's scholarship is interdisciplinary and bridges law, history, religion and the humanities.

Category One participant Katharine Thane[22], who is the Peacebuilding and Religious Freedom Policy Coordinator at Joint Initiative for Strategic Religious Action, suggested that 'while there are potential issues with abolishing recognition systems, there are equally detrimental issues with extending privileges to religious or belief organisations.' With these expert participants identifying the permanence of state recognition, this prompted me to respond by developing the SRR-1 as a framework for measuring conditions of FoRB in any given country according to its recognition and registration practices.

What also prompted me to develop the SRR-1 during my study was how some participants emphasised the impacts of recognition and registration issues. For example, Prodromou stated that 'there has been an underappreciation of the significance of recognition and registration issues in terms of their impact on FoRB.' However, to bring more attention to these issues, I find it essential to establish a clearer understanding of the functions of recognition and registration. For example, Category One participant James Patton[23], who is the President of the International Center for Religion & Diplomacy, made the following distinction: 'Registration is an administrative status, recognition is an abstract status between one institution (i.e. the state) and another (i.e. the religious institution), and acknowledgement is the reaction of the society itself to citizens expressing and observing their religion or belief.' In Patton's view, recognition and registration have distinct roles, but there is still a definite interplay between them that can seemingly have positive or negative impacts on conditions of FoRB. It is this interplay that I intend to capture through my

[22] Katharine Thane serves as Peacebuilding and Religious Freedom Policy Coordinator within Tearfund's Joint Initiative for Strategic Religious Action (JISRA). As part of her role, she helps shape Tearfund's global strategies at the intersection of conflict, peace and freedom of religion or belief. Thane brings to her work a perspective that emphasises both structural change (through policy, advocacy, institutional engagement) and grassroots transformation (through local faith actors, dialogue and conflict analysis).

[23] Over more than two decades, James Patton has worked in international development, conflict transformation and reconciliation, especially in settings where identity, faith and political tensions intersect. Patton has led initiatives in diverse conflict zones—training religious actors, coordinating security and development programmes, mediating among rival communities and advising governments and international partners on how to integrate religious dynamics into peacebuilding efforts.

development of the SRR-1 by including criteria in the categories of the Spectrum for measuring states based on their recognition and registration practices.

Some interviewees saw the apparent permanence of state recognition as raising several obstacles for how the international human rights system responds to recognition and registration issues. I considered these challenges as I developed the SRR-1. For example, Professor Jonathan Fox, who is the Director of the Religion and State Project[24], said that 'negotiations on human rights often involve trade-offs', despite Bielefeldt's ideal that FoRB should be non-negotiable. Fox explained how 'trade-offs will inevitably be involved in any attempt to rectify recognition and registration issues' and that this will likely result in 'conditions on the ground falling short of any definitive standards set at the international level.' Dr Susan Kerr[25], who is the Senior Advisor on Freedom of Religion or Belief at the OSCE's ODIHR[26], raised the point that 'the OSCE is made up of fifty-seven participating states who fund us and who are the members to whom we are to offer advice. So, if we are seen to be overly critical of particular states they might just leave and so we are looking to exert normative pressure, issue policy guidances and capacity-building to strengthen the ability of states to make good graces in the areas we work on.' The political sensitivity surrounding the discussion of recognition and registration issues presents a challenge to reforming policy and practice. However, this points to a useful function of the

[24] The Religion and State Project (RAS) is a research initiative based at Bar-Ilan University that systematically measures how governments interact with religion, with the goal of codifying and comparing religious policies across countries and over time. The project compiles annual data on a range of government practices—such as whether a state has an official religion, whether some religions are given preferential legal status, regulation of religious activity, discrimination against religious minorities and religious legislation. Its dataset (often cited as RAS Round 3) covers up to 183 states for the period 1990 to 2014.

[25] Dr Kerr has served as Senior Advisor on FoRB at the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw since 2021. In this position, Dr Kerr works to elevate awareness of the human right to freedom of thought, conscience, religion or belief across the OSCE area, assist OSCE participating States in implementing their FoRB-related commitments and oversee the Office's Panel of Experts on Freedom of Religion or Belief. Dr Kerr is a co-author / contributor to OSCE / ODIHR thematic documents.

[26] The Office for Democratic Institutions and Human Rights is a key institution of the OSCE dedicated to what it calls the "human dimension" of security. ODIHR's core purpose is assisting OSCE participating States to fulfil their commitments in the fields of human rights, democracy, rule of law, tolerance, and non-discrimination. It acts as a resource and advisor to governments, civil society, and institutions to improve legislation, practices, institutions and oversight mechanisms.

SRR-1, namely, how it can synthesise many dimensions of FoRB into a single framework that highlights how recognition and registration issues impact conditions of FoRB. By ranking countries, the SRR-1 provides benchmarks for governments to make their recognition and registration policies and practices compliant with FoRB.

A further challenge for the international human rights system in its response to recognition and registration issues was raised by Professor Roger Finke[27] during the interview series. Finke, who is the Co-Director of the Association of Religion Data Archives[28], pointed out the lengths privileged religious denominations will go to in order to maintain their recognition. Finke gave the enthusiastic support the Russian Orthodox Church (ROC) showed for the Russian government's invasion of Ukraine as an example of the ROC's intention to maintain close links with the Kremlin despite the bloodshed caused by the invasion (Kilp & Pankhurst, 2022, p1-21). A Category Two participant, the Russian Jehovah's Witness exiled to Denmark, raised a second example, namely, how 'the ROC openly supported and was instrumental in getting into legislation the ban on Witnesses in Russia in 2017.' These examples are a challenge to resolving recognition and registration issues because recognised denominations that receive privileges are more likely to work against or withdraw their support for reforms to policies that would aid minority communities. This links to another issue raised during the interview series, namely, the sharp contrast between how privileged denominations fare in being recognised by the state compared to religious minorities, especially NRMs. For instance, Christians are considered a recognised minority in Iran while Bahá'ís—another minority in Iran and often categorised by scholars as a new religion—are considered heretical by the Iranian

[27] Professor Finke is a distinguished American sociologist of religion, currently a professor (and in emeritus status) of Sociology and Religious Studies at Pennsylvania State University. He is the founding director and ongoing leader of the Association of Religion Data Archives, the online data repository for religion-related statistics. His work has often been concerned with religious pluralism, the "religious economy" model, religious regulation, and the relationship between religious freedom and conflict.

[28] The Association of Religion Data Archives (ARDA) is a free, online repository and platform providing access to a wide range of quantitative data on religion—both in the United States and internationally. It archives hundreds (now over 400 or more) local, national, and cross-national data files, including surveys, polls, church membership counts, denominational statistics, and more. The platform provides tools such as mapping, community profile builders, customisable reports, and data previews to help users explore, compare, and visualise religious data.

government and have been refused ‘Recognised Religious Minority’ status despite years of petitioning (Smith, 2008, p86, 208-209). During the interview series, in response to a question about whether more recognition could resolve violations of FoRB, an NRM member from Germany was skeptical: ‘Even if governments recognise more religious sects, those sects would probably continue to hate each other anyway. Actually, greater visibility can contribute to more hatred directed towards members of new religions.’ Protecting members of NRMs is important because if fringe groups start being persecuted, this can be a harbinger of increased state control of mainstream communities. I developed the SRR-1 with NRMs in mind as some of the higher categories stipulate that states refrain from discriminating against NRMs.

During her interview, Thane pointed out how the growth of NRMs reveals the significance of recognition and registration issues. She highlighted ‘that in seeking increased recognition from the state, NRMs have exposed issues in legal frameworks about how both recognition and registration are administered.’ Prodromou concurred with this view when she described how ‘NRMs and religious pluralisation are catalysts of the contemporary emergence of recognition and registration issues.’ Prodromou added that ‘humans on the move will serve as an ever-growing factor in the intensification of recognition and registration issues’ because when ‘a populous becomes more diverse, its needs become more complex.’ Hence, a more religiously diverse society demands more focus on monitoring recognition and registration to better prepare governments for whenever issues arise. For example, an insight from the interview series is that three kinds of religious communities tend to be impacted most by recognition or registration issues: NRMs, denominations with divergent beliefs from an established or privileged religion and groups that emphasise proselytising.

The Latter-day Saint (LDS) missionary participant[29] highlighted during their interview the poor treatment they received in Mongolia and the U.S., where they

[29] Interviewee 23, a U.S. citizen, is a member of the Church of Jesus Christ of Latter-day Saints, who served 18 months as a missionary, a standard practice in that church. The participant served the majority of their mission in Ulaanbaatar, Mongolia, where the LDS Church is registered but its activities are still closely scrutinised by the local authorities. The participant also spent part of their mission in the U.S.

served their missions. They called for more standards to be put in place to protect missionaries from discrimination and verbal abuse but also stated that they 'would hate for someone to feel forced into believing something as that would be counteractive to developing a relationship with God.' They highlighted that 'a lack of state recognition and registration is not the only factor, but still a major contributor to how members of the public treat LDS missionaries.' One specific issue the participant explained was that 'due to our Church's lack of recognition in China, LDS missionaries are currently prohibited from travelling there.' The former missionary explained that it was due to the LDS Church's lack of legal status, coupled with the lack of recognition for Mormonism in Chinese society, that LDS missionaries were banned from entering Mainland China. The LDS missionary participant seemed acutely aware of the practical impacts of a lack of recognition or registration, especially when organising missions. They highlighted how lacking recognition or registration 'hinders the growth and maintenance of our Church's congregation' and that it 'encourages prejudice among members of the public who are influenced by the opinions of the government.'

The same participant also explained that, as a missionary, they had experienced prejudice from a lack of recognition on several occasions while serving in Mongolia: 'I felt nervous to be there and sad that I couldn't talk openly with people about my beliefs.' How the Mongolian authorities applied recognition and registration seemed to make the public wary of Mormonism and prejudicial towards LDS missionaries. The participant attributed the lack of recognition and subsequent prejudice against LDS beliefs to how they challenge mainstream Christianity by professing nontrinitarianism. The participant believed that being a divergent denomination within a mainstream religion contributes to why the LDS Church is restricted more than other denominations and remains unrecognised in some countries. My interview with the Seventh-day Adventist from Haiti[30] revealed similar insights into the consequences of belonging to an unrecognised denomination: 'We cannot legally

[30] Interviewee 26, a Haitian national, is a member of the Seventh-day Adventist Church which is registered in Haiti but it faces state interference and its members endure social stigma.

open offices or build institutions to serve our communities.' The Haitian participant highlighted how their community is considered 'illegitimate' due to its lack of state recognition, leading to their input often being 'excluded from civil activities and public discourse.' This insight indicates that a religious community lacking recognition can cause segregation. The participant suggested that through recognition, a greater understanding of their communities' beliefs and practices would be reciprocated by the state and society, thus improving their sense of belonging and supporting religious diversity. These insights provide an empirical basis on which I can introduce a framework that measures the scale of the impacts of recognition and registration issues on conditions of FoRB.

Subsection 2.1.1 – Introducing the SRR-1

From the interview series, it appears that members of religious communities impacted by recognition and registration issues mainly reside in countries where the government does not recognise the legitimacy of their right to FoRB and does not provide them the same legal protections afforded to other religious groups (Finke et al., 2018, p1-37). In the interview series, Category One participants tended to highlight issues with recognition systems that pertain to achieving legal personality and the stringent enforcement of registration laws. Category Two participants were more inclined to mention issues that negatively impact their ability to express and practise their religion or belief. I developed the SRR-1 to reflect these stakeholder perspectives to gain a well-rounded understanding of the legal and social impacts resulting from a lack of recognition in its various forms (Krishnaswami, 1960, p46-54). Recognition statuses vary drastically in how, when, why and to whom they are bestowed, but they all involve legal and sociocultural recognition, with an array of benefits that religious institutions and their members often need to perform basic functions (Fox, 2010, p522-531). It became apparent early in the interview series how each government has a system for recognising religions shaped by a complex

interplay of historical, political and sociocultural factors. I decided to focus my response to the issues raised during the interview series on creating the SRR-1 to synthesise these factors influencing state recognition into one measure based on states' national commitments to FoRB in their constitutions and the international human rights instruments states have signed and ratified. The primary function of the SRR-1 is how it positions recognition and registration as the salient factor in a state's respect for FoRB by establishing a definitive link between FoRB and how states recognise and register religious communities.

Based on my assessment of the different types of state recognition, I have developed Figure 2 on the following page titled the Spectrum of Religious Recognition or SRR-1 for short. The SRR-1 is a model for categorising countries according to the extent to which their recognition and registration systems impact conditions of FoRB. The categories range from the classification 'Dynamic' in which recognition and registration are used to facilitate the activities of NRMs, to 'Terminal' where there are severe impacts on conditions of FoRB. Recognition and registration in countries classified as 'Dynamic' and 'Receptive' are optional and strive to include all religious minorities. However, 'Receptive' states are likely to exclude certain NRMs from recognition or registration and perhaps not always treat religious communities equally. The 'Apathetic' category of the SRR-1 is reserved for countries that adopt a strong secularist stance by avoiding any form of state recognition but generally uphold FoRB. The salient factor that places a country in the 'Restrictive' category is whether unrecognised or non-registered religious communities may legally conduct the full range of activities protected under FoRB. Administrative restrictions imposed through registration are another sign of a country warranting 'Restrictive' classification. The salient factor of countries categorised as 'Censorious' is when a state imposes a 'broad mandatory' registration policy, under which all religious organisations must register, with unregistered religious activity criminalised. 'Censorious' countries are also characterised by their use of violence against members of unrecognised or unregistered religious communities. The category 'Terminal' is

Figure 2 – Spectrum of Religious Recognition (SRR-1) developed during my study

Classification (Countries may move and down the spectrum)	**Overview** (Descriptions are approximate to present known conditions and relate to actions by states or state-backed entities).	**Features** (Countries must exhibit at least one of these features to qualify for being included in the classification).	**Examples** (Country examples reflecting the characteristics of the category as of 2024).
Dynamic	• The state is secular, adapts so it can recognise a range of religions and beliefs and is inclusive of NRMs. • The state has the capacity for recognition and registration. • The state collaborates with a range of communities to facilitate their activities, including their day-to-day survival, long-term growth and interfaith dialogue. • Recognition and registration are accessible, equitable and visible.	• Registration is a simple procedure that is made available to NRMs; recognition is also inclusive. • Unregistered religious organisations can operate unhindered and have access to financial benefits also available to registered groups. • The state uses language inclusive of NRMs in legislation and in the services it provides to facilitate a range of communities.	• Belgium, a secular state both constitutionally and in practice, is classified 'Dynamic' because it has established in the law procedures for both recognition and registration of religious groups. Neither of these procedures is made mandatory for communities to conduct their basic activities. The government engages in the recognition of a variety of religions and beliefs, including 'secular humanism.'
Receptive	• The state primarily accommodates 'traditional' religions and beliefs, with all or certain NRMs excluded from benefits and in some instances misrecognised in state policy and practice. • Although the state is responsive to registration issues, minor issues persist and it lacks the necessary adaptability to facilitate a range of religious or belief communities.	• Distinct procedures for recognition and registration exist yet the state does not always allow access for all NRMs. • Some issues and restrictions in registration procedures persist but registration remains optional for religious or belief organisations to exercise basic religious activities.	• Germany, officially a secular state, is classified 'Receptive' because it allows religious groups to operate freely without requiring registration. However, exclusive privileges are granted to the Roman Catholic Church and Evangelical Church, an example of an unofficial 'special status' for these favoured denominations. Elsewhere, Thailand is an example of where a religion has an official 'special status' because Buddhism is recognised in the constitution but is not established.
Apathetic	• There are procedures for legal registration but none for recognition, yet FoRB is broadly upheld in practice. • The absence of recognition procedures limits the state's capability to provide adequate services to religious communities or to build a culture that facilitates all religions and beliefs. However, based on precedent policy and practice, it is the state's intent to uphold FoRB.	• FoRB is broadly upheld by the government in practice. • No procedures exist for the recognition of religions and beliefs besides registration. • Recognition is reduced to tax exemption which is achieved through legal registration.	• Australia, a separationist state where no religion or belief is recognised either officially or unofficially, is classified 'Apathetic' because it has established no procedures for the recognition of religions (i.e. 'non-recognition'), although FoRB is still broadly upheld in practice. The benefits of registration are strictly confined to tax-exempt status and religious groups have to register under the secular designation 'nonprofit entity.'
Restrictive	• The registration system has several internal issues yet these are primarily administrative problems that do not translate to censorship or violence. • These issues result in the restriction of religious activity and the subjugation of aspects of FoRB, yet violence is not used by the state to maintain these restrictions. • State intent is to control or limit aspects of organised religious activity through recognition and registration laws.	• A policy of 'pseudo-mandatory' registration is imposed on some or all religious or belief organisations. • Administrative restrictions on the registration process limit what organisations can freely and legally do. This leads to undue interference or violation of at least one of the rights already protected internationally under FoRB.	• Despite being nominally secular, Austria extends special privileges to the Roman Catholic Church. Austria is classified 'Restrictive' because although the law does not officially mandate registration, unregistered religious groups are confined to conducting their activities in private residences. Austrian law also establishes a hierarchy of registered statuses for religious groups that receive different rights and privileges.
Censorious	• Recognition and registration policy and practice have critical issues that significantly negatively impact FoRB. • The state achieves its aim of restricting religious activity through the threat and intermittent use of violence. • State intent is to suppress either all or certain religions or beliefs in favour of a privileged religion or irreligion. • The state may have an official or unofficial religion that is instrumentalised to suppress divergent or minority groups and to encourage conformity of the majority religious community to the state's interpretation of the religion.	All 'Restrictive' category features, in addition to: • The state intermittently uses violence to enforce restrictions on religious activity. • A broad mandatory registration policy is imposed on all or most religious organisations. • Unregistered religious activity is criminalised either as an administrative or criminal penalty. • At least one nationwide prohibition of a religion or belief is upheld.	• Malaysia, where 'hyper-recognition' is practised as Sunni Islam is established, is classified 'Censorious' as it imposes mandatory registration on all non-Islamic religious groups, strictly enforces laws against proselytising and arrests, detains and forcibly disappears those that do not conform to state regulations. • Kazakhstan, a 'hypersecular' state due to how the secular government exerts excessive control over religion, is classified 'Censorious' because religious activity that is unregistered is criminalised and most 'non-traditional' religions are suppressed, with the police complicit.
Terminal	• Recognition and registration are continuously misused to severely restrict multiple rights protected under FoRB. • The state achieves its aim of controlling religious activity through its regular use of systematic violence. • The state uses recognition and registration to suppress most religious activity to ensure the dominance of a state religion, privileged religion or state atheism.	All 'Restrictive' and 'Censorious' category features, in addition to: • The state regularly uses violence to enforce restrictions placed on religious activity. • The state orchestrates an apparatus of interlinked policies to suppress all or 'unfavoured' religious communities.	• China, which defines itself as an atheist state, is classified 'Terminal' because it repeatedly uses violence, torture and medical neglect against citizens who conduct unregistered religious activity or who belong to unrecognised religious groups. Chinese law establishes many interlinked policies and practices suppressing most types of religious activity the government does not approve.

reserved for states where the use of violence against religious adherents is consistent, fatal and systematic, with various governmental, legal and social institutions complicit. The second column of the SRR-1 gives a general description of the types of countries likely to be included in each classification, while the third provides more specific features of the recognition and registration policies of a country of that classification. The fourth column lists examples of countries in each of the classifications. I developed the SRR-1 to highlight the connection between recognition and registration and conditions of FoRB.

The SRR-1 reflects my finding that recognition constitutes a core component in the provision of FoRB and indicates that a 'right to recognition' may be necessary to securing FoRB for all religious communities, especially minorities and NRMs. The SRR-1 is also based on my finding that the degree to which a government upholds FoRB is reflected in how it treats unrecognised or unregistered religious communities (Human Rights Committee, 2010). Ideally, the recognition of one group would not supersede the recognition of another yet privileges for former state religions remain in place in approximately eighty formally secular nations (Office of International Religious Freedom, 2023). The main issue that my primary data highlights is how in many countries, full access to and exercise of FoRB is too often contingent on a religion receiving state recognition or registration. The SRR-1 reflects my findings by highlighting the role of recognition and registration in shaping conditions of FoRB by measuring countries according to how they structure and apply their policies. In turn, one might expect neither recognition nor registration to be based on superficial characteristics like membership size or the length of time the religion has existed. However, my findings show that governments continue to impose policies that restrict access to legal entity status and limit religious activity. The severity that recognition and registration issues can reach became most apparent during my preparations for the interview series when some Category Two participants who, despite guarantees of their anonymity, felt too unsafe to participate. Examples include a member of Falun Gong living in China, an Iranian Bahá'í and a member of the nontrinitarian NRM

Eastern Lightning which was banned and labelled a cult by the Chinese government in 1995. These individuals had agreed to become an anonymous participant in my study but later pulled out before their interviews, citing concerns over their safety in discussing human rights violations, highlighting the harsh reality for citizens where the open discussion of human rights can have severe consequences. This was a challenge for my study because it prevented me from interviewing individuals perhaps suffering the most from recognition and registration issues.

Axel Honneth's concept of the 'struggle for recognition' reappears here and is reflected most poignantly by the restrictions imposed on religious or belief organisations through state recognition and registration laws. Recognition is often costly in terms of resources and time. It involves procedures complicated by administrative, cultural and political factors, but the long-windedness in achieving recognition also reflects its significance for religious communities (Fox, 2016, p155-174; Menchik, 2018, p863-883). Moreover, state recognition should hold weight or else the struggle to attain it is undermined, yet neither should any regulations be imposed discriminately by the state to limit access to recognition. Although gaining recognition will likely involve some struggle, this process should not be detrimental to FoRB (Fox, 2019, p1-8). In 2016, Choi and Dongsuk (p311-388) found that restrictions on religion were more common in countries under authoritarian rule. Yet, discrimination and inequality persist in democratic countries where minorities and NRMs are routinely denied the same privileges as religions favoured by the state or those more familiar to the society (Fox, 2019, p185-209). It is also possible that state recognition might be misinterpreted to contradict secularism. In turn, I must clarify in this thesis the different kinds of state recognition which will provide further context to the discussion of the categories of the SRR-1, as each of the following types of state recognition appear in the Spectrum.

Subsection 2.1.2 – Types of state recognition

Generally, state recognition refers to when a state acknowledges the existence of a religion or belief and its community of adherents. This acknowledgement can manifest in constitutional, judicial, political and sociocultural settings. During my analysis of conditions of recognition and registration, six types of state recognition emerged that I will explore in this section using the primary data from my interview series. These types of state recognition include hyper-recognition, hypersecularism, state atheism, 'special status', symbolic establishmentarianism and separationism. The type or combination of types of recognition that states adopt and how this impacts conditions of FoRB determines their categorisation in the SRR-1. Thus, discussing each recognition type that the interview participants described is necessary, along with the impacts of each on conditions of FoRB.

Hyper-recognition and state endorsement

Hyper-recognition usually refers to a state religion or state denomination. Both are kinds of state endorsement, namely, whenever a government recognises one religion or belief as superior to all others and provides financial support to advance the endorsed denomination. As of 2024, forty-seven countries and territories have officially established a religion or denomination, with Islam being the most common in twenty-six countries, followed by seventeen that have established non-denominational Christianity or a specific Christian denomination (either Roman Catholicism, Eastern Orthodoxy or some branch of Protestantism) and four countries that have established Buddhism (Office of International Religious Freedom, 2024). In some of these countries, groups that do not conform to the same religion or belief espoused by the government find their right to FoRB partly or completely diminished. In such nations, gaining and retaining the rights endowed to citizens is sometimes intertwined with belonging to a certain religion or denomination. This is the case in the Maldives, Mauritania, Saudi Arabia, where foreigners must convert to Islam to naturalise, among ethnic Malays living in Malaysia where Sunni Islam is established and in Iran, where the official denomination is Twelver Ja'afari Shi'a Islam (Office of

International Religious Freedom, 2019). However, in neither Egypt, Iraq, Libya nor Morocco, no denominational specification was given when Islam was constitutionally established (Human Rights Watch, 2007). In these countries, the law prohibits Muslims from converting to a non-Islamic religion or a divergent Islamic movement like Ahmadiyya, with legal retribution and social consequences like stigmatisation experienced by converts.

For example, in 2018, the Iranian government targeted the Bahá'í community by conducting a series of house raids and arrests of members of the banned Bahá'í Faith. The case of Milad Davardan is relevant here as he is a religious prisoner of conscience whose home was raided by Iranian intelligence agents on 23rd September 2018 and who placed him in solitary confinement (USCIRF, 2024). The following month, the Iranian state authorities transferred Davardan to Dastgerd Prison in Isfahan province and in November 2018, he was charged with being a member of the 'illegal Bahá'í administration with the purpose of acting against domestic security' and for spreading 'propaganda against the Islamic Republic regime by teaching the Bahá'í Faith' (USCIRF, 2024). The Isfahan Revolutionary Court sentenced Davardan to six years in prison, a sentence upheld in an appeals court the following month (IranPressWatch, 2018). United For Iran has since reported that Davardan may have been released by the Iranian government in September 2019 (United For Iran, 2019). Yet, the authorities gave no official confirmation and Davardan's present location and health condition remain unknown. Davardan's case is an example of how the Iranian government actively misrecognises the Bahá'í Faith as illegal and heretical and mischaracterises its members as subversive to justify denying Bahá'ís several fundamental rights.

One of the issues with state hyper-recognition of a religion is that it often leads to instrumentalisation, an issue described by Category One interviewees as integral to

the misuse of recognition. For example, Professor Elizabeth Clark[31], a member of the OSCE/ODIHR Advisory Panel for Freedom of Religion or Belief, spoke of the instrumentalisation of religion and how its prevalence in the world 'can be attributed to a breakdown of the dichotomy between facilitation and restriction.' In this context, Clark explained that 'facilitation is what states do to make religious activity easier for practitioners while restriction constitutes the ways religious activity is made more difficult, whether by administrative restrictions or by acts or threats of violence.' Clark also proposed during her interview a way of categorising religious activities into three tiers, with those in tier one fundamental to FoRB and off limits for states to regulate. She explained that the activities in tiers two and three are 'incrementally peripheral to religious activity.' She suggested that 'greater margins of appreciation can be given to states in how they limit or regulate the more peripheral activities in the lower tiers.' Clark gave the example of teaching religion in school as a tier-two activity. Categorising religious activities into tiers could lead to a clearer understanding of how to apply recognition and registration to regulate certain activities while accepting that others are exempt from regulation. On the related issue of what constitutes the reasonable regulation of religion, Fox highlighted during his interview that 'strict registration laws can be necessary for certain areas of public life. On matters of public health and sanitation, there may be legitimate concerns over practices of ritual slaughter.'

Other Category One participants gave broader points, with Yildirim cautioning that 'an increase in state involvement in religious affairs can lead to more violations of

[31] Professor Clark is Associate Director of the International Center for Law and Religion Studies and serves in a separate capacity as the Center's Regional Advisor for Europe. Clark has participated in drafting commentaries and legal analyses for legislation affecting religious freedom and has combined research, writing, law reform, and engagement with governments and civil society. Clark is deeply involved in the annual International Law and Religion Symposium hosted by ICLRS. She has been a primary organiser from its early days.

FoRB.' Meanwhile, Ed Brown[32], who is the Secretary General of Stefanus Alliance International[33], recommended that 'the self-regulation of religious or belief organisations would allow organisations to control themselves without state involvement.' Brown also said that 'limiting state involvement in religious activity was the preferable approach for upholding FoRB…but more research should be conducted on the positive aspects of freedom and the negative aspects of control.' Marco Ventura[34], who is the former president of the European Consortium for Church and State Research[35], concurred that 'state involvement should be minimised.'

Hypersecularism and state atheism

[32] Mr Brown is the Secretary General of Stefanus Alliance International. Under his leadership, the organisation works broadly to support persecuted believers and to advocate for rights enshrined in Article 18 of the Universal Declaration of Human Rights. He has previously served as a human rights advisor and director within the organisation and elsewhere in the FoRB field. Before joining Stefanus Alliance, he worked with the Norwegian Helsinki Committee, helping to coordinate the International Panel of Parliamentarians for Freedom of Religion or Belief (IPPFoRB). He engages in advocacy, teaching, workshops, and speaking tours (for example, visiting U.S. congregations) to raise awareness of religious freedom challenges globally.

[33] Stefanus Alliance International is a Norwegian Christian mission and human rights organisation, committed to defending freedom of belief and religion in line with international standards (especially Article 18). Its motto is "Together for the persecuted." Its work includes monitoring religious freedom violations, lobbying governments, supporting local churches and organisations in restrictive contexts, and mobilising supporters (e.g. letter writing, awareness campaigns). Funding for Stefanus primarily comes from private donors, church congregations and groups. Some projects also receive support from Norwegian governmental sources or development cooperation agencies (e.g. NORAD, the Norwegian Ministry of Foreign Affairs) and ecumenical networks.

[34] Professor Ventura is a leading Italian scholar specialising in the intersection of law, religion and church-state relations. Professor Ventura holds a PhD in law and religion from the University of Strasbourg and has published on how European legal systems adapt to religious diversity, and on the dynamics of law and religion in changing social contexts. Professor Ventura is active in international scholarly networks: he is a member of the European Consortium for Church and State Research, and he formerly held the position of annual President of the Consortium in 2019. He also participates in the OSCE / ODIHR Panel of Experts on Freedom of Religion or Belief. Outside Italy, he has worked as an expert in EU–Vietnam religious dialogues, among other engagements.

[35] The European Consortium for Church and State Research is a scholarly association of academics from across Europe who share interest in the legal, historical, and political dimensions of the relationship between states and religious denominations. It was founded on 12th December 1989 with the purpose of fostering research, dialogue and collaboration on ecclesiastical law and church-state relations. The Consortium organises an annual meeting of its members and guests, with themes rotating around relevant and emerging issues (e.g. religious minorities, secularism, religious adjudication, law and religion in the workplace).

State atheism is a type of hypersecularism and refers to whenever a government encourages its citizens to be non-religious, such as in China, Laos and Vietnam, or where the government demands its citizens be hostile to or suspicious of all religion, like in North Korea (Kim, 2008, p22-26). In each of these examples, the policy of state atheism prevails but applies to a different extent. The case of imprisoned Protestant Christian Nay Y Blang, a Vietnamese citizen, is a specific example of how Vietnam's religious recognition policy results in human rights violations (USCIRF, 2024). Blang was arrested on 18th May 2023 by Vietnamese state authorities for his affiliation with the unrecognised Central Highlands Evangelical Church of Christ and for hosting in-home religious meetings for fellow church members that had not been pre-approved by the authorities (Christian Solidarity Worldwide, 2024). After eight months of detainment, the People's Court of Phu Yen Province sentenced Blang to four and a half years in prison on 26th January 2024 after being formally charged with 'abusing democratic freedoms' (RFA Vietnamese, 2024; USCIRF, 2024). Blang's case of arrest, prolonged detainment and baseless sentencing by the Vietnamese state authorities due solely to his membership in a church the state does not recognise demonstrates the severity of human rights violations resulting from a state policy that is hostile to any religion that is not state-sanctioned.

Hypersecular states are where secularisation has turned into hostility to religion and religious communities are violently suppressed if the government does not control or favour them. These countries fit into the 'Censorious' or 'Terminal' classifications in the SRR-1. Two examples of hypersecular states are Azerbaijan and the Russian Federation, where the prohibition of Bahá'ís and Jehovah's Witnesses respectively, demonstrates how the joint misuse of recognition, registration and secularism leads to forced secularisation and human rights violations, including the detainment and imprisonment of religious adherents (Balzer, 2011, p247-283). This type of state misuse of recognition and registration devolves further when acts of violence turn systematic, with examples including China, North Korea, Tajikistan, Turkmenistan and Uzbekistan which are classified 'Terminal' in the SRR-1. In these countries,

secularism is enforced to the degree that it heavily restricts religious activity unless it is state-sanctioned and minimises the presence of religion in the public sphere. For example, although the Chinese government has recently started to place restrictions on religions of Chinese origin, for many years, the Chinese Communist Party (CCP) concentrated the main force of its anti-religious campaigns against NRMs and religions it deemed 'foreign' (Human Rights Watch, 2002, p276-282). The CCP is wary of all forms of religious belief as it interprets religious activity organised outside its purview as dissentient (Madsen, 2020, p17-33). For instance, the CCP intends for Chinese citizens to think and act in a specified way, as demonstrated by its espousal since 1979, of the following Four Cardinal Principles, with recent amendments by the Xi administration: (1) upholding the socialist path; (2) upholding the people's democratic dictatorship; (3) supporting the leadership of the CCP; and (4) adhering to Mao Zedong Thought, Marxism–Leninism and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era (Peters, 2019, p25-34). Attempts by the CCP to force Chinese citizens to be irreligious justify its classification as 'Terminal' in the SRR-1 (Ownby, 2011, p213-246).

I find it significant how countries that fit the description of a 'Terminal' state in the SRR-1 often display a variety of forms of recognition within the same system. For example, China exhibits both hypersecularism and hyper-recognition as it adheres to a policy of state atheism, thereby elevating positive atheism as a belief superior to all others (Wang, 2024, p60-73). Secondly, China practises what I call 'pseudo-recognition' because although the Constitution of the People's Republic of China formally recognises Buddhism, Catholicism, Islam, Protestantism and Taoism, the government only recognises heavily regulated state-sanctioned versions of these religions (Criveller, 2020, p9-27). Thirdly, China practises what I call 'disrecognition' because although The Church of Jesus Christ of Latter-day Saints has campaigned for Mormonism's recognition as a religion in China, the Chinese government has repeatedly refused to grant this recognition, leaving Mormons living in China without legal protection (Vendassi, 2014, p43-50). Fourthly, China practises what I labelled

during my study as ‘misrecognition’ which involves the government actively maligning certain religions, especially NRMs espousing ‘heterodox teachings’ by officially referring to them as ‘cults’, ‘evil religions’ or ‘dangerous organisations.’ For example, since 2017, a Chinese government website on ‘heterodox teachings’ lists twenty religious denominations as ‘dangerous’ including Falun Gong, The Church of Almighty God (also called Eastern Lightning) and the Unification Church (Zoccatelli, 2018, p3-12). These five types of state recognition in China, combined with the violent enforcement of the policies to the detriment of conditions of FoRB, justify China’s ‘Terminal’ classification in the SRR-1.

The participant, who is an NRM leader from Hungary[36], attributed increased discrimination against new religious beliefs to the rise in ‘aggressive strains of atheism among government officials and the public.’ The participant stated: ‘I just want to be left in peace.’ Yet, they also said that political interference and the agenda of states in maintaining influence over religious activity continued to make it difficult for them to run their NRM. This participant said they had no interest in receiving greater state recognition but acknowledged the benefits of state recognition for new religions. They were sceptical of how increasing state recognition would improve FoRB conditions because even if governments recognised more religions and beliefs, they thought this might ‘inflame inter-religious tensions.’ In this participant’s view, more visibility for diverse religions could result in conflict. Instead, the participant suggested that those suffering from discrimination ‘should move country and seek refuge in a more welcoming nation.’ Although they conceded that this was not ‘an ideal solution’, it is ‘the best I can suggest considering the current situation due to the lack of respect for religious freedom in many parts of the world.’ The Seventh-day Adventist participant showed their awareness of the negative and positive outcomes of state recognition: ‘The more our religion is recognised, the more we feel welcomed, and this well-being has positive impacts on myself and my community.’ The

[36] The exact religious affiliation of Interviewee 25 has not been disclosed to protect anonymity because they lead a very small religious group and their identity would be easily traceable if identified.

Jehovah's Witness participant echoed this view: 'In my experience, less state recognition of a diversity of religions creates a less welcoming environment.'

Special status and symbolic establishmentarianism

Denmark, England and Iceland practise symbolic establishmentarianism, a form of hyper-recognition that, according to some scholars, is benign and of minimal threat to FoRB (Hunter, 2007, p1-50; Knippenberg, 2006, p253-265; Shore, 2016, p43-62). According to Joseph Heim, much of the decline in the supremacy of European state churches happened due to an increase in the recognition of the 'legitimate minority' (Heim, 1990, p11-23). In European countries that have retained a state church, the government generally respects FoRB and adherence to the state denomination is not obligatory. Yet, the state still grants special privileges to the national church in ceremonial, cultural and legal settings. These variations in how hyper-recognition can manifest demonstrate that state recognition can be harmful or relatively harmless to conditions of FoRB. The problem is that state recognition often crosses the boundary into state affirmation by governments granting a religion special status. Special status is when a religion, although not formally established, retains significant influence over the running of the country, especially in developing legislation. An example of this kind of de facto state religion is the special status of Buddhism in Laos, Mongolia and Thailand, leading to discrimination and inequality for non-Buddhist religious communities (Larsson, 2019, p576-590). State recognition is multifaceted and part of understanding its scope is identifying several kinds of recognised statuses.

The issue of special status relates to the theme of the majority-minority dichotomy and the implicit establishment of religion. For instance, the Category Two participant from India, a Presbyterian Christian[37], stated that 'the religion of the majority tends to highly influence society even if its favoured status by the government remains

[37] Interviewee 28, an Indian citizen, is a member of the Presbyterian Church of India whose members are concentrated in Northeast India, where it is one of the largest Christian churches.

unofficial.' According to this participant, 'it is not that this way of things is wrong, but that it is inevitable and natural.' One of the first statements from this interviewee was that they live in India's northeast region, where Christians are the 'majority religion.' Their assertion of this at the outset implies that being the majority protects them against discrimination and subjugation. They indicated that in the rest of India, they would face harassment and stigmatisation from the Hindu majority for being Christian. Hence, FoRB in India might be stifled by the dichotomy between the majority and the minority. The participant's view was that the dominance of the majority-minority dichotomy inhibits the universal application of FoRB because a religious community exercising its full range of rights should not depend on it being the majority. It was also important for the participant to highlight how evictions, forced conversions and the lynching of members of rival churches were taking place in India, but that because 'we Christians are a minority and the focus of the media continues to be placed on Hindu-Muslim relations, our issues largely go unaddressed.' The issue of the majority religion remaining the implicit state religion was also raised by the Oneness Pentecostal Christian participant living in the Philippines[38], who stated that despite the Philippines being secular, the Roman Catholic Church maintains privileges as the majority denomination. This same participant said that they live in a country where their 'religion is the main accepted', pointing to why they later expressed the importance of the government recognising their community as Christian, despite belonging to a nontrinitarian denomination divergent from mainstream Christianity.

Separationism and non-recognition

Separationism constitutes a different type of state recognition, whereby the state recognises no religions or beliefs and endeavours to maintain neutrality on matters of

[38] Interviewee 29 is a citizen of the Philippines and a member of the United Pentecostal Church Philippines. Although the church is registered in the Philippines, its members continue to face discrimination as a member of a non-Trinitarian Christian community in a predominantly Catholic country.

religion. However, neutrality is not so straightforward for secular states. Some European states have developed approaches to upholding secularism and religious pluralism in the face of emerging NRMs and increased rates of immigration, including accommodationism, assimilationism and cooperationism, which vary in their compliance with FoRB. For example, many European governments that purport to be separate from religion continue to engage in acts of recognition that are potentially harming conditions of FoRB, with examples including France, Germany and Lithuania (McCrea, 2009; Ringvee, 2013, p167-182). Although these countries are not guilty of persecution, they undermine their promotion of religious pluralism by persistently restricting the activities of NRMs and blocking them from accessing recognition. Given the harsh treatment that NRMs tend to face, I felt it was important to reserve the highest category of the SRR-1 for countries that treat NRMs equitably.

In 2002, the French government established the Interministerial Mission of Vigilance and Combat against Sectarian Drifts (MIVILUDES) to deal with the emergence of cults. MIVILUDES has since targeted groups that have chosen not to assimilate into French culture, including adhering to laïcité. MIVILUDES has targeted The Church of Scientology, which it classified as a 'dangerous cult' in 2006, and Jehovah's Witnesses, which has accused MIVILUDES of defamation by spreading misinformation (OSCE, 2014). According to John Madeley (2015, p219-224), the issue of insufficient protections for NRMs in Europe remains unresolved due to ineffective policy. Other religious communities impacted by the assimilationist approach of the French government include the Muslim community who are restricted in how they express their faith in public by bans on face coverings that the government justifies as a measure to reduce radicalisation (Manchanda & Saiya, 2019, p1781-1800). Even though Islamic groups are registered in France, registration has not guaranteed freedom for their religious observance, as wearing burkas, for instance, falls outside the government's definition of 'Frenchness', thereby warranting limitation (Fredette, 2014, p151-174). The French government reserves its right to place caveats on forms of religious expression it considers too far removed

from French culture. Hence, it appears there is a gap in France between religions achieving legal registration and gaining sociocultural recognition. European states are grappling with pluralism and traditionalism by trying to find a balance between value systems, leading states to publish mixed messages in their policy addressing religion.

To avoid these challenges, states like the Netherlands and the U.S. follow 'neutral non-recognition', a form of secularism that strives for a 'marketplace of ideas' (Barnett, 2010). These countries apply registration for tax exemption purposes only and do not engage in acts of recognition to strictly maintain secularism by refraining from restricting or facilitating any religion or belief, corresponding with the 'Apathetic' category of the SRR-1. On the other hand, what I call 'negative non-recognition' is when a government refuses to engage in acts of recognition, but with detriment to conditions of FoRB. 'Negative non-recognition' refers to whenever a government leaves the recognised status of a religion or belief undetermined, sometimes withdrawing legal protection from religious communities. For example, the Saudi Arabian government does not recognise any religion it considers 'un-Islamic', leaving minorities with few to no legal protections (Office of International Religious Freedom, 2024). Similarly, Iran does not recognise evangelical Protestants as Christians, making their legal status undetermined and their communities vulnerable to undue state interference and mistreatment.

Overall, my concern with the suggestion that separationism might be the pinnacle mode of state-religion relations is the role religion is allowed to take on in the public sphere and how separationist states sometimes erase religion from public life, leading to violations of FoRB. Separationist states might contend that their approach is superior as they claim to treat all religions equally by relegating them to the private sphere (Shaheed, 2018). However, this constriction of religion to private life creates a void in the public sphere, burdening the government to fill it. This is most notable when states exert tighter restrictions on charitable, educational, social and welfare services when religious institutions are relieved of their role in providing such services. In essence, constricting religion to the private sphere makes society more

dependent on the state and the services it offers which can be hampered by political factors. Particularly concerning is when separationist states have failed to restrain their interference in religious affairs, including developing policies that have disproportionately impacted one religious community. This is an issue in France's laïcité model and in the secular models followed by Austria, Belgium, Luxembourg and Switzerland, where Islamic religious expression has been disproportionately restricted by face-covering bans in recent decades (Durham, 2012, p369). In turn, while secularisation might be a necessary precursor to the equal treatment of religious communities, the precedence of how democratic nations have applied separationism demonstrates that it does not always create the most receptive environment for diverse religious groups.

Subsection 2.1.3 – Views on state recognition

State recognition of religions was one of the main topics that the participants and I discussed during the interview series for my study. I noticed that participants held a variety of opinions on what role the state should play in recognising religions, ranging from high involvement to no involvement. Participants' views tended to stem from how they had been impacted as members of unrecognised communities. After reflecting on their views, I find my participants can mainly fit into one of three categories:

1. Abolitionist: state recognition systems for religions and beliefs should be abolished because they cause the state to discriminate based on religion or belief, whether by intention or not.

2. Retentionist: a hierarchical system of recognition for religions and beliefs should remain in place, including a state religion or exclusive privileges for the majority religion to reflect its importance to society and national history.

3. Regulationist: state religions should be abolished, but the state should continue to limit religious activity through registration to filter out ‘cults’ or ‘extremist’ organisations deemed dangerous to society.

However, the views of some participants do not fit into these three categories, prompting me to introduce a fourth that I call the facilitationist view (Taylorian & Ventura, 2022, p197-219). The facilitationist approach states that although recognition systems may be misused to the detriment of FoRB, they can nonetheless facilitate religious activity if applied in a FoRB-compliant way. This approach would necessitate running a recognition system under a secular framework, with the state using recognition and registration to make religious activities as easy as possible for members to organise and practise, with limited regulation.

4. Facilitationist: state religions should be disestablished, yet state recognition and registration should remain but applied so that recognition is inclusive and registration is accessible to reduce restrictions and facilitate religious activity.

One of the early results from the interview series conducted during my study was a challenge to my description of recognition as being ‘misused’ whenever it negatively impacts conditions of FoRB. The Category One participant Andrew Copson[39], who is the Chief Executive of Humanists UK[40], offered the view that restricting religious activity is ‘the inherent purpose of state recognition and registration systems’ due to their tendency to exclude and cause FoRB violations. In turn, Copson dismissed any

[39] Mr Copson began working for Humanists UK in 2005, becoming the youngest Chief Executive of the charity in 2010 at 29 years old. As Chief Executive, he leads the organisation’s day-to-day management, sets strategy, and is a public voice for humanism in the UK. He has frequently written and spoken on issues such as secularism, human rights, education, and the rights of non-religious people (in media outlets, policy forums, etc.).

[40] Humanists UK is a UK registered charitable organisation (legal name British Humanist Association) promoting secular humanism. Over its history, it has engaged in campaigns (e.g. for secular education, against blasphemy laws), offered ethical or moral education alternatives, and provided services to non-religious people (e.g. counselling, ceremonies).

notion that recognition or registration could advance FoRB (Humanists International, 2016).

Abolitionism

I found that some interview participants used the issues stemming from recognition and registration to justify abolishing state recognition systems. In her interview, Clark described how 'recognition systems seldom have the scope to reflect the true diversity of religious groups and their subgroups.' This inadequacy suggests that instead of regulating religious diversity, state recognition systems might focus on acting as channels for diversity to flourish. State recognition systems could become more than merely mechanisms for defining, legitimising and regulating religion that participants stated too often leads to undue limitations on FoRB and other fundamental rights. For example, Category One participant Russell Sandberg, who is a specialist on law and religion in England and Wales, maintained that 'a deficiency of recognition systems is their tendency to force groups, especially non-theistic groups, to undergo religionisation.' 'Religionisation' involves a state encouraging non-Western belief systems to adopt features that resemble the Western understanding of religion to access recognition or registration and to benefit from the full range of privileges. Sandberg identified 'religionisation' in the recognition system of the United Kingdom when former legislation required religious organisations to believe in a 'supreme being or entity' as part of the 'advancement of religion' policy for HM Revenue and Customs to grant it charitable status (Charity Commission, 2008, p8).

Some Category Two participants advocated for abolishing all forms of state recognition. The interviewee[41], a member of an NRM from Germany, described state recognition systems as 'inherently discriminatory', citing how state validation of a belief system 'should not depend on membership size nor the length of time the belief

[41] Interviewee 19 is a prominent member of a very small new religious group. Although a U.S. citizen, the participant lived in Germany when they participated in the study. The decision was made not to identify the religious group to protect the participant's anonymity because the group's small size meant their identity could easily be revealed.

has existed. I see no personal value in a government invalidating or validating my religion.' Yet, they conceded that state recognition is a prerequisite to obtaining 'some degree of protection' and often advances the 'legal and social mobility of religious adherents.' This insight reveals that even if one does not seek state recognition, exercising the full range of rights protected under FoRB or running a religious organisation successfully necessitates some state involvement. Thus, those advocating an abolitionist view in the interview series tended to refute any desire for the state to acknowledge or otherwise recognise their religion or belief. However, they equally acknowledged the importance of gaining legal recognition for administrative and practical purposes. It should be noted that the abolitionist participants who did not see value in the state's recognition of their religion or belief also tended to express a broader distrust of government institutions.

In essence, recognition by the state, whether desired or not, is often a prerequisite to exercising all religious rights, thus undermining the universality of FoRB. For example, during her interview, Prodromou maintained that 'without recognition, registration has a far less robust capacity to support FoRB.' Ventura also said that 'the continuing influence of even former state religions disenfranchises minorities.' The value of recognition might not be found in having attained it, but in the consequences of having not received it which can be drastic for some communities, especially NRMs it appears. The LDS missionary interviewee inferred their belief in how gaining state recognition is integral to FoRB due to the 'sense of community felt during interfaith dialogue', given that NRMs are sometimes excluded from participating in dialogue with privileged religions. This participant acknowledged the significant role of state recognition in facilitating FoRB and attributed many functions to gaining recognition like 'community development, interfaith dialogue and peacebuilding.' However, the same participant expressed their opposition to state religions: 'When governments support one religion, this creates a sense of superiority for one community over others which contradicts the principles of equality and non-discrimination.' For example, the participant experienced the consequences of

engaging in missionary activities in Mongolia, where the government favours Buddhism. The participant explained that most impacts were 'administrative hurdles and delays', but also described 'an ever-present threat of police harassment' that had at times led to 'temporary detainments of our church members.'

Another participant who opposed states favouring religions was the Lutheran Christian from Taiwan[42], who said such practices are 'incompatible with democratic values.' The participant stated: 'I do not agree with the idea of a state religion. We can learn from history that politicians use religion to do evil. As a democracy supporter, I think religious freedom should be protected under secular institutions.' This participant did not foresee greater state involvement in religion positively impacting their community or society. They were an example in the study of an interviewee unable to reconcile state recognition with any favourable outcome for conditions of FoRB. Their view assumes secularism is the pinnacle of state-religion relations in upholding FoRB. However, it disregards the cooperationist and accommodationist approaches identified by Durham which see value in states interacting with religious institutions while retaining partial separation from religion. For instance, the cooperationist approach contends that states should work to actualise conditions in which FoRB can flourish by providing support to as many religions in the country as possible through direct funding (i.e. the state works closely with religious groups to support their activities). Meanwhile, the accommodationist approach, which advocates only for indirect financial support to religious groups through tax exemptions, considers the exclusion of religion from public life as a form of discrimination (Durham, 2012, p369).

Citizenship also seemed to intersect with discussions of state recognition during the interview series. For example, a Category Two participant, the Armenian Orthodox seminarian living in Israel[43], equated the state's recognition of their religion

[42] Interviewee 24, a Taiwanese citizen, is a member of the Taiwan Lutheran Church which is legally registered in Taiwan and sends missionaries elsewhere in Asia and to West Africa.

[43] Interviewee 21 is an Armenian national and a member of the Armenian Apostolic Church who trained as a seminarian in Israel under the Armenian Patriarchate of Jerusalem, which is one of ten formally recognised Christian churches under Israel's confessional system.

to the recognition of their status as a citizen since their religious belief constitutes a core part of their identity and role in society as a religious leader. This participant interpreted any state refusal to recognise religion or belief to 'undermine a person's rights as a citizen.' The matter of citizenship was crucial for this participant because they had taken religious vows and had dedicated their life to their faith which is why their religious affiliation was central to their identity and role in society, more so than lay members. The Pentecostal Christian from Pakistan[44] held a similar view when they stated during their interview that 'religious minorities become second-class citizens anywhere that a state religion is actively upheld.' The participant reached this view based on their experience as a Christian living in an Islamic republic. To corroborate their view, they gave the example that only Muslims can ascend to higher-level jobs in the government and that both the president and prime minister of Pakistan must be Muslim. The participant highlighted that Muslims who belong to divergent Islamic groups feel the negative impacts of the Pakistani government's espousal of Islam. The participant pointed to the ill-treatment of Ahmadi Muslims in Pakistan whom 'the government considers to be second-class citizens.' For example, Pakistani law does not recognise Ahmadis as Muslims and they are forbidden from voting until they renounce their affiliation with Ahmadiyya. Because of their experience of how the Pakistani government instrumentalises Islam, this participant opposed all state involvement in religious affairs.

Closely related to the issue of the instrumentalisation of citizenship is my finding during the interview series that state-dispensed documents are key to how states misrecognise religions. The Pentecostal Christian from Pakistan described how state-led discrimination against non-Muslims involves identity cards and passports that must show religious affiliation. The participant described how 'as a citizen of Pakistan, it is very difficult to change our religious affiliation on our passport, especially if recorded as a Muslim.' They explained how 'Pakistani children are

[44] Interviewee 31 is a Pakistani national who works as a journalist. They are an active member of The Church of Pentecost in Lahore which, while registered with the Pakistani authorities, still faces systematic discrimination and barriers to accessing benefits and enjoying full religious freedom.

considered Muslim by default on their national identity documents unless parents explicitly tell authorities otherwise and if a mistake is made on the documents regarding a child's religion, the parents must endure onerous procedures to change it.' The participant gave this as an example of how a state's attitude to religion sometimes manifests in identity documents. The participant related the issue to 'how citizens of Pakistan have to make statements declaring themselves either non-Muslim or Muslim and have to sign forms declaring their belief in the tenets of Islam.' States favouring religions can cause issues with identity documents that inform government data on religious affiliation and influence policy. According to the participant, there are 'both judicial and social pressures as well as practical consequences involved with declaring oneself to be non-Muslim in Pakistan including bans on non-Muslims propagating their religious beliefs despite Article 20 of the Constitution of Pakistan claiming to protect this as a civil right.' Another consequence identified by the participant was how 'it is compulsory for non-Muslims to study Islam as part of the national curriculum.' The various issues involving identity documents in Pakistan stem from the misuse of state recognition which impacts non-Muslim communities and Muslim communities whom the government does not recognise as Muslims. Moreover, it is near-impossible for atheists, humanists and agnostics to be recognised by the Pakistani state for their non-belief.

The concern about minorities being second-class citizens was raised by the participant Jehovah's Witness who spoke of the revocation of their rights as a former Russian citizen. Jehovah's Witnesses have been persecuted intermittently in Russia since the Soviet Union forcibly incorporated eastern Romania, Moldavia and Lithuania in 1939, each of which had a small Jehovah's Witness community at the time (Dyukov, 2011, p147-157). In the autumn of 1950, security official Viktor Abakumov reported to Stalin the plan to deport Witnesses to Siberia, suggesting the deportation of over nine thousand Witnesses should occur between March and April 1951 (Vagramenko, 2021, p757-786). The Ministry of State Security's Operation North orchestrated the deportation of Witnesses en masse, the main reason for which

was their political neutrality, in particular their refusal to join the military which the Stalinist regime regarded as anti-Soviet (Cașu, 2021, p128-145). Following the collapse of the Soviet Union in 1991, Jehovah's Witnesses became a legal religion to practise, but about a decade later, in 2004, their freedoms in Russia began deteriorating. That year, the Moscow City Court banned the activities of Jehovah's Witnesses in the city, with their legally registered organisation at the time liquidated (Baran, 2007, p261-278). The re-emergence of restrictions on Jehovah's Witnesses and other minority religious groups coincided with the Russian government increasing its preference for Russian Orthodoxy. The ROC aimed to retake what it saw as its rightful place in Russian society as an essential part of Russian national identity following decades of the Church having its property confiscated and its members and leaders deported or executed under Soviet policy (Šorytė, 2020, p11-24).

Over the two decades since 2004, Jehovah's Witnesses saw a gradual constriction of their activities through the Russian government's use of lawfare, with Witnesses having first been banned in the port city of Taganrog in 2009, shortly before thirty-four pieces of their literature were deemed extremist by the Supreme Court of Russia (Slupina, 2019, p183-189). Jehovah's Witnesses could then be lawfully charged with spreading extremism by distributing their literature, an activity the Russian authorities knew was commonplace in how Jehovah's Witnesses proselytise. This culminated in the 2017 nationwide ban on Jehovah's Witnesses by the Supreme Court of Russia based on the Justice Ministry's claim that the Witnesses violated the anti-extremism law by proselytising. This ruling saw the registered status of Jehovah's Witnesses revoked and the seizure of the group's headquarters in St Petersburg, along with all their property in the country (Knox, 2019, p128-157). Since their 2017 ban, Witnesses have had to practise their religion covertly, significantly reducing their proselytising efforts. However, some have been discovered by the Federal Security Services (FSB) and arrested on charges of practising an 'extremist' religion, with many sentenced to up to six years in prison, with many allegedly tortured by Russian state authorities during detainment (Bakken et al., 2020, p7). The annexation of Crimea in 2014 and

the subsequent invasion of Ukraine in 2022 has seen Russia export its ban on Jehovah's Witnesses to the regions and cities over which it has taken control. For example, in October 2022, despite Jehovah's Witnesses being a legal religious denomination registered with the Ukrainian authorities, three Witnesses were sentenced to six years imprisonment in the Russian-occupied city of Sevastopol and more recently, armed members of Russia's FSB raided an office belonging to Jehovah's Witnesses in occupied Mariupol (Coynash, 2024).

The Constitution of Russia claims to guarantee all Russian citizens the right to religious freedom. Although Russian Jehovah's Witnesses may officially remain citizens, the Russian Constitution does not protect them due to their ban, leading to the revocation of many of their rights as citizens. The ban imposed on Jehovah's Witnesses neutralises their ability to take legal recourse to protect their right to self-identify as Witnesses without fear of harassment and imprisonment (Šorytė, 2023, p54-62). Moreover, the participant in my study stated how investigations conducted by Russian authorities led to 'some Witnesses dying under suspicious circumstances while in custody.' The Supreme Court of Russia acted as the primary judicial tool against Witnesses irrespective of the claims to FoRB made in the Russian Constitution, with the anti-extremism law leading to the imprisonment of Witnesses. Labelling Jehovah's Witnesses as extremists completed the Russian government's suppression of the group, having previously used tactics in legal and social spheres to make it difficult for Witnesses to build support among the Russian public for their campaign as a persecuted minority. The participant described how during a show trial in the Supreme Court, 'the Russian government used the justification that because Witnesses profess an exclusivist theology, we do not respect other religions and deserve to be labelled extremist.' The interviewee claimed that because the Witnesses were once 'fast-growing in Russia, the government felt it had to do something to suppress our membership and so targeted us, building narratives that would work against us that led to our complete ban.'

As a consequence of the 2017 ban, hundreds of Jehovah's Witnesses are currently wrongfully detained or imprisoned in Russia as a result of being misrecognised as 'extremist.' USCIRF monitors the conditions and whereabouts of one-hundred and thirty Jehovah's Witnesses who Russian authorities have not released and whom USCIRF considers to be religious prisoners of conscience. Anatoliy Li is one example of a Jehovah's Witness who has been detained since 12th October 2022 after the Russian authorities arrested him in Yaroslavsky near Vladivostok in the Russian Far East (JW-Russia.org, 2024). According to intelligence gathered by USCIRF, Li is still detained at Detention Center No. 2 in Primorye Territory and is being investigated under charges of 'recruiting a person in the activities of an extremist organisation' (USCIRF, 2024). A similar case is that of Nikolay Kupriyanskiy who Russian authorities placed under house arrest after being detained in the city of Kursk near the border with Ukraine on 8th August 2023 for being a Jehovah's Witness (JW-Russia.org, 2023). Kupriyanskiy was charged two days later with 'participating in the activities of a religious association which a court has adopted a final decision to liquidate or ban activities in connection with extremist activities' (USCIRF, 2024).

The participants often identified the state as a gatekeeper of freely and legally observing religions and beliefs. In this role, the state typically reserves the full range of rights protected under FoRB to members of the majority religion. The Jehovah's Witness participant was hesitant to admit that more state recognition would help conditions of FoRB because 'state recognition can be fickle and easily revoked' and instead saw no state involvement in religious matters as the ideal. However, the Witness continued to point out that state recognition remains powerful and 'should be bestowed based on respect.' The participant indicated that the recognition the Russian government had granted Jehovah's Witnesses in the 1990s was inauthentic. They saw this recognition as hollow due to the swift revocation of Jehovah's Witnesses' legal status, the subsequent prohibition and the Russian government repealing and severely violating their fundamental rights. Such a drastic transition from registered status to prohibition suggests that the initial registration was insincere because, as the

interviewee described, ‘the recognition that registration with the government gave us was not grounded in respect.’ The same interviewee described how there had been ‘a decline in conditions for religious freedom’ and that ‘a new set of human rights standards have been created to align with the Kremlin’s political objectives.’ The inauthenticity of the recognition granted by the Russian government and the narratives it promulgated to tarnish the reputation of the Witnesses worked in tandem to undermine the Witnesses’ rights. The same participant also described the range of ways religions and beliefs can be classified according to their relations with the state: ‘Favoured, recognised and registered or banned, unrecognised and unregistered.’ However, the same participant said that ‘recognition and registration are merely tools states use to influence religious activity, neither are intrinsically detrimental to FoRB.’

Retentionism

A retentionist approach was advocated by Category One interviewees Salah Ali[45], who is the General Coordinator of the Iraq Religious Freedom and Anti-Discrimination Roundtable[46], Reverend Dr Malcolm Brown[47], who is the former Director of Faith and Public Life at The Church of England, and by some Category

[45] Dr Ali is a Fellow with the Middle East Action Team of the Religious Freedom Institute who has extensive experience in projects of peacebuilding, social cohesion and protection. Ali has served as an advisor to the Minister of Endowment and Religious Affairs in the Kurdistan Region of Iraq. He is active in public advocacy: e.g. he has given written testimony in U.S. congressional hearings (via USCIRF) about religious minorities and governance in Iraq.

[46] The Iraq Religious Freedom and Anti-Discrimination Roundtable aims to bring together civil society organisations, religious leaders and government bodies in Iraq to promote and protect the right to religious freedom and to counter anti-religious discrimination. It is one of many gatherings hosted by the International Religious Freedom Secretariat, which is part of the international nonprofit organisation Global Peace Foundation. The Global Peace Foundation, with its headquarters in the U.S., is funded by a combination of private donations, government grants, and other sources, including the UN Multi-Partner Trust Fund.

[47] The Reverend Dr Brown served for many years as the Director of Faith and Public Life (also known as Director of Mission and Public Affairs) for the Church of England, where he led the team responsible for shaping the Church’s engagement with social ethics, public policy and the interface between faith and the wider world. He has a background in political economy and Christian ethics, and under his stewardship the Church addressed complex issues such as technology ethics (AI, big tech), public morality, interfaith relations and social justice. Brown’s career in the Church also includes roles in education, mission, and theological formation, and he has supplemented his practical work with writing, speaking and visiting academic posts. As of late 2024, he is stepping down from the director role after 17 years of service.

Two anonymous participants. The retentionist approach maintains the importance of upholding a recognition system, especially when the government favours one religion over all others, either officially or unofficially. Interview participants often justified this model through the narrative that giving the majority religion special status and financial support preserves cultural heritage, national unity and the public order. These narratives justify the dominance of a single religion in cultural, political and social spheres based on the notion that establishmentarianism offers benefits that outweigh those possible by pursuing pluralism. In other words, retentionism supports maintaining the institutions of one religion instead of aiming for reform. As such, retentionism aligns with state endorsement of religion, traditionalism and exclusivism, implying that FoRB is negotiable to maintain national security and sovereignty.

Participants also tended to cite a disconnection caused between religious or belief communities and the state whenever recognition and registration are misused. Acknowledging a disconnection, some participants intimated that recognition helps build a connection between a religious community, society and the state. The participants who admitted the power of state recognition tended to draw a positive correlation between recognition and social mobility. For example, an Egyptian national and member of the Coptic Orthodox Church said in their interview[48] that 'an increase in recognition granted to our community in Egypt over recent years has improved our Church's relations with the government.' With relations improving at the state level, the participant described a better experience in Egyptian society for Copts today, indicating that a lack of recognition can cause a disconnect between religious communities and the state while greater recognition can mend and strengthen this relationship. However, the Coptic Christian also warned that this relationship with the state can be volatile, especially for minority communities. They pointed to the fact that they had lived through periods of varying attitudes of the Egyptian government towards Copts: 'The position of minorities can change

[48] Interviewee 18 is a member of Egypt's largest Christian minority, the Coptic Orthodox Church, an Oriental Orthodox Christian institution traditionally recognised by the state but often subject to restrictions on worship and church building.

sometimes overnight, especially during periods of political turmoil like the Arab Spring.' In this interview, the benefits of recognition and the consequences of a lack of recognition, became clearer. The same participant described how although recognition fosters 'a sense of safety and security for minorities', fluctuating state attitudes towards the Coptic community expose how 'no matter what recognition we receive, our community will remain subordinate to Sunni Muslims as the majority religious community.'

Another common theme from the interview series was the entrenchment of faith as a reaction to state restrictions imposed through recognition and registration. The Coptic Christian was the first participant to highlight how a lack of recognition for their faith made them resolute in reaction to the Egyptian government's suppression of their community following the Arab Spring of 2011. This theme was raised by another participant, the Armenian Orthodox seminarian living in Israel, who said that 'states misusing recognition to subjugate minorities more often has the opposite result.' These participants thought that withdrawing recognition does not make minorities less devout, but emboldens their resolve to practise their religion. This feeling is echoed in the literature when members of unregistered religious communities express similar views after attending underground religious services (Ticozzi, 2020, p29-41). The Russian Jehovah's Witness and Taiwanese Lutheran Christian who participated in the study explained separately that religious members use their faith to counter several types of adversity, indicating why their beliefs are entrenched when they face escalating persecution. The Jehovah's Witness participant said the following: 'I remember examples in history of persecuted Christians which helps keep my faith strong and gets me to remain steadfast in the face of modern-day suppression.' Explaining the history of Jehovah's Witnesses will contextualise why their community appears, in particular, to face restrictions and violent persecution in certain countries.

From their origins in the U.S. in the 1870s, Jehovah's Witnesses have adhered strictly to political neutrality based on their interpretation of several Bible passages, becoming one of the main catalysts of their persecution (Chu, 2004, p319-342). The

refusal of Jehovah's Witnesses to perform compulsory military service has been interpreted by regimes past (e.g. Soviet Union) and present (e.g. People's Republic of China) as amounting to treason (Baran, 2016, p109-140). For example, in Nazi Germany, when Witnesses refused to join Nazi organisations or to show allegiance to Hitler, their religion was banned by the Third Reich in late 1934 and an estimated ten thousand Witnesses were sent to concentration camps (Garbe, 2008, p477). Jehovah's Witnesses have also at times been mistreated in the West due to their refusal to serve in the military. For example, in Canada, Witnesses were interned in camps during the Second World War alongside political dissidents and people of Japanese descent (Penton, 2007, p75-88). It appears regimes from across the political spectrum have historically failed to recognise the legitimacy of the political neutrality and conscientious objection of Jehovah's Witnesses.

Since Witnesses do not lobby, vote for political parties or candidates, run for government office or participate in any action to change governments, one might reasonably question whether they are concerned with achieving state recognition or registration. However, the Jehovah's Witness who was a participant in my study showed concern for the issue of state registration, not to gain acknowledgment from the state but because registration is often integral to Witnesses practically and legally proselytising, building Kingdom Halls and gathering as a religious community for Bible study classes. This view reflects the efforts of Jehovah's Witnesses in other parts of the world in pursuing registration and publicising their achievements in gaining legal recognition. For instance, Jehovah's Witnesses published on their website how their religion was recently registered in Monaco (JW.org, 2022). Jehovah's Witnesses also spend considerable funds on taking governments to court over denying or revoking their registration, such as the ongoing case Jehovah's Witnesses launched against the Norwegian government for revoking their registered status over the practice of shunning former members (Post, 2024). It appears Witnesses have increasingly sought recognition from the state, with the evidence suggesting that gaining state registration in as many countries as possible is one of the organisation's

goals. It also seems that state recognition is a double-edged sword, especially for minority groups. If groups do not receive state recognition, their members will likely face setbacks in their economic and social mobility. For example, the Pakistani Pentecostal Christian participant suggested how 'an important indicator of state respect for FoRB should be the economic mobility of members of minority religions', describing this approach as 'more immediately productive than focusing on attempting to change laws that may take a considerable length of time.' On the other hand, if religious communities receive state recognition, they must maintain their relations with the state which can be challenging in the face of political instability and fluctuating government attitudes towards religion.

The NRM leader from Hungary commented during their interview that 'movements do not begin to attract hostility from society or the state until they are large enough.' There appears to be a certain point at which religious movements catch the attention of state authorities, prompting a decision on whether the movement should be restricted or allowed to continue unhindered. In response to the same issue, the Pentecostal Christian from Pakistan described how 'greater recognition can cause more hassle in terms of social backlash for minorities.' This participant explained that their scepticism over state recognition stemmed from their experience of witnessing past attempts by the Pakistani government to facilitate Hindu activities, only to cause upheaval among conservative Muslims (Amnesty International, 2020). The participant's view was that acts by the state, even if conducted in goodwill to support minorities, can lead to 'more discrimination and hassle in our daily lives and hinder religious observance if members in society do not share the same sentiment of allowing religious diversity.' An example of discrimination caused by a lack of state recognition came from the Haitian Seventh-day Adventist who described being refused employment for belonging to an unrecognised religion: 'This caused me distress which worsened into depression.' The participant said they desired greater recognition for their community because 'state recognition can make the public expression of our beliefs more comfortable by allowing our community to live out our

faith with less state interference and less ridicule from non-members.' Another participant, a Muslim from Jordan who lived with and supported a friend who was a Christian missionary in Amman[49], similarly spoke of 'how pressure from friends, relatives and members of the public to conform to traditional Islamic religious practice is more restricting than the government itself.' Engrained customs continue to act as gatekeepers of which religions and beliefs receive acceptance and recognition. Speaking of Jordanian society, the same interviewee said the following: 'Hostility to religious diversity is one of the main reasons why the government has problems with giving recognition to minorities and new religions, especially ones that are not Islamic.' For instance, the participant explained that the missionary with whom they lived was not able to proselytise or speak about Christianity publicly, except in private homes they were invited to by the homeowner, as it remains socially unacceptable for Jordanians to convert from Islam. However, the stigma surrounding conversion is compounded by the Jordanian government's continued support for Islam as the established religion.

Regulationism

Regulationism advocates a secular state, where religious activity is sanctioned or heavily regulated by the government, often through a registration system. The principal issue with the regulationist model is how it grants governments significant power over religious affairs and uses recognition and registration to restrict religious activity. Two examples of countries that have adopted the regulationist approach are the communist states China and Vietnam, where the governments strictly supervise religious activity through regulatory bodies dedicated to each religion like the Chinese Catholic Patriotic Association and the Vietnam Buddhist Sangha (Pietrasiak, 2023, p1-14). The Chinese citizen practising Buddhism and Taoism I interviewed during my

[49] Interviewee 22 is a native Jordanian who self-identifies as a Muslim but who voluntarily housed a friend while he served in a Christian mission in Amman, Jordan, where Christians face restrictions when proselytising.

study advocated for the regulationist approach despite also championing FoRB. Their view assumes ‘the state knows best’ regarding religious affairs and that the Chinese government has the interests of its citizens in mind when defining ‘normal religious activity’ (Shumakova & Titova, 2023, p38-51). This mindset applies even in the most extreme circumstances, such as the CCP’s violent persecution of Falun Gong practitioners, Hare Krishnas, Uighur Muslims, independent Protestants and underground Catholics (Rychetská, 2021, p1-35). It also highlights that part of the discourse on FoRB involves a dichotomy between embracing the state or remaining suspicious of its tendency to control. However, in regulationist states, the narrative remains that government oversight is necessary to preserve cultural heritage, national unity and public order.

From the regulationist perspective, religion is an institution vulnerable to manipulation and thereby harmful to society if left unregulated by the state. Regulationist states tend to use the narrative that religious institutions are susceptible to corruption to justify regulating religion to, according to the Chinese Buddhist-Taoist participant, ‘protect the society.’ This participant said that religion needs regulation because ‘the state maintains the interests of society as a whole, not just those of one religious group.’ They also accused religion of being ‘vulnerable to breeding extremism.’ Recognition and registration are indispensable to states that seek to regulate religious activity which the participant framed as being conducted for the betterment of citizens by preventing religious extremism. The same participant rejected the idea of state religions and supported the strict regulations published by the Chinese government on religious activity. In the regulationist view, the state is responsible for protecting religion from those who seek to manipulate it, including any religious activity outside the limitations of what the state deems acceptable or ‘normal.’ The state’s position of authority above religion demonstrates why regulationist states are often hypersecular and tend to be classified ‘Censorious’ or ‘Terminal’ in the SRR-1 due to the significant degree of state control.

On the other hand, the same participant empathised with religious communities who felt ‘an absence of belonging’ because of their lack of state recognition and that being unrecognised ‘leaves communities feeling both insecure and unsafe and missing that sense of belonging in society.’ They stated the following: ‘Depriving a community of recognition separates it from society because they belong to a religion that is in some way deemed illegitimate or dangerous by the government or the public.’ Lacking belonging likely stems from how a religious community without recognition—especially in countries where state recognition is crucial to legalisation—will remain segregated from society because they must refrain from expressing their beliefs to others. This enforced silence among unrecognised communities inhibits their members from socialising and integrating with the majority population. It appears that the most important social impact of recognition is a state’s refusal to recognise a religion, leaving its community of followers without the stamp of approval often necessary for social cohesion. For example, in China, Protestantism is recognised as a religion and as long as Protestant churches are registered under the state-sanctioned Three-Self Patriotic Movement, they can enjoy a higher degree of religious freedom than the unrecognised NRMs Falun Gong, Jehovah’s Witnesses and LDS Church (Hornemann, 2013). Although many Protestant churches are unregistered and illegal in China, religious communities without a state-sanctioned regulatory body to join have markedly less freedom (Vendassi, 2014, p43-50). However, by no means do Protestants affiliated with the state-sanctioned patriotic association have freedoms comparable to those found in democratic countries.

The case of religious prisoner of conscience Le Tung Van is important to highlight here since the account of Van’s long-term house arrest by Vietnamese authorities is an example of the harsh treatment a person can receive for belonging to an unrecognised denomination in a regulationist state. On 4th January 2022, the Vietnamese authorities searched the monastery Thiên Am Bên Bờ Vũ Trụ, an independent Buddhist community not affiliated with the state-sanctioned Vietnam Buddhist Sangha (VBS) (USCIRF, 2024). The police took into custody for questioning several members of the

community, including their leader, Van, who the authorities placed under house arrest pending trial. A couple of days later, the authorities announced that Van and his followers were charged with 'abusing democratic freedoms' under Article 331 of the 2015 Vietnam Civil Code. They were also temporarily charged with fraud and incest (Boat People SOS, 2022). The authorities claimed that the monastery was taking advantage of religion for Van's benefit following a complaint submitted about the monastery's unregistered activities by the VBS which monitors Buddhist activities in the country. USCIRF reports that Van has been denied proper access to legal counsel and was wrongfully sentenced to five years in prison in 2022 despite his ailing health but remains under house arrest as of 2024 (International Religious Freedom or Belief Alliance, 2023). Van's account reveals the role of state-sanctioned regulatory bodies in certain authoritarian regimes, the primary function of which is to maintain state influence over religion by ensuring registration laws are enforced. Other accounts of the Vietnamese authorities using violent force against members of unrecognised or unregistered religious communities justify classifying Vietnam and similar states as 'Terminal' in the SRR-1. I structured the SRR-1 with six categories to adequately capture the nuances between countries in how they devise and enforce their recognition and registration policies to scale their impacts on conditions of FoRB.

Facilitationism

The basis of the facilitationist approach is that if recognition and registration can be made compliant with FoRB, they can make religious activities easier. Based on this proposition, state recognition might act as a channel for facilitating religious activities in three ways. Firstly, recognition systems can allow states to lead interfaith dialogue which supports diversity by having members of majority religions engage in constructive dialogue with members of minority religions and NRMs to improve mutual understanding of their beliefs, customs and practices. Secondly, recognition systems allow the state to express its inclusive approach to religion by showing that it

acknowledges and facilitates the activities of diverse religious, spiritual and philosophical organisations. Thirdly, by recognition systems encouraging closer relations between the state and religious institutions, governments will be in a better position to understand and provide for the needs and concerns of a wider range of communities. Moreover, the impacts on communities that affiliate with unrecognised religions indicate that gaining recognition is an important factor in enjoying FoRB.

Ventura explained during his interview that 'state facilitation of religious activity need not create dependency, but instead encourage autonomy, dialogue, diversity and responsibility among religious or belief communities.' Facilitationism represents a convergence of both categories of participants because a Category Two interviewee, a Pentecostal Christian from the Democratic Republic of the Congo (DRC)[50], echoed much of these thoughts on facilitation, especially when addressing the consequences of lacking recognition. They stated that 'an unrecognised religion or belief will find it difficult to survive, let alone thrive.' However, the importance attributed to state recognition and its potential to facilitate religious activity varied among the interview participants. There are important reasons for this. For instance, some participants valued state recognition for how it benefitted their community. Yet, the participant from the DRC seemed to value state recognition due to their fear of the consequences of living without recognition: 'Unrecognised or unregistered religions in the DRC are more likely to arouse the attention of state officials who make it difficult for us to organise religious activities…they are often corrupt and sometimes order local police to stop our worship services.' Category One participant Katharine Thane recommended that 'religious recognition as a subject needs more theoretical expansion to warrant giving it a central place in national FoRB policy and the international human rights system.' However, Thane predicted that 'giving religious

[50] Interviewee 27 is a citizen of the Democratic Republic of the Congo and a member of the 8th Community of Pentecostal Churches in Central Africa, a registered religious network and Christian institution that originated from the Community of Pentecostal Churches in Zaire. However, its parishes sometimes face violent (such as a bomb attack in North Kivu province in 2023) and intermittent government scrutiny of its activities.

institutions specific rights under FoRB is likely to turn political and may lead to the suppression of heterodox movements.'

Overall, I have integrated the four approaches to recognition that emerged from my interviews into the SRR-1. For example, I tend to associate the 'Dynamic' and 'Receptive' categories at the top of the spectrum with the facilitationist approach as it is more inclusive of minorities and NRMs. Following this is the abolitionist approach that I tend to associate with the 'Receptive' and 'Apathetic' categories due to its limitations in accepting NRMs and its restrictive offshoots like assimilationism. I see retentionism associated either with the 'Receptive' category if symbolic establishmentarianism is applied or the 'Restrictive', 'Censorious' or 'Terminal' categories depending on how strictly adherence to the state religion is enforced and how unrecognised religious communities are treated. Finally, I associate the regulationist approach with the 'Censorious' and 'Terminal' categories since these states tend to be authoritarian, theocratic, hypersecular or atheist countries where religious activity is controlled using violent force.

Section 2.2 – Case studies of recognition systems

To demonstrate how the SRR-1 works, this section of my thesis presents three case studies that analyse state recognition systems in greater depth and will justify my decision to assign each country its category in the SRR-1. My thorough analysis using the case studies also supports the main discussion of my thesis about the degree to which recognition and registration issues impact conditions of FoRB. The case studies address the recognition systems of Kazakhstan, Malaysia and Germany, chosen because they represent the political spectrum from authoritarian to semi-authoritarian to democratic, respectively (Azlan & Nadzri, 2023, p127-148). I have adopted this approach to show how recognition is misused against religious communities in different ways depending on the form of government and the cultural and historical background of the nation and how the impacts of recognition can range from minor to major violations of FoRB and other human rights.

Subsection 2.2.1 – Kazakhstan case study

As of 2024, I classify Kazakhstan as ‘Censorious’ in the SRR-1, a designation I will explain through this case study to show how categorising countries using the SRR-1 works. The Constitution of Kazakhstan establishes the country as a secular state and although it claims to uphold FoRB, in practice, the rights and freedoms protected under FoRB are limited to religions the government recognises as ‘traditional’ (Podoprigora, 2003, p123-132). Although Kazakh law does not formally define ‘traditional’, based on government practice since the 1990s, the category of ‘traditional religions’ is generally considered to include the following denominations: Hanafi Sunni Islam, the Russian Orthodox Church (ROC), Greek Catholicism, Roman Catholicism, Lutheranism and Judaism (Office of International Religious Freedom, 2023). Conversely, the communities the government considers ‘nontraditional’ include Bahá’ís, Hare Krishnas, Jehovah’s Witnesses, non-Lutheran Protestant

Christians and Muslims who do not adhere to the government-approved version of Islam, including Ahmadis and Shiites. Kazakhstan is a unitary semi-presidential republic under a government deemed authoritarian by democracy and electoral monitoring organisations (Rustemov & Tutumlu, 2021, p124-134). Formerly run by a series of khanates since medieval times with Sunni Islam established during the rule of Uzbeg Khan in the early fourteenth century, Kazakhstan came under Russian imperial rule as Russian Turkestan by the mid-nineteenth century (d'Encausse, 2002, p131-150). However, following the Russian Revolution in 1917 and the subsequent Russian Civil War, the territory was reorganised several times, becoming an autonomous republic of the Russian Soviet Federative Socialist Republic in 1920 and a full union republic of the USSR in 1936 as the Kazakh Soviet Socialist Republic (Lane, 1975, p165-189). Kazakhstan was the last republic to declare independence in 1991 following the dissolution of the Soviet Union (Keller, 2020, p235-258).

Kazakhstan's current model of religious recognition, through which the secular government exerts significant control over most aspects of religious activity, is a remnant of its communist past. Like its fellow Soviet republics, the Kazakh Soviet Socialist Republic, from 1936 to 1991, adhered to a policy of state atheism by aggressively secularising society, including removing religion from the judicial system and the education sector (Cornell et al., 2018, p35-41). Having said this, scholars such as Devin DeWeese (2002, p298-330) and Alexander Morrison (2014, p24-30) have suggested that Muslim religiosity was weak in the country even before the Soviet takeover. Yet, this does not negate that the thousands of mosques and madrassas that existed in Kazakhstan in the 1910s had been reduced to only a handful by the mid-1920s after the country came under Bolshevik rule (Cornell et al., 2018, p36). With the collapse of the Soviet Union in 1991, Kazakhstan faced the challenge of replacing Soviet atheism with a new approach to religion, in which registration would play a key role. The Kazakh government began showing preference for the Hanafi school of Sunni Islam and the ROC under the 'traditional religions' paradigm established when the country adopted its new constitution in 1995 (Nurumov &

Vashchanka, 2016, p143-172). A policy of mandatory registration was soon instituted, followed by incremental restrictions on religious activity over the last thirty years. For example, a 2011 law prohibited foreigners from registering religious organisations, established a mandatory re-registration law for all religious groups and introduced new membership quotas to restrict access to registration at local, provincial and national levels (Cornell et al., 2018, p9). Despite its relinquishment of Soviet state atheism in 1991, the government of Kazakhstan has since shown intermittent hostility to religion and has sought to maintain its influence over various institutions, in particular by instrumentalising Hanafi Sunni Islam (Kulsaryieva et al., 2013, p1612-1618).

The Committee on Religious Affairs (CRA) within the Ministry of Culture and Information is responsible for registering religious or belief organisations, monitoring religious activity, including missionaries and defining which groups fall into the categories 'traditional' and 'nontraditional' (Office of International Religious Freedom, 2023). The dichotomy the Kazakh government establishes between 'traditional' and 'nontraditional' religions is convenient as it allows the government to frame its restrictions on 'nontraditional' religions as protecting Kazakh national culture and traditions, a key part of which the government associates with the religions it recognises as 'traditional', especially Hanafi Sunni Islam and the ROC (USCIRF, 2024, p60). Kazakhstan's practice of identifying 'traditional' religions in its policy and treatment of religious groups resembles Russia's recognition of Buddhism, Christianity, Islam and Judaism as 'traditional' religions, with similar special treatment granted to the ROC (Bitemirov & Kozhambekov, 2020, p206-208). The Russian government maintains its dominance over the ROC as a source of soft power comparable to how the Kazakh government instrumentalises Hanafi Sunni Islam, with its preferential treatment of the ROC as a way of maintaining cultural links with Moscow. These recognition practices leading to religious discrimination, the unequal treatment of religious communities and detrimental impacts on conditions of FoRB justify Kazakhstan's classification as 'Censorious' in the SRR-1.

According to the Constitution of Kazakhstan, FoRB may only be limited by laws and exclusively to the extent necessary to protect 'the constitutional system, public order, human rights and freedoms, and the health and morality of the population' (Constitute Project, 2017). However, in practice, the government of Kazakhstan interprets these conditions broadly and applies them arbitrarily, thereby undermining FoRB. These practices reflect the country's poor performance in annual human rights reports, such as Freedom House's[51] most recent *Freedom in the World* report, in which Kazakhstan scored just one out of four for conditions of FoRB (Freedom House, 2024). Limiting FoRB only to religions the government recognises or otherwise deems 'traditional' establishes an exclusivist definition of religion, causing 'nontraditional' religious communities to face undue restrictions on their rights and freedoms (Shaukenova & Zhandossova, 2012, p3-7). For example, the concept of 'traditional religions' adopted by the government excludes NRMs or those that may belong to humanist or spiritual organisations that do not necessarily self-identify as religions. The CRA also makes frequent references on its website and in its reports of the experts it employs to monitor and judge religious literature. However, these experts are not independent and must follow state-prescribed standards when recommending whether religious materials should be allowed to be imported and distributed (CRA, 2024).

How Kazakhstan recognises religions today is influenced by its legacy as a member of the Soviet Union for fifty-five years (Podoprigora, 2020, p105-131). Like its Central Asian neighbours, Kazakhstan is in the minority in the Muslim world as a secular state despite having a majority Muslim population, as most other Muslim-majority countries have some form of Islam as the state religion (Tozy, 1993, p98-119). This adherence to secularism no doubt derives from the communist history of Kazakhstan and Russia's continuing geopolitical influence over the country, with

[51] Freedom House is a U.S.-based nonprofit organisation that monitors and advocates for political freedom, governance and human rights globally. Originally founded in 1941 to support democratic values and resist tyranny, it now seeks to "expand and defend freedom worldwide" through research, advocacy and support for civil society actors. Freedom House is funded through a mix of sources: U.S. government grants, private foundations, individual donors and corporate donations.

one example being that Kazakhstan has the largest Christian population out of the other four countries in Central Asia (Peyrouse, 2008, p393-405). According to 2021 census data, Sunni Muslims form the majority of the population (69.31%), followed by Christians (17.19%), with a diverse range of denominations from Catholic and Protestant to Orthodox and nontrinitarian restorationist (ARDA, 2021). Meanwhile, atheists comprise a small minority in the country (2.25%), and those who stated their religion to be another or left their religion undeclared on the most recent census comprise a significant minority (11.25%). Included within 'Other' are small minority groups of Jews, Bahá'ís, Hindus, Buddhists and members of NRMs like The Church of Scientology.

However, the government treats these minority communities differently from those it recognises as 'traditional.' One example is how the Kazakh government has refused to recognise Ahmadi Muslims as legitimate Muslims by describing their teachings as 'un-Islamic' and Ahmadis must remove the word 'Muslim' from their materials to be granted legal registration in Kazakhstan (Bayram & Kinahan, 2015, p1-24). Since the Kazakh government imposes a mandatory registration order on all religious or belief organisations, gaining registration is critical for groups to engage in basic activities legally (Turner, 2008, p272-312). The Ahmadis have attempted to register with the authorities at least six times since 2011, with their final attempt in 2016, yet with no success (Office of International Religious Freedom, 2023). Firstly, this demonstrates that in Kazakhstan, registration involves officials assessing religious doctrine and using government-dispensed standards to ascertain whether a group may self-identify how it has chosen to. For example, Jehovah's Witnesses have faced restrictions due to the government's designation of the group as 'nontraditional', with a consequence being defamatory articles published in government-run media outlets as well as a ban on importing ten religious publications affiliated with Jehovah's Witnesses (Office of International Religious Freedom, 2023). Jehovah's Witnesses have come under particular scrutiny from the Kazakh government for their alleged 'illegal missionary activity.' For example, on 20th October 2022, the Almaty City Court upheld the

conviction of a member of Jehovah's Witnesses for proselytising beyond the confines of their local Kingdom Hall (Šorytė, 2023, p12-25). In Kazakhstan, proselytising and distributing religious materials can only occur legally within a registered religious building (Office of International Religious Freedom, 2023). According to the 2022 U.S. Department of State's *Report on International Religious Freedom*, Jehovah's Witnesses reported to U.S. embassy staff that authorities disrupted their religious services on four occasions, citing the failure of Witnesses to observe the mandatory notification law, under which all religious groups must notify authorities of religious services they have planned ten days before they are due to take place (Office of International Religious Freedom, 2023). One Witness reported that authorities had ordered him to discontinue religious services at his property because it was not registered for hosting such services (Office of International Religious Freedom, 2023). It appears the Kazakh government uses registration and notification laws to uphold its recognition policy of 'traditional religions' by restricting the activities of religious or belief organisations that fall outside the government's definition.

However, even members of religions the government deems 'traditional' are not completely free. The case of Kazakh citizen and Sunni Muslim Dadash Mazhenov is relevant here as he remains incarcerated after authorities arrested him on 23rd April 2018 for posts he made online containing religious sermons in 2015, despite deleting them in 2017 (Forum18, 2020). On 16th November 2018, the Burabai District Court sentenced Mazhenov to seven years and eight months in prison for the 'promotion of terrorism or public calls for making of the act of terrorism…with use of mass media or networks of telecommunications', as well as fining him 60,790 tenges ($135) (USCIRF, 2024). While the Akmola Regional Court later reduced Mazhenov's fines to 1,255 tenges ($2.80), the same court in 2020 reverted to Mazhenov's original verdict and re-increased his fine to 134,599 tenges ($299) (Blum, 2023). According to intelligence retrieved by USCIRF, Mazhenov has been tortured while imprisoned because he attempted to practise his religion (USCIRF, 2024). The case of Mazhenov highlights several themes, first is that the Kazakh government is concerned with

Islamic religious expression online and interprets what might be considered by international standards of FoRB the reasonable discussion of religion on social media platforms as the 'promotion of terrorism' which demonstrates an example of the weaponisation of the term 'terrorism' and that the government's accepted version of Islam is narrow. Mazhenov's case also highlights the hostility instilled in the Kazakh government towards religious expression it considers overt and a potential threat to the secular regime. Imprisoning individuals with isolated uses of torture for belonging to unrecognised religions or for failing to follow laws on notifying authorities of their religious activity is a feature of a country classified 'Censorious' in the SRR-1.

Further evidence of the Kazakh government's misuse of recognition is the status of The Church of Scientology. For example, according to the 2022 U.S. Department of State's *Report on International Religious Freedom*, the Kazakh government recognises The Church of Scientology only as a 'public association' and not as a religious organisation which prevents the Church from conducting activities the government deems to possess a religious purpose, including building places of worship (Office of International Religious Freedom, 2023). The Church can host discussions of Scientology and allow registered members to read and borrow books from its resource centres but must not conduct religious services for any attendees (Zelenskiy, 2014). Reports received by U.S. embassy officials from Scientologists in Kazakhstan stated that their Church was 'reluctant to register with the government because this would subject the Church's doctrines and practices to examination by government officials.' The Scientologists claimed this would 'make our Church more vulnerable to accusations of psychological harm' (Office of International Religious Freedom, 2023). The case of The Church of Scientology highlights how a religious organisation must be satisfied with the minimal activities it can legally conduct without being exposed to greater government scrutiny that could inhibit all its activities. This example also shows how the Kazakh government's recognition of 'traditional religions' and its suspicion and hostility towards 'nontraditional religions'

permeates registration laws by using these definitions to decide which organisations may conduct activities with a religious purpose.

However, receiving recognition as a ‘traditional religion’ does not guarantee total freedom for practitioners. For example, the Sunni Hanafi Spiritual Administration of Muslims (SAMK) is a government-controlled association headed by the Grand Mufti of Almaty that oversees the activities of Kazakh Muslims, including citizens participating in the Hajj (Office of International Religious Freedom, 2023). For instance, the SAMK requires that it selects guides and imams to accompany all Hajj pilgrims to ensure extremist Islamic groups do not recruit pilgrims based on the government’s broad interpretation of what it considers ‘extremist’ (Rorlich, 2003, p157-176). Domestically, the SAMK enforces the government-approved version of the Hanafi school of Sunni Islam, but some Islamic groups have tried to opt out of affiliating with the SAMK (Ikranbekov, 2020, p1-48). In 2023, the government refused to approve the registration of Muslim groups apart from those observing the Hanafi school, making the unregistered Islamic organisations unable to assemble for worship legally (Office of International Religious Freedom, 2024). The government has broad authority under the law to ban religious or belief organisations it considers ‘extremist’ and often frames its restriction of such groups under the guise of combatting fundamentalism (Corley, 2013).

Joining the SAMK involves groups relinquishing the right to appoint imams autonomously, having the SAMK control how they manage their places of worship and groups paying 30% of their mosque’s income to the SAMK (Office of International Religious Freedom, 2023). The SAMK follows government prescriptions on Islamic religious practice by setting out a curriculum for religious education to the mosques it oversees. The SAMK also provides guidelines and sample texts for sermons during Friday prayers that typically incorporate Kazakh nationalism, Turkic solidarity and warnings to be wary of what the government considers ‘separatist sects’ (Baizhuma et al., 2022, p4-13). Officials working for the SAMK surveil Friday prayers to ensure imams comply with the regulations. According to

Forum 18, at least ten persons were prosecuted in Kazakhstan in the first half of 2023 for using places of prayer without state permission, eight of whom were Muslims, with the cases resulting in fines (Corley, 2024). The government establishing the SAMK to control the practice of Islam among Kazakhs demonstrates its pursuit of remaining the supreme authority on religion. As shown by the example of the government's strict oversight of Hajj pilgrims, it seeks to prevent any outside influence on its citizens, like how China is weary of religious organisations with foreign headquarters, another sign of a country warranting 'Censorious' classification in the SRR-1 (Qianfan & Yingping, 2011, p783-818). This example shows that state recognition plays a role in establishing definitions of legitimate and illegitimate religious activity, resulting in Kazakhstan violating its commitments after signing and ratifying the ICCPR in 2006. Establishing this type of state regulatory body is a key indicator of a country warranting classification as 'Censorious' or 'Terminal' in the SRR-1, especially if the restrictions are severe and enforced violently.

As for the Christian minority, the Kazakh government considers many Protestant churches 'nontraditional' since, besides Lutheranism, the list of religions the government considers 'traditional' excludes all other Protestant denominations (Bayram & Kinahan, 2009, p39-50). Indicating Kazakhstan's poor performance in protecting FoRB is that the Christian non-governmental organisation Open Doors includes Kazakhstan on its World Watch List of governments that surveil Christians, conduct raids on church services and arrest Christians for practising their religion (OpenDoors, 2022). Excluding Protestantism from the 'traditional religions' category has meant that certain denominations have faced more discrimination when trying to organise themselves in Kazakhstan than Catholic, Lutheran and Orthodox denominations (Ashilovam et al., 2020, p125-130). For example, the New Life Church, an evangelical Protestant denomination, reported that all banks for one of its local branches in the town of Talgar had refused, without explanation, to open accounts for the church, meaning it was unable to pay taxes and had to suspend its operations (Office of International Religious Freedom, 2023). Open Doors attributes

the decades of anti-religious propaganda published by the Kazakh government as one of the reasons why those belonging to ‘nontraditional religions’ continue to face discrimination in society and by lower-level authorities, even though the national government has recently made attempts to address cases of religious discrimination, particularly following the 2019 resignation of President Nursultan Nazarbayev (OpenDoors, 2022). In conclusion, the government of Kazakhstan dividing religions into ‘traditional’ and ‘nontraditional’ categories has negatively impacted conditions of FoRB for communities in both categories. The combination of laws, restrictive policies skewed against ‘nontraditional’ religions and the government’s isolated use of violence to enforce its regulations warrant Kazakhstan’s classification as ‘Censorious’ in the SRR-1.

Subsection 2.2.2 – Malaysia case study

As of 2024, I classify Malaysia as ‘Terminal’ in the SRR-1, a designation I will explain by conducting this case study. The Constitution of Malaysia establishes Sunni Islam as the state denomination and in practice, the government shows particular preference for the Shafi'i school. The national constitution describes Islam as the ‘religion of the Federation’ and makes only a partial claim to upholding FoRB by narrowing what activities and rights it protects (Fernando, 2006, p249-266). In effect, freedom of religion is de jure symbolically enshrined in the Malaysian Constitution, but de facto faces many restrictions under the semi-authoritarian government (Husin & Ibrahim, 2016, p1216-1224). Perhaps telling of the Malaysian government’s attitude towards FoRB and other civil rights is the country’s refusal to be partied to the ICCPR, placing it in the same category as the authoritarian regimes of Brunei, Myanmar, Saudi Arabia and the United Arab Emirates that have also refused to sign the legally binding covenant (Nordin & Yussoff, 2021, p34-42). Constitutionally, ethnic Malays are defined as Muslim by default and are not entitled to renounce their

faith under the law, leading those who convert from Islam to face charges of apostasy, a criminal offence in most Malaysian states (Ling-Chien Neo, 2006, p95-118).

Malaysia became subject to the British Empire in the eighteenth century as part of British Malaysia, which also included the island of Singapore and what is today southern Myanmar and southern Thailand (Dartford, 1969, p349-354). During the Second World War, British Malaysia became occupied by the Empire of Japan which had State Shinto as its de facto state religion (Gleason, 2007). After the war, decolonisation commenced, first with the formation of the Malayan Union in 1946, followed by the Federation of Malaya in 1948 as a British protectorate (Ibrahim, 1974, p1-27). Following its independence from British rule in 1963, Malaysia followed in the footsteps of many other former colonies by constitutionally asserting the prevalence of Sunni Islam in the country's religious history and its importance to Malaysian identity and society (Martinez, 2001, p474-503). By establishing Sunni Islam as the state denomination, the Malaysian government formally cut any existing cultural ties with its colonial past, bringing an end to other cultures and religions being imposed on its people by foreign powers (Moustafa, 2014, p481-504). However, this assertion of Malaysian national identity tied in with Sunni Islam has led to the government using state recognition to place severe limits on the freedoms of Muslims and any minority religious communities viewed as a threat to state stability. Today, the government instrumentalises Sunni Islam by aiming to 'infuse Islamic values' into its administration (Bakar, 2003, p126-149).

How Malaysia establishes the Shafi'i school of Sunni Islam disenfranchises its citizens who do not practise Islam the way the government prescribes and all religious minorities present in this diverse country which has a Sunni Muslim majority (56.5%) and Buddhist (5.3%), Christian (9.1%), and Hindu (6.2%) minorities (ARDA, 2020). For instance, Muslims who follow the Shia branch of Islam or the Ahmadiyya movement face discrimination that the state actively endorses. In 2009, for example, the Selangor Islamic Religious Council of Malaysia (MAIS), run by the provincial government in Selangor state, issued a letter that forbade Ahmadi Muslims from

offering Friday prayers at the central mosque (Musa, 2022, p1-29). Failure to comply with the order would result in Ahmadis facing up to one year in prison and fines of up to 3,000 Malaysian ringgit (approximately $640) (Atqa, 2010, p19-31). It is evident that how the Malaysian government establishes Sunni Islam shapes its understanding of legitimate forms of Islam by how the MAIS put a notice outside the central mosque reading *Qadiani Bukan Agama Islam*, translating to *Ahmadiyya is not Islam* (Ahmadiyya Muslim Jamaat International, 2009). The Malaysian Islamic Development Department (JAKIM) is the federal government agency responsible for shaping the national understanding of Islam and enforcing Sunni Islamic practice based on the Shafi'i school (Ahmad & Salleh, 2019, p673-684). For example, the government requires Muslim children and civil servants to receive religious education using JAKIM-approved curriculums and instructors. Practising a version of Islam other than Sunni Islam is prohibited in law, while Sunni Muslims who the state finds do not practise Islam to its satisfaction can be fined for not fasting during Ramadan for instance or for refusing to pray at times required in Islamic doctrine (Saat, 2014, p359-378). The system of laws supported by the hyper-recognition of Sunni Islam results in all non-Sunnis and all non-Muslims having few to no legal rights (Hui & Musa, 2017, p308-329). The same is true for those without a religion and atheists, whom the Malaysian government views with considerable hostility.

The Constitution of Malaysia affirms in Article 11 the right of citizens to profess and to practise any religion, yet limits this right to applicable laws restricting the propagation of other religions to Muslims (Sani & Shah, 2011, p33-49). Placing a condition on FoRB is problematic because it subjects FoRB to a pre-existent political and religious hegemony that inhibits FoRB from being applied universally. The ban on proselytising Muslims is evidence of the Malaysian government's aim of suppressing the growth of non-Sunni religions by instrumentalising Sunni Islam as a means to maintain hegemony (Adil, 2007, p1-24). To establish greater clarity in this area, one might categorise the different definitions of FoRB into a full or partial claim or no claim (Fox, 2021, p321-341). Malaysia is one of many examples of the ongoing

trend in which national constitutional commitments to FoRB fall short of its international definition (Simonsen, 2001, p117-130).

The case of Malaysia demonstrates how state hyper-recognition can impact how citizens of all confessions express and observe their religion or belief, including those affiliated with the established religion. There is hegemony when a government endorses a specified religion or denomination that sees the government use the tenets of that endorsed faith to its political advantage and whenever it places obstacles in the way of minorities practising and organising their religion (Abdullah, 2003, p119-134). For example, in Malaysia, non-Muslims face restrictions when building their places of worship that do not apply to organisations recognised by the state as 'Islamic' (Office of International Religious Freedom, 2023). The rigid interpretation of Sunni Islam in Malaysia leaves any community falling outside the state definition of legitimate Islamic activity subject to punitive measures (Ahmad, 2005, p1-32). This example highlights how recognition, or lack thereof for any religion besides Sunni Islam plays a role in disenfranchising unapproved religious communities. This narrow understanding of legitimate religious activity is a hallmark of states classified as 'Censorious' or 'Terminal' in the SRR-1, with the degree of violence used to enforce the state definition as the salient factor differentiating the lowest categories of the SRR-1.

The effects of hyper-recognition on conditions of FoRB in Malaysia are most evident when considering the laws on conversion, marriage and proselytism. The government upholding its 'Muslim by default' policy has led to restrictive marriage laws in which a non-Muslim person cannot marry a Muslim without first converting to Islam for the marriage to be recognised as legally valid (Shyamala, 2009, p75-92). Muslims wishing to convert from Islam face acute obstacles in trying to do so as there is no clear legal pathway for conversion from Islam, especially for ethnic Malays, who the constitution defines as Muslims. For example, in 1999, the High Court ruled that only Islamic Sharia courts have the jurisdiction to hear applications by Muslims seeking to change their religion (U.S. Department of State, 2003). The Malaysian

government has repeatedly interpreted what it calls ‘deviant’ groups attempting to convert ethnic Malays from Sunni Islam as a national security concern, an example of securitisation (Shiozaki, 2015, p205-232). In turn, the state justifies surveilling the activities of non-Sunni communities, characterising in law in some provinces conversion from Islam as apostasy and blasphemy and putting pressure on converts from Islam to lead double lives by practising their religion covertly (Office of International Religious Freedom, 2023).

The Malaysian government demonstrates its lack of respect for FoRB in how it allows Sharia courts to mistreat religious converts. For example, between 2000 and 2010, 863 applications by Muslims were made to Sharia courts throughout Malaysia to convert from Islam but only 168 were approved (Jha, 2020). One such case was Lina Joy, born Azalina Jailani, who converted from Islam to Christianity when she was twenty-six years old in 1990 (Kortteinen, 2008, p216-233). After years of living as a secret convert, Jailini wished to legally change her name and religious affiliation on her national identity card and approached the National Registration Department (NRD) in February 1997 with an application (Kirby, 2008, p151-182). While the NRD allowed her the name change, it refused to grant her a change of religious affiliation on her identity card, a decision that Joy appealed at the High Court, arguing that she should no longer be subjected to Sharia law as she had converted to Christianity and intended to marry her Christian fiancé which would be illegal for her as a Muslim in Malaysia (Neoh, 2008, p1-27). After being told by the High Court that her religious affiliation could not be changed due to ethnic Malays being constitutionally defined as Muslims, Joy took her cause to the Federal Court but her appeal was dismissed in 2007 (Dawson & Thiru, 2007, p151-162). Joy’s decade-long legal battle to have her conversion recognised in law reveals the red tape surrounding conversion in countries classified ‘Terminal’ in the SRR-1, where strict adherence to the state religion is pervasive in governmental and judicial practice and conversion is considered an offence and a taboo.

As for proselytising, the act of trying to convert a Muslim to another religion or irreligion is prohibited by federal law in Malaysia, although Sunni Muslims may proselytise (Sani, 2018, p1218-1224). Ten of Malaysia's thirteen states prohibit proselytising, with lengthy prison sentences and whipping as retributions for those charged and found guilty (Office of International Religious Freedom, 2023). The case of Joshua Hilmy, a former Muslim who became a Christian pastor known for proselytising Muslims, is relevant here. On 30th November 2016, the Malaysian state authorities kidnapped Hilmy and his wife, Ruth Sitepu, whose whereabouts remain unknown (Jones, 2018, p31). In July 2021, a Malaysian government official testified that there are no records of Hilmy nor his wife leaving the country since becoming missing persons (USCIRF, 2024). Hilmy and his wife are victims of the Malaysian government's aggressive pursuit to uphold Sunni Islam as the only recognised religion, consequently leading the government to suppress non-Sunni denominations of Islam and non-Muslim communities (Goh, 2021, p44). Since in Malaysia, Sunni Islam is integrated with the sociopolitical order, the government interprets active proselytisation by non-Sunnis as a threat to its rule, to which it responds by imposing restrictions. Like other authoritarian and semi-authoritarian regimes, the Malaysian government interprets any deviation from its standards on religious activity as a threat to public order (Nagata, 2003, p63-87). The Malaysian government has gone so far as to abduct its citizens, but Christians are not the only community to have been affected. For example, Malaysian citizen Amri Che Mat was forcibly disappeared in 2016 due to his conversion to Shia Islam and his founding of an NGO as a cover for propagating Shia teachings (USCIRF, 2024).

A final example of Malaysia misusing state recognition to the degree that constitutes its classification as 'Terminal' in the SRR-1 is how Judaism lacks recognition in the country and any movement—whether explicitly Jewish or not—that is viewed by the government to incorporate Zionism or to support Israel is illegal (Ainslie, 2019, p5-11). Individuals expressing positive views on Israel can be charged under Section 4(1)(a) of the Sedition Act and the use of Jewish symbols such as the

Menorah is viewed by the government as supporting Zionism and therefore prohibited (Ainslie, 2023, p227-242). These laws caused the majority of Malaysian Jews to flee from where they had traditionally settled in Penang state, leading to the closure of Penang's only synagogue in 1976 (Ché-Ross, 2002, p9). While engrained into current international standards on FoRB are the principles of the equality of religions and non-discrimination, there are only limited guidelines on how states are to apply their recognition of religions in compliance with FoRB. The Malaysian government's pursuit to uphold a sociopolitical order framed by its strict interpretation of Sunni Islam is reflected in how the government severely inhibits conversion and imposes harsh retributions on those caught proselytising. This justifies my classification of Malaysia as 'Terminal' in the SRR-1 and shows how pervasive recognition issues can become, resulting in violations of several human rights not limited to FoRB.

Subsection 2.2.3 – Germany case study

As of 2024, I classify Germany as 'Receptive' in the SRR-1, a designation that I will explain by conducting this case study, showing that recognition issues are not confined to one region of the world and that their severity varies between authoritarian and democratic states. The Constitution of Germany establishes the country as a secular federal republic and makes a claim to FoRB that the government is obliged to uphold in both policy and practice, including as part of its international commitment to the ICCPR that East Germany signed in 1968 and ratified in 1973 (OHCHR, 2024). While Germany is viewed by electoral monitoring organisations as democratic and is a member of the Council of Europe, meaning it must uphold democratic values (Freedom House, 2024), the government's recognition practices in response to religious diversification, increased rates of immigration and the emergence of NRMs raise some concerns for FoRB. Freedom House reflected these concerns in its 2024 *Freedom in the World* report in which Germany scored three out of four for conditions of FoRB, notably behind other Western European nations,

including Italy, the Netherlands, Portugal, Spain, the United Kingdom and the Nordic countries (Freedom House, 2024).

German politics over the past hundred years has significantly impacted the role of religion in Europe, including state-religion relationships and how minority religions and NRMs are recognised and treated. When the Nazi party seized power in 1933, Germany was an overwhelmingly Christian nation and the May 1939 census revealed the split population between a majority Protestant community (54%), and a significant minority community of Catholics (41%), as well as small minorities of *Gottgläubig* (i.e. those who believe in God but are not members of any organised religion), which comprised 3.5% and atheists (1.5%). The Third Reich outlawed Jehovah's Witnesses throughout Germany in late 1934 mainly due to their political neutrality and their refusal to swear allegiance to Hitler (Wrobel, 2006, p89-125). In a 1937 decree, Nazi Reichsführer-SS Heinrich Himmler banned the Bahá'í Faith for its 'international and pacifist tendencies' (Lafever & Naimi, 2017, p223-243). Other religions facing bans or restrictions during Nazi rule were the Salvation Army, Seventh-day Adventist Church and The Church of Jesus Christ of Latter-day Saints, with the eradication of Judaism and the Jewish people being a central aim of national socialism (Alomía, 2010, p2-14; Carter-Chand, 2016, p6; Hansen & Hansen, 2012, p137-149).

While many high-ranking Nazi officials such as Hitler's secretary Martin Bormann and propagandist Alfred Rosenberg were opposed to the suggestion that organised religion had any role to play in Germany's future, others such as Minister for Church Affairs Hanns Kerrl advocated Positive Christianity (Koehne, 2014, p575-596). Positive Christianity was a product of the Nazi instrumentalisation of the Christian religion, with the regime producing materials that rewrote Christian history by rejecting its Jewish origins and portraying 'true' Christianity as a fight against Jews, with Jesus depicted as an Aryan (Steigmann-Gall, 2008, p101-115). Hitler endorsed Positive Christianity as it allayed the fears of German Christians that the Nazis were anti-Christian. At the same time, the Nazi Party worked to represent the *Führer* as a new prophet who would restore Christianity (Buesnel, 2020, p1-8). Following World

War Two and the reorganisation of Germany into two separate polities—both with limited sovereignty—conditions of FoRB saw improvement in West Germany. However, conditions stagnated in the Soviet satellite state established in the east where communist rulers instituted the policy of state atheism (Pierard, 1990, p501-509). Religiosity significantly diminished as a result which can still be seen in studies on German demographics today. For example, while Protestants formed 85% of East Germany's population in 1950, after three decades of state atheism and restrictions on religion, the Protestant population had fallen to just 25%, with the irreligious population rising to 70% by 1980 (Froese & Pfaff, 2005, p397-422).

In 1957, authorities in the German Democratic Republic established the State Secretariat for Church Affairs to handle the government's contact with religions. The Secretariat's policies were set out by the ruling atheist and anti-religious Socialist Unity Party (Ramet, 1991, p160-196). The Secretariat resembled agencies found in other communist states of the era, with its main purpose ensuring that limits were placed on religious institutions to prevent them from interfering with the development of the socialist state in which religion was to play a dwindling role (Hall, 2003, p1-10). For instance, the Secretariat placed restrictions on churches conducting rites and services, with the Ministry of the Interior drawing up a list of religions that were allowed to hold services, leading to arrests of religious ministers and members as well as show trials throughout Soviet rule. Jehovah's Witnesses and Christian Science were excluded from the list and considered illegitimate by the East German government (Dirksen, 2006, p127-143). Jehovah's Witnesses had been denied recognition due to their 'rejection of secular authority' while Christian Science was banned due to its perceived affiliation with the U.S. and a Nazi-era law related to medical practice (Sandford, 2013, p7-8). However, the fall of the communist government in East Germany in 1989 heralded German reunification, in turn forming the Federal Republic of Germany and ushering in a new era in which a united German government worked to genuinely pursue its commitment to the ECHR and ICCPR by becoming a leading member state of the Council of Europe and European Union. With

the liberalisation of the united German state came improved conditions for members of religious minorities to practise and organise their religion, no longer subjected to a government promoting atheism and anti-religion (Robbers, 2001, p643-668).

Over the past thirty years since reunification, German law on religious recognition has cautiously accepted NRMs and minorities by providing them with opportunities to receive the same recognition as the Roman Catholic Church and Protestant denominations (Schoen, 2004, p85-98). However, the modern German recognition system is not without its concerns to those monitoring conditions of FoRB which points to why I have classified Germany as 'Receptive' in the SRR-1. For example, German law permits the government to characterise religious communities it deems 'nontraditional' as 'sects', 'youth religions' or 'youth sects' and to provide 'accurate information' or warnings to the public about groups that have received such designations (Office of International Religious Freedom, 2023). However, the law equally forbids the government from using the terms 'destructive', 'pseudo-religious' or 'manipulative' when referring to such groups, demonstrating an example of self-regulation. Thus, German law establishes a divide similar to Kazakhstan between religions the government considers 'traditional' including the Christian denominations of Calvinism, Roman Catholicism and Lutheranism and those it considers 'nontraditional' including religious minorities and NRMs like Ahmadiyya and The Church of Scientology (Olgun, 2015, p71-84). State-level authorities review registration applications and have considerable autonomy when granting approval. This presents an example of the issue of localisation which can also be found in China, where religious groups are obliged to register to receive benefits in each province (Office of International Religious Freedom, 2023). Localisation is problematic because it creates onerous procedures to receive legal status or financial benefits and it can be costly, especially if requirements differ from state to state.

The German legal system sees religions in a hierarchy oriented by the status of public law corporation (PLC), the highest recognised status in the country (Abdelkader, 2017, p43). A special relationship exists between state-level authorities

and religious or belief organisations with PLC status. Instituting this hierarchy of religions divided between those that have PLC status and those that have a lower legal status or no legal status undermines Germany's commitments to upholding religious equality and non-discrimination enshrined in the ECHR and ICCPR. Religious or belief organisations recognised with PLC status are eligible to receive public subsidies and may legally provide religious services and pastoral care to their members in the military, hospitals and prisons (Office of International Religious Freedom, 2023). A further benefit of PLC status includes the ability for groups to levy tithes on their members by paying a fee to the government. Other benefits include more tax exemptions than groups without PLC status, representation on supervisory boards of public television and radio stations to regulate content and the right to special labour regulations (Office of International Religious Freedom, 2023). PLC status is granted state by state rather than at the federal level, making it onerous to obtain as different states within Germany have different criteria for obtaining PLC status. However, some general qualifications for PLC status include an assurance of the group's permanence, a 'considerable' number of members and respect for the constitutional order and the fundamental rights of all citizens (Office of International Religious Freedom, 2023). According to the law, any religious or belief organisation may request to apply for PLC status. However, religions that do not have a central governing body, like Islam, have found it difficult to attain the benefits of PLC status (Barb, 2019, p1035-1046). For example, other than the relatively small community of Alevi Muslims, no Sunni or Shia organisations have been granted PLC status. This points to why Germany is classified as 'Receptive' in the SRR-1 because its recognition system excludes communities that do not have a centralised institution.

The German recognition system has also drawn criticism for its treatment of NRMs. A contentious case involves The Church of Scientology which has neither PLC nor nonprofit status in any German state. While German law does not establish a specific definition of religion, the government's refusal to recognise Scientology as a 'religious or worldview community' implies an implicit state definition of religion

(Moseley, 1997, p1129-1171). German Scientologists have stated that the government's negative view of their Church contributes to the discrimination they face. For instance, four of the major political parties in the country exclude Scientologists from becoming party members and employers in both the public and private sectors continued to practise 'sect filters' whereby potential employees must confirm they have no contact with groups recognised as 'sects' by the government such as The Church of Scientology (Office of International Religious Freedom, 2023). It appears the German government's recognition of an organisation as a legitimate religion can have a significant bearing on the economic mobility and political engagement of its members. The legal status of The Church of Scientology in Germany remains unresolved as some courts have ruled that it is a business while others consider it a bona fide religion (Browne, 1998, p155-202). Nevertheless, the German government characterises The Church of Scientology as 'totalitarian, anti-democratic and suspected of violating the human rights of its own members' (Office of International Religious Freedom, 2023).

Federal and state Offices for the Protection of the Constitution (OPC) monitor all associations in Germany, including religious groups, to ensure their activities do not violate laws on extremism, hate speech and terrorism (Timu, 2017, p11-17). According to the latest *Report on International Religious Freedom* published by the U.S. Department of State, German Scientologists told U.S. embassy officials that the 'OPC monitors our activities and evaluates Scientology publications to determine whether our Church violates constitutional principles' (Office of International Religious Freedom, 2023). Leaders of the Church of Scientology complained that being under OPC observation implies their church is extremist, restricting their ability to apply for publicly funded projects and limits their public support in Germany in their cause to become a recognised religion. This explains why Germany is classified as 'Receptive' rather than 'Dynamic' in the SRR-1 because there are components of its recognition system that show a bias against NRMs. The case of Germany also represents an example of how recognised religions sometimes contribute to

discrimination faced by members of unrecognised minorities and NRMs. For example, the Roman Catholic Church and the Evangelical Church in Germany publicly oppose The Church of Scientology, Jehovah's Witnesses and Transcendental Meditation. These denominations conduct investigations into what they describe as 'sects and cults' and warn the public about the dangers of such organisations (Office of International Religious Freedom, 2023). The issue of the complicity of recognised religions in encouraging the state to disenfranchise and refuse recognition to NRMs reinforces why Germany is not classified 'Dynamic' in the SRR-1 due to the ongoing hostility against certain NRMs (Fautré, 2020, p41-57; Merdjanova, 2001, p265-304). A country with 'Dynamic' classification in the SRR-1 instead strives to ensure its recognition policies and practices are inclusive of all NRMs.

Concerns have also been raised by those monitoring FoRB over the German government's response to mosques being funded by Islamist groups and foreign governments which has stalled recognition for the Muslim community as a whole. For example, the government described the Islamic Center Hamburg as 'the most important representation of Iran in Germany besides the Iranian embassy' which 'binds Shiites of various nationalities to itself' and aims to 'spread its basic social, political and religious values' in Europe (Office of International Religious Freedom, 2023). On 10th March 2023, the North Rhine-Westphalia Ministry of Interior banned another mosque in Dortmund for opposing the constitutional order and the 'idea of international understanding' due to its role in recruiting ISIS members (MENA Researcher Center, 2022). Multiple properties affiliated with another mosque in Bad Kreuznach were searched by the German authorities due to its suspected ties with a banned Islamist group, making three arrests and seizing weapons and hundreds of thousands of euros during the raids (Semonsen, 2023). An example of a delay in recognition for the Muslim community is how the Ministry of Defense has not appointed any imams as chaplains for Muslim members of the German military, vaguely citing 'continuing obstacles' as the reason (Office of International Religious Freedom, 2023). According to intelligence gathered by U.S. embassy officials,

members of the Ahmadiyya community in Germany said officials and judges in asylum proceedings often expressed scepticism over asylum seekers' claims that they could not practise their faith openly in their homeland (Nijhawan, 2019, p1139-1164). According to Ahmadi representatives, this scepticism resulted in several members of the community being deported back to Pakistan where their community faces violent persecution (Khan, 2003, p217-244). These examples show how German institutions are failing to grant recognition, with negative impacts on religious communities.

Finally, despite having been first granted legal recognition as a religious community in Berlin in 2005 and then having its legal status applied nationwide by the Leipzig Federal Administrative Court in 2006, concerns have been raised by monitors of FoRB about some of the limitations placed on Jehovah's Witnesses in Germany (Richardson, 2015, p285-307). For example, in the latest *Report on International Religious Freedom* by the U.S. Department of State, several Jehovah's Witnesses stated that authorities in multiple German cities, including Fulda, Hamburg and Munich, had restricted or banned their use of carts displaying religious literature and issued fines to members who violated the rule (Office of International Religious Freedom, 2023). Witnesses said they are banned from setting up literature displays in airports and train stations and police in some cities harass Witnesses using display carts (ODIHR, 2022). Witnesses also claimed that when Ukrainian refugees who were already members of Jehovah's Witnesses began arriving in Germany by train in 2022 following Russia's invasion, the German authorities denied Witness volunteers and counsellors from accessing Frankfurt, Munich and Berlin train stations, but granted access to other recognised religious groups (Office of International Religious Freedom, 2023). Recognition issues such as these in a democratic nation show that while the impacts are moderate compared to those raised in the other case studies, they still constitute undue state interferences with FoRB stemming from recognition policy. In conclusion, a measure like the SRR-1 is needed to capture the scale of the severity of recognition issues, including how they impact religious communities and conditions of FoRB overall.

Part Three

Registration of religious or belief organisations

Section 3.1 – Spectrum of Religious Registration

During her interview for my study, Elizabeth Clark described how registration issues are 'one of the major practical difficulties in everyday religious practice and a harbinger of worse human rights violations.' In part three of this thesis, I intend to explore Clark's assertion through a rigorous examination of the range of registration issues impacting conditions of FoRB by using a combination of primary data from the interviews I conducted, secondary data from human rights reports and case studies on the registration systems of China, Ethiopia and Austria. Clark's description of registration issues stems from her observation after years of experience in the field that states often instrumentalise registration to surveil religious groups, conduct raids on worship services, arrest congregants, mistreat and, in extreme cases, torture religious prisoners of conscience. Clark went on to state that registration issues are 'where the rubber meets the road as far as I am concerned because these issues are what make the most practical difference in the lives of religious communities and where often hidden discrimination happens.' This sentiment on registration issues was shared by Fox in his interview when he stated that 'governments that are seeking to restrict religions tend to use registration as a tool to do it.' This emphasis that Category One participants placed on registration issues prompts me to develop a second spectrum to exclusively address registration called the Spectrum of Religious Registration or the SRR-2.

During his interview, Professor Silvio Ferrari, who is the Life Honorary President of the International Consortium for Law and Religion Studies[52], referred to how 'there are more active and powerful organisations that identify as religions that are able to mobilise people than in the past due in part to online platforms.' Ferrari said that this

[52] The International Consortium for Law and Religion Studies (ICLARS) is a global scholarly network founded in 2007 that brings together academics and experts working at the intersection of law and religion. The Consortium's mission is to provide a forum for exchanging information, data, and viewpoints among members (now representing more than 40 countries), and to make those resources accessible to the wider academic community. It regularly organises conferences (typically biennial) and publishes a newsletter and book series in partnership with academic presses. Membership is open to scholars and experts interested in law and religion, regardless of their political or religious beliefs.

makes ‘handling recognition and registration more difficult for states that lack funding or do not have the expert staff to deal with the extent of issues involved in recognising and registering religions.’ Finke added in his own interview how ‘local authorities may sometimes be given significant leeway by the central government which can lead to registration laws being applied arbitrarily and this results in more favouritism for some religions than the law perhaps meant to allow.’ Here, Finke highlights the difference between registration law and practice, the gap between which tends to widen whenever recognition issues intersect with registration. Finke recommended conducting more research on ‘the relationship between registration laws, their application in practice and their real-world impacts.’ He also highlighted during his interview that ‘although restrictions within recognition and registration policy may not be official or immediately visible, there can exist underlying restrictions that sometimes emerge in practice.’ How the participants identified this gap and the apparent extent to which registration law and practice impact conditions of FoRB encourage me to develop the SRR-2 to categorise several registration policy types according to their compliance with FoRB.

Another recurring theme of the interview series was the difference in how registration is applied between authoritarian and democratic states, prompting me to conduct case studies in this thesis to address registration issues under each type of government to understand the differences in greater depth. For example, during her interview, Yildirim said that ‘state misuse of recognition and registration can be found across authoritarian and democratic states’ and that authoritarian regimes appear to be willing to exert ‘higher levels of control through threat and violent force against members of unrecognised and unregistered religions.’ As part of my survey of registration laws, I found that forty-four countries enforce laws that criminalise unregistered religious activity, all of which were authoritarian or semi-authoritarian. Meanwhile, democratic states tend to decriminalise unregistered religious activity but limit some activities of unregistered religious groups (Office of International Religious Freedom, 2023). The apparent prevalence of recognition and registration

issues across authoritarian and democratic states indicates the need for frameworks such as the SRR-1 and SRR-2 that can capture the scale of issues as they manifest under different governments and identify their impacts on conditions of FoRB. How and why states regulate religion using recognition and registration appears to vary, but developing frameworks is essential to understanding these differences. Fox suggested state intent is an underlying issue since 'registration itself is not the issue, but instead, the motives of states in wanting to influence religious activity is the driving factor. Registration only becomes an issue if two factors are present: If there are religions that are not allowed to register and if there are consequences of not being able to register.' Here, Fox frames registration as a tool to achieve political aims that can also be compatible with FoRB, implying that if states refrain from their tendency to control, then registration can support FoRB. State recognition and registration may not be intrinsically detrimental to FoRB if applied to facilitate the body of rights protected under FoRB. This prompts me to want to understand the different types of registration policies and their impacts on FoRB by developing the SRR-2.

Subsection 3.1.1 – Introducing the SRR-2

After researching the registration systems of countries on every continent during my study, I identified how the registration process has three stages: (1) before registration has begun; (2) during registration procedures; and (3) after registration is granted. I felt that analysing how different registration issues arise at each stage would lead to a clearer understanding of registration. Having theorised the approach of analysing registration issues by splitting them into three stages before the interview series, I asked some Category One participants for their opinion. Silvio Ferrari endorsed the approach, as did Susan Kerr, who described it as a 'novel contribution to the field.' Having gained this positive feedback, I will conduct an in-depth examination of registration issues in this part of the thesis using this approach. I also anticipated that analysing registration issues would clearly distinguish between 'basic' and

‘registrable’ religious activities by differentiating between the acts non-registered religious groups should be able to freely and legally conduct, contrasted with the rights and benefits reasonably reserved for registered groups.

An additional way I will frame my analysis is by introducing the SRR-2 in Figure 3 on the following page, showing a scale in the severity of registration policies in terms of their impacts on conditions of FoRB and classifying them into ‘optional’, ‘mandatory’, and ‘non-registration’ categories. I developed the SRR-2 not only to show the variety of registration policies implemented by states but to more precisely define what constitutes a mandatory policy, as this depends on what activities the law allows non-registered religious communities to conduct. The SRR-2 has a similar function to the SRR-1, namely, specifying the extent to which policy and practice impact conditions of FoRB, but uniquely conveys the nuance between registration policy types and provides examples of each. The first column of the SRR-2 comprises three classifications that differentiate a registration policy type between its full compliance, partial compliance and non-compliance with FoRB using a green, orange and red colour code. The second column of the SRR-2 includes a title and definition of the registration policy types and the third shows examples of where each registration policy is implemented as of 2024.

The FoRB-compliant ‘optional’ category of the SRR-2 includes two registration policy types: ‘unconditional’ and ‘stipulatory.’ Each of these optional registration types allows religious groups that have either failed to qualify for registration or decided to remain unregistered the freedom to conduct activities protected under the international definition of FoRB enshrined in the ICCPR. The main difference between the two optional policy types is how ‘stipulatory registration’ reserves access to financial benefits to registered groups while ‘unconditional registration’ gives non-registered groups an equal opportunity to access benefits as groups that have qualified or chosen to register. Key to these policy types is that they neither inhibit non-registered religious groups from operating legally nor hinder groups in performing functions basic to religious observance, making both policy types FoRB-compliant.

Figure 3 – Spectrum of Religious Registration (SRR-2) developed during this study

Classification	Registration policy type	Examples
Optional	**Unconditional registration policy** For religious or belief organisations to be exempt from taxation, they do not need to register with the government; registration is optional and an organisation can still receive benefits without registering.	• Peru allows unregistered and registered religious organisations to access financial benefits; registration can be completed online and the Ministry of Justice supports groups with the process.
	Stipulatory registration policy Although registration with the government is not mandatory and does not restrict any activities fundamental to religious observance, registration is still required to access certain financial benefits like tax exemption.	• Germany does not restrict the basic religious activities of non-registered religious organisations but groups require registration to receive tax-exempt status.
Mandatory	**Quasi-mandatory registration policy** The government officially imposes a mandatory registration order against religious or belief organisations, yet no penalties are issued in practice against organisations that operate without registering.	• While there is a formal mandatory registration policy for all non-Indigenous religious groups in Mali, this policy is not enforced on religious groups in practice.
	Pseudo-mandatory registration policy The government claims it does not impose mandatory registration against religious or belief organisations. However, registration remains a prerequisite for groups to freely or legally conduct at least one activity fundamental to religious observance.	• While Austrian law does not formally mandate that religious groups register to operate, the activities of unregistered groups must be confined to private residences.
	Conditional mandatory registration policy The government only imposes a mandatory registration order on religious or belief organisations if they meet certain conditions (e.g., they exceed a stipulated number of members or wish to operate more than one place of worship), otherwise, they have the choice to operate unregistered.	• In Singapore, all religious groups with more than ten members must register with the government to operate legally while groups with less than ten members may operate without registering.
	Discriminatory mandatory registration policy The government exempts one or more religious or belief organisations from having to register, while it remains an administrative or criminal offence for all other organisations to operate without registering.	• In Qatar, the law mandates that all non-Islamic religious organisations must register with the Ministry of Foreign Affairs to conduct any operations in the country legally.
	Broad mandatory registration policy All religious or belief organisations must register with the state before they may legally conduct any activities; unregistered religious or belief organisations may face fines and in the most severe cases, members and leaders may be imprisoned.	• Ethiopian law mandates that all religious or belief organisations register with the Directorate of Faith and Religious Affairs to conduct activities legally.
Non-registration	**Exclusionary registration policy** A government refuses to establish any registration procedures either for all or certain religious or belief organisations. This includes an indirect registration policy whereby legal procedures only exist for individual places of worship and not for religious or belief organisations themselves as practised in Guyana.	• Nepalese law does not set out a procedure for registering as religious groups except for Buddhist monasteries yet registering as secular entities is still mandatory to operate legally.
	'Malregistration' A government fails to uphold the benefits that registration is supposed to provide, typically because it does not have control over the territory it claims. Hence, the legal protection of religious communities cannot be guaranteed through completing registration.	• While the Ministry of Endowments and Religious Affairs has the legal authority to register religions in Somalia, the government has little to no capability to protect or give benefits to registered religious groups outside Mogadishu.

The ‘mandatory’ category has the most variety, with five policy types featured in the SRR-2. These policy types differ in how severely they are enforced in practice. The SRR-2 not only takes into account policy variations but considers how the policies are implemented to identify nuances between states in how their registration policies impact conditions of FoRB. At the top of the ‘mandatory’ category is the ‘quasi-mandatory’ policy, namely, whenever a mandatory registration order is formally enacted on religious organisations but is not enforced in practice, meaning non-registered groups can generally operate despite being officially illegal. However, a ‘quasi-mandatory’ policy is non-compliant with FoRB because the state’s non-enforcement of laws more likely reflects its failure to maintain the rule of law than its liberality on non-registered religious groups. For example, most countries following a ‘quasi-mandatory’ policy are fragile and war-torn states in Africa, such as Cameroon, the Central African Republic and Mali, where there is inconsistent government oversight of religious activity due to ongoing civil unrest (Office of International Religious Freedom, 2024).

The ‘pseudo-mandatory’ policy type refers to whenever a state formally declares that religious communities need not register with the government to operate freely and legally, yet in practice, groups that have chosen not to register or have failed to qualify for registration are prevented from conducting one or more basic functions protected internationally under FoRB. For example, in Latvia, non-registered groups are legally prohibited from hosting religious services in public places such as parks and public squares without special permission and from providing pastoral care to their members in hospitals, prisons and the military, with the law stipulating fines ranging from €40 to €200 ($44 to $220) if non-registered groups conduct any of these activities reserved for registered communities (Office of International Religious Freedom, 2024). States following a ‘pseudo-mandatory’ policy blur the boundary between the protected and unprotected activities of religious communities by restricting some of the basic functions of non-registered religious groups. I found this category the most difficult to define during my development of the SRR-2 because international standards lack a

definitive explanation of the activities of a religious organisation that facilitates religious observance FoRB protects. Without this definition, it is difficult to determine the exact point at which a registration policy becomes mandatory, in particular, which activities of non-registered religious groups states may limit legitimately.

The ‘conditional mandatory’ policy type of the SRR-2 states that non-registered religious organisations are generally free to assemble unless they meet certain criteria, in which case they must register with the state. However, religious organisations that do not meet the stated criteria also cannot register. For example, the government of Saint Lucia imposes a mandatory registration order on all religious organisations with more than 250 members, but groups with members less than this threshold cannot qualify for registration (Office of International Religious Freedom, 2024). Meanwhile, ‘discriminatory mandatory’ registration in the SRR-2 refers to whenever a state imposes a nationwide order on religious organisations to register but exempts certain organisations, typically those affiliated with the state religion or the privileged denomination. On the other hand, the ‘discriminatory mandatory’ type can also refer to any state where access to registration is limited to certain religions. For example, in Egypt, only religions the government considers Islamic, Christian or Jewish may qualify to register (Office of International Religious Freedom, 2024). Several African countries, including Chad and Liberia, exempt what their government understand to be ‘Indigenous’ communities from having to register despite registration being mandatory for all other religious communities (Office of International Religious Freedom, 2024). The final and most severe of the policies in the ‘mandatory’ category of the SRR-2 is the ‘broad mandatory’ policy type. Under this policy, all religious or belief organisations are by law mandated to register with the government to conduct any activities legally. A country that follows a ‘broad mandatory’ policy demands that religious groups register their existence with the state, leading to the criminalisation of groups that refuse to register or do not meet the registration threshold.

The lowest classification in the SRR-2 is ‘non-registration’, including two policy types: ‘exclusionary’ and ‘malregistration.’ The ‘exclusionary’ type is whenever a

government fails to establish registration procedures for all or certain religious organisations. Under this policy, no clear legal pathway exists for religious communities to become legal or gain financial benefits. During my research, I also identified a 'soft exclusionary' policy to be more widespread in which a state fails to establish registration procedures for religious organisations to register to gain recognition in law as entities with a religious purpose and thus distinct from secular non-profit organisations (Office of International Religious Freedom, 2024). A rarer issue is found only in Guyana, Kosovo and Kuwait, where the government follows a policy I label 'indirect registration.' Under this policy, the authorities register places of worship rather than organisations, thereby excluding any religious group that does not rent or own a building for worship (Office of International Religious Freedom, 2023). Finally, at the very bottom of the SRR-2 are 'malregistration' states like Somalia where, although there are procedures set out for religious organisations to register, the central government cannot guarantee the legal protections that come with registering anywhere outside Mogadishu because Islamist groups including al-Shabaab and secessionist states in Somaliland and Puntland control most of the territory outside the capital (Office of International Religious Freedom, 2022). Similar examples of 'malregistration' include the war-torn countries of Sudan, Syria, Ukraine and Yemen, where the governments are unable to apply registration law in all of their territories.

During my preliminary considerations in this thesis, I heeded the expertise of Heiner Bielefeldt by making a clear distinction between recognition and registration. Registration is often a religious or belief organisation's first interaction with the state to gain legal personality (Berger, 2016, p1-14). However, because of how registration is applied, several violations of FoRB are taking place and these issues demand special attention (Finke et al., 2017, p720-736). My method of splitting registration into three stages (preregistration, registration and postregistration) reveals that each stage raises unique concerns when monitoring conditions of FoRB. Principally, preregistration involves the degree to which registration is obligatory and what qualifications religious or belief organisations need to access registration. Registration

procedure issues concern how onerous registration is, while postregistration issues concern what states expect religious or belief organisations to do to retain their registered status and whether the benefits, freedoms and rights states promise to grant through registration are bestowed in practice. The following section provides an overview of the most pressing registration issues using my approach. The end of part three will feature case studies of registration systems: first will be the authoritarian state China, followed by the semi-authoritarian state Ethiopia and concluding with the democratic state Austria. Analysing how registration issues emerge across the political spectrum using the SRR-1 and the SRR-2 will reveal the role registration plays in minor to grave human rights violations and will demonstrate the degree to which recognition and registration issues impact conditions of FoRB.

Subsection 3.1.2 – Legal entity status

The principal reason for states establishing registration procedures is so that there is a pathway for religious or belief organisations to gain recognition in law. During the interview series, Ferrari addressed this by asserting a right to registration: ‘Religious or belief organisations should have the right to obtain legal personality to perform basic religious activities.’ Gaining legal entity status typically grants several rights to an organisation, including its ability to open a bank account under its own name, become financially liable, purchase property, gain the capacity to sue and be sued and perhaps receive benefits such as tax exemption (Office of International Religious Freedom, 2021). The related term ‘legal protection’ comes with several additional benefits that can impact the quality of life of members of religious communities. In jurisdictions such as Lebanon, for example, legal protection includes the right of religious or belief organisations to adjudicate personal religious law to their members. However, this has caused controversy, especially wherever secular laws heavily differ

from religious law[53] (Leigh, 2019, p1-27). Legal protection should allow members of a religion to petition the national courts for violations of their rights. However, in countries where there is a corrupt judicial system, exercising the right to petition is often denied.

Although religious or belief organisations can gain legal protection in the Russian Federation, for instance, organisations the Kremlin disfavours are often subjected to a lack of due process, rendering futile constitutional protections (Arnold, 2021). It has become a common practice for authoritarian states to label religious communities in disfavour as 'cults' or 'extremist' to undermine the rights of their members to legal protection, as witnessed in the ECtHR case 'Mariya Alekhina and Others v Russia' (2018). Mariya Alekhina is a member of the Russian performance art group Pussy Riot, formed in 2011 and best known for staging unauthorised gigs expressing opposition to the rule of Vladimir Putin. Their most notable performance was held in the Cathedral of Christ the Saviour in Moscow in February 2012, during which they sang 'Mother of God, please banish Putin' (Gan, 2015, p166-186). The lyrics of the group's songs reference their support for feminism and LGBT rights and often attempt to expose Putin's links to ROC leaders (Muise, 2013, p38-45). Later that year, the Russian authorities convicted Alekhina and her fellow group members Nadya Tolokonnikova and Yekaterina Samutsevich for 'hooliganism motivated by religious hatred', sentencing the women to two years in prison (Woodyard, 2014, p268-286). During her interview for my study, Clark linked the events involving Pussy Riot with Russia's sharing of its worst practices to Central Asia: 'Kazakhstan had a really liberal registration law for a long time but then caught the cold from everyone else in the region and decided they needed to be just as restrictive as everyone which is very unfortunate. The religious feelings bill, for example, came out of the Pussy Riot issues in Russia. Russian authorities passed the restrictive bill and then Kazakhstan and Uzbekistan followed suit with similar legislation.' What is striking about the Alekhina

[53] Some balance has been found in the United Kingdom, where Islamic and Jewish courts can adjudicate personal family matters without recourse to the British court system. These types of arbitrations are based on the codes of ethics set down in sacred scripture. However, this right is not extended to members of all religions and beliefs, revealing religious inequality in the British system.

case is how it challenges the Russian government's unofficial endorsement of the ROC and Putin's instrumentalisation of Russian Orthodoxy (Fagan, 2012, p3-8).

In authoritarian states, imprisoned members of religious or belief organisations are more likely to be denied legal counsel, held in long-term pretrial detainment and levied with baseless charges (Titaev, 2018, p73-90; USCIRF, 2024). Genuine registration should result in religious or belief organisations being able to represent members of their community in judicial matters or to provide legal counsel using their resources. In this sense, registering a religious or belief organisation extends to the legal protection of the community it represents. Deregistration often results in the group losing their right to legal protection (Clark, 2020), negatively impacting the lives of adherents, as was seen in the ECtHR case 'Biblical Centre of the Chuvash Republic v Russia' (2014). This impact is no more evident than in cases of religious prisoners of conscience imprisoned for belonging to what the Russian government designates as 'undesirable' organisations. An example is the case of Nikolai Bogoslavsky, a Protestant Christian and member of the Evangelical Christ the Saviour Church (Introvigne, 2023). Bogoslavsky was sentenced in April 2023 by the City Court of Anapa, a coastal city on the Black Sea, to one year in a penal colony for 'participating in the activities of a foreign or international non-governmental organisation' whose activities 'have been recognised as undesirable on the territory of the Russian Federation' (SOVA Center, 2023). According to intelligence gathered by USCIRF, prosecutors argued that Bogoslavsky had remained in contact with members of the New Generation Church that authorities had designated 'undesirable' and that Bogoslavsky had used symbols representing that church on social media (USCIRF, 2024). In June 2023, the Krasnodar Regional Court upheld Bogoslavsky's sentence, issuing an additional ban on engaging in public activities, including using the internet for seven years, to curtail his role as a pastor in an unregistered and 'undesirable' religious organisation (USCIRF, 2024).

Although the most common route, registration is not the only way for religious organisations to gain a legal personality. Some governments offer bilateral

cooperation agreements (BCAs), typically detailing a religious community's specific rights and responsibilities when interacting with the state. The Holy See is the most prolific at establishing BCAs with governments, leading the Roman Catholic Church to receive exclusive privileges in many countries (Carulli, 2011, p437-446). For example, in Mozambique, where Catholics account for approximately 26% of the population, making them the largest religious group in the country, the Roman Catholic Church has a BCA with the government that recognises the Church's legal personality and its exclusive right 'to regulate ecclesiastical life and to nominate people for ecclesiastical posts' and 'to create, modify, or eliminate ecclesiastical boundaries' (Office of International Religious Freedom, 2023). Non-Catholic religious institutions in Mozambique do not have similar direct agreements with the government. The route to establishing BCAs is often unclear, long-winded and costly. Other countries that actively offer BCAs as a form of legal recognition for religious or belief organisations include Albania, Montenegro, Poland, San Marino and Spain, but similar issues persist in these countries of unequal access, onerous procedures and costly and unclear pathways for securing such agreements, leading to BCAs often being reserved for long-established or privileged denominations (Office of International Religious Freedom, 2023).

A further issue raised during the interview series was the apparent social fragmentation caused by over-registration. A Category Two participant, a Pentecostal Christian from the Democratic Republic of the Congo (DRC), highlighted how an increase in the registration of various denominations of Christianity in the DRC had led to fragmentation in society: 'There are now thousands of registered churches. However, our government reacts with harsher regulations to bring order and unity among the people who belong to rival denominations.' This response provides insight into the potential consequences of civil opposition to religious diversification, with the most extreme cases leading to civil unrest, radicalisation and political instability, perhaps indicating why some states actively maintain hegemony and resist religious pluralism. While the participant expressed their worries over social fragmentation and

acknowledged some of the benefits of having a state religion, they underscored their views by espousing the following principle: ‘No political or social aim should be pursued at the expense of religious freedom.’

Subsection 3.1.3 – Analysis of preregistration issues

From the insights gained during the interview series, it is clear that several issues arise for religious or belief communities seeking registration before procedures have begun. I label this stage of the process ‘preregistration’ and organise the range of issues into two categories: how registration is oriented (i.e. the degree to which organisations are obliged to register) and how registration is structured (i.e. eligibility requirements for religious or belief organisations to gain access to registration). These preregistration issues cause legitimate concerns regarding states discriminating between religious communities over which they will allow to qualify for registration. However, the ‘mandatoriness’ of registration (i.e. the degree to which registration is a mandatory requirement for groups to operate legally and freely) is the most concerning issue because mandatory registration policies force organisations to undergo onerous procedures and often lead to the criminalisation of religious or belief organisations if they fail to qualify for registration or choose to remain unregistered.

Mandatory registration

Based on the primary and secondary data I amassed during my study, it appears the most pressing registration issue impacting conditions of FoRB is how 127 countries and territories as of 2024 implement some form of mandatory registration on religious or belief organisations (Pew Research Centre, 2009; Thomas, 2004, p28). During my research, I surveyed the registration policies of every country and territory, finding that policies fit into one of three categories: ‘optional’, ‘mandatory’ and ‘non-

registration.' To demonstrate the impacts of these policy types and to provide examples of countries that implement them, I developed the SRR-2.

Like other registration issues, the impacts of mandatory registration seem to worsen whenever it intersects with state recognition. For instance, mandatory registration is sometimes discriminatory as religions that are established or hold exclusive privileges are often not required to register, undermining the principle of religious equality (Clark & Vovk, 2020, p35-48). The degree to which states enforce mandatory registration can vary considerably, revealing intersecting issues of arbitrary enforcement and impunity. Although my research highlights that NRMs and minority religions are more likely to be penalised by state officials and local police for not registering, I also found that authoritarian states commonly use perverse tactics—sometimes resorting to violence—to ensure members of the majority religion conform to the state's official interpretation. For example, in the secular states Turkmenistan and Uzbekistan, the government expects the Muslim-majority population to conform to its interpretation of the Hanafi school of Islam and the Muslim majority in Brunei, Malaysia and Mauritania, where Sunni Islam is established, must conform to state-prescribed norms on Islamic observance (Office of International Religious Freedom, 2023). Elsewhere, the Bhutanese and Burmese governments espouse a particular version of Buddhism that they expect the Buddhist majority to follow (Office of International Religious Freedom, 2023). However they are enforced, mandatory registration laws reveal an assumption by states that certain rights protected under FoRB are not universal. Instead, states see these rights as granted at their discretion, given their interest in preserving culture, national security and public order. In turn, it appears that states use registration as a precondition to the provision of rights.

Police complicity in enforcing registration laws that are not compliant with FoRB was an issue raised by some Category Two participants. For example, amid high rates of terrorism in Pakistan, the government deploys police officers to patrol religious services. The interview participant, who is a Pentecostal Christian living in Pakistan, explained that 'although the officers are stationed to serve as protection for religious

communities while religious services take place, they perform the dual function of surveilling worship services and report back to the District Authority.' The same participant described that 'barbed wire outside places of worship and metal detectors at the doors are required for churches and mosques to hold services legally.' Although the Pakistani government should be commended for its response to terrorism to protect religious congregants, its inability to protect religious services from regular acts of terror highlights how some governments consistently fail to protect religious communities, even those that are registered. It was a concern to the same participant that 'terrorism is sometimes used as an excuse by the government to restrict forms of Christianity and Islam it disfavours.' The Jehovah's Witness participant shared the same concern over the complicity of police officers: 'Police officers often have access to personal information that religious groups are obliged to provide during registration which allows them to perform arrests, inquests and raids.' From this participant's experience, although some police officers would personally allow Witnesses to practise, they did not want to break the law themselves and enforced it despite their expression of sympathy for Witnesses. The Lutheran Christian from Taiwan spoke of a similar example during their interview, namely, the difficulties their fellow church members faced when conducting missionary work abroad and dealing with the authorities due to their church lacking registered status. They explained how some of their church members had gone 'abroad to carry out missions with their families in Thailand and Nepal, even in West Africa, and are living a hard life with their willingness. However, our church supports them for basic living and consultation.'

Mandatory registration came up regularly during the interview series of my study due to how commonly it infringes on FoRB. For example, Susan Kerr stated during her interview that 'registration should not be a requirement for any religion or belief or community of adherents to exist.' Kerr identifies mandatory registration orders as incompatible with FoRB given that their primary function is to lock religious communities out of their inherent rights by positioning registration as a prerequisite to accessing rights. In essence, mandatory registration is often applied to erode religious

rights, especially for groups the state does not favour (Shramko, 2020, p163-171). Through mandatory registration, states can criminalise running or being a member of a religious or belief organisation by threatening deregistration or rejecting their re-registration applications. Mandatory registration orders undermine the legitimacy of any religious or belief organisation they target and minimise or make void the rights declared in international human rights covenants. Category One participant Ed Brown opposed the minimisation of rights when he called for Bielefeldt's principle of the 'maximisation of rights' to be prioritised due to states limiting the rights protected under FoRB.

Having considered the ways registration procedures are sometimes oriented, I will turn my focus towards surveying how registration procedures are sometimes structured. The issue of which religious groups can and cannot access registration is at the centre of many ECtHR cases, including 'Magyar Keresztény Mennonita Egyház and Others v Hungary' (2014). From my research, I found that inaccessible registration is typically caused by three factors: (1) a narrow state definition of religion; (2) a series of qualifications and quotas that exclude minorities and NRMs; and (3) registration policies that create a hierarchy of registered statuses to which only certain religious groups are granted access. Depending on how exclusionary a state's definition of religion is, religious communities may be barred from accessing registration. What an organisation must prove it is and what documents it must present further restrict access. For example, in Zimbabwe, the only way for a religious group to achieve tax exemption is by receiving a letter of authorisation from one of the government-approved 'mother bodies', including the Zimbabwe Catholic Bishops' Conference, Zion Christian Church, Apostolic Christian Council of Zimbabwe and Supreme Council of Islamic Affairs in Zimbabwe. However, no 'mother bodies' have been established to represent the country's Bahá'í and Hindu communities or NRMs (Office of International Religious Freedom, 2023).

In countries where registration is mandatory, barring religious or belief organisations from accessing it is tantamount to becoming permanently illegal. It is

evident how registration policies work most efficiently in collaboration to narrow what constitutes legal religious activity. However, a related issue is non-response, namely, the refusal of a government to respond to a registration application, typically from a religious group the government does not favour or is otherwise unfamiliar with. Enforcing registration undermines the legal operability of applicant organisations, the impacts of which were demonstrated in the ECtHR case 'Church of Scientology of St Petersburg and Others v Russia' (2015) and the case brought before the UN Human Rights Committee 'Bekmanov, Kerimbaev, Kobogonov and Mukambetov v Kyrgyzstan' (2022). The widespread implementation of mandatory registration orders has led to the criminalisation of unregistered religious activity in many authoritarian and semi-authoritarian states, with a range of penalties. I decided during my study to develop a spectrum to convey the range of laws criminalising unregistered religious activity and to show the extent they are enforced.

To understand the range of laws on unregistered religious activity, I spent time surveying each country and territory to make note of whether unregistered religious activity is legal and if not, the types of penalties imposed. I created a spectrum in Figure 4 on the following page using a colour code to convey the range of laws criminalising unregistered religious activity with examples. The Spectrum is formed by two categories of legal status for unregistered religious activity, along with eight classifications of enforcement, including two for the 'Legal' category and six for the 'Illegal' category. Comprising the 'Legal' category are the classifications 'Legalised' and 'Decriminalised.' The 'Legalised' classification refers to countries where non-registered religious organisations and their activities are specifically recognised in law as legitimate and lawful, with the state affirming the free choice of religious communities to refrain from registering without having to forego their fundamental rights and benefits. The 'Decriminalised' classification refers to countries like Cambodia, Cameroon, Ecuador and Türkiye, where unregistered religious activity is decriminalised, but operational penalties still apply and are enforced at the discretion of local authorities. The most common operational penalties are the forced

Figure 4 – Spectrum of the legality of unregistered religious activity developed during my study

Legal status of unregistered religious activity	Enforcement of the law on unregistered religious activity	Examples
Legal	**Legalised** Unregistered religious activity is recognised in law as legitimate and lawful.	• Canada recognises the lawfulness and legitimacy of religious or belief organisations to operate without registering (Office of International Religious Freedom, 2023).
	Decriminalised There are no criminal penalties for unregistered religious activity, but the government maintains the legal right to disband or liquidate the property of groups that operate without registering.	• Although Cameroonian law does not prescribe any specific penalties for operating without official registration, the government maintains the right to suspend the activities of unregistered religious groups (Office of International Religious Freedom, 2023).
Illegal	**No formal penalties or arbitrarily enforced** Unregistered religious activity is officially illegal nationwide, but no penalties are established in law or the law on unregistered religious activity is only arbitrarily enforced by the authorities.	• Although unregistered religious activity is officially illegal in Mongolia, the law is only arbitrarily enforced by local officials (Office of International Religious Freedom, 2023). Although religious groups are obliged to register with the government in Venezuela, there are no formal penalties in the criminal code for unregistered religious activity (Office of International Religious Freedom, 2023).
	Administrative offence Those leading or participating in unregistered religious activity can receive administrative penalties, mainly fines.	• Latvian law states that if unregistered religious groups perform activities in hospitals, prisons or military units, conduct financial transactions, or hold worship services in public places, they will be fined from €40 to €200 ($43 to $220) (Office of International Religious Freedom, 2023).
	Criminal offence Those leading or participating in unregistered religious activity can receive penalties such as a prison sentence or house arrest. In states without due process, long-term detention for members of unregistered religious or belief organisations is a possibility.	• In Oman, if a non-Islamic religious group hosts a meeting outside its state-registered location, its members and leaders can be charged with a maximum sentence of three years in prison (Office of International Religious Freedom, 2023).
	Administrative or criminal offence at a provincial or municipal level While not made illegal at the national level, unregistered religious activity is criminalised with either administrative or criminal penalties in a province or municipality.	• While there is no national legislation outlawing unregistered religious activity in Bulgaria, the municipalities of Kyustendil, Maritsa, Pleven, Razgrad, Sliven and Varna prohibit unregistered activity (Office of International Religious Freedom, 2023).
	Criminalised with administrative and criminal penalties Those leading or participating in unregistered religious activity can be levied with both a fine and a prison sentence or house arrest with long-term detention also possible.	• According to the penal code of Cuba, membership in or association with an unregistered religious group is a crime punishable with fines and up to three months imprisonment for members and up to two years and additional fines for leaders (Office of International Religious Freedom, 2023).
	Indictments are made under other charges Members or leaders of unregistered religious organisations are arrested, detained and imprisoned for their unregistered religious activity but charged under a range of other charges to justify long-term detention, imprisonment and denial of fundamental rights.	• USCIRF-recognised religious prisoner of conscience Ksor Kam was arrested by Vietnamese authorities in 2016 and sentenced to nine years in prison for his role in the unregistered Degar Protestant Church but charged with “undermining national unity policy” under Article 87 of the Vietnam Criminal Code (USCIRF, 2024).

disbandment of unregistered organisations and the liquidation of their property. For example, the law in Benin grants the government the right to close down religious organisations and places of worship until they register (Office of International Religious Freedom, 2023). The 'Illegal' category in the Spectrum begins with classifying countries where unregistered religious activity is formally illegal but where the law prescribes no penalties for members or leaders of unregistered groups or the penalties prescribed are not enforced consistently. For example, the governments of Jordan, Mali and Venezuela impose mandatory registration policies yet have stipulated no formal penalties for religious groups that operate without registering, leaving the legal status of unregistered groups unclear (Office of International Religious Freedom, 2023).

The bottom five classifications in the Spectrum are countries that criminalise unregistered religious activity and actively enforce the law but differ between the retributions for those charged. Criminalisation includes two types of offences: a lesser administrative offence, usually a fine and a higher criminal offence, typically imprisonment. The value of the Spectrum in Figure 4 is reflected in its ability to show nuance between policies on unregistered religious activity and how laws are enforced. The least severe of these states are those that criminalise unregistered religious activity with an administrative penalty. For example, the Melanesian island country Vanuatu imposes a fine of up to 50,000 vatu ($417) as a penalty for religious groups that fail to register (Office of International Religious Freedom, 2023). In Turkmenistan, unregistered religious activity—whether conducted by an unregistered religious organisation or an unregistered subsidiary of a registered religious organisation—is an administrative offence with a range of fines, including lower fines for lay members and higher for clergy (Office of International Religious Freedom, 2023). Having said this, a lack of due process has meant that the Turkmen authorities have charged those caught engaging in unregistered religious activity with more extreme crimes, an example being religious prisoner of conscience Kakadjan Halbaev.

On 6th February 2018, the Turkmen authorities placed Halbaev under administrative arrest for ‘petty hooliganism’ after summoning him to a police station in the northern city of Daşoguz. Turkmen police officers raided Halbaev’s home and confiscated a copy of the Quran, a backpack and various electronics before criminally detaining him, accusing him of joining Islamic religious groups unregistered in Turkmenistan and engaging in anti-state activities while living as a student in St Petersburg (USCIRF, 2024). Halbaev and his friend Kemal Saparov both stood trial on 27th April 2018 in Ashgabat City Court and were sentenced to fifteen years in prison for ‘conspiracy to seize power’, ‘calls to violent change of the constitutional order’, ‘inciting social, national, ethnic, racial or religious hostility’, ‘creating an organised criminal group’, and ‘participating in an organised criminal group’ under various articles of Turkmenistan’s Civil Code (USCIRF, 2024). Halbaev and Saparov’s account reflects how extreme charges can become for unregistered activity in countries without due process, even though the present legislation of Turkmenistan states that those caught engaging in unregistered religious activity can only be penalised with fines. Another example where running an unregistered religious group constitutes an administrative offence is Paraguay, where the government has the power to suspend the religious services of unregistered organisations and fine their leaders 2,200,000 guaranies ($301) (Office of International Religious Freedom, 2023). Kyrgyzstan also criminalises unregistered religious activity as an administrative offence, with fines of 7,500 som ($88) for members and 23,000 som ($268) for leaders (Office of International Religious Freedom, 2023). Although unregistered religious activity is not a criminal offence in such countries, repeated administrative offences may lead to a criminal conviction.

The next category of states are those that impose criminal penalties against individuals caught or suspected of engaging in unregistered religious activity, including Oman, where two years imprisonment is the penalty. Elsewhere, in Uzbekistan, unregistered religious activity is a criminal offence and the law distinguishes between groups it considers ‘illegal’ and those it prohibits for being

‘extremist.’ The Uzbekistan Criminal Code defines organising or participating in an unregistered religious organisation as a criminal offence punishable by up to five years in prison and a fine of between 15 to 30 million som ($1,300 to $2,700) (Office of International Religious Freedom, 2023). The Uzbek authorities can charge anyone caught persuading others to join an unregistered religious organisation with a criminal offence, including penalties of up to three years in prison. The criminal code provides penalties of up to twenty years in prison for organising or participating in the activities of groups the government labels ‘religious extremist’, ‘fundamentalist’ or ‘separatist’, showing the severity of retributions under charges misconstrued against religious communities the government does not favour (Office of International Religious Freedom, 2023).

An example of deteriorating conditions of FoRB with recognition and registration playing a role is in Myanmar, where the government actively persecutes religious minorities. One prominent example is the religious prisoner of conscience and Protestant Christian leader Hkalam Samson. On 4th December 2022, the Burmese authorities arrested Samson at Mandalay International Airport as he attempted to fly to Thailand for medical treatment. The following day, Samson was put on a plane back to Mytikyina in Kachin State where he was rearrested upon landing and faced prosecution for his preaching activities and for speeches he made in Bible classes that were not pre-authorised by government officials (USCIRF, 2024). On 7th April 2023, Kachin State authorities formally sentenced Samson to six years in prison on various charges of terrorism, unlawful association and for inciting opposition to the military regime through his religious sermons. Samson’s account is an example of a common practice in authoritarian regimes of levying extreme charges such as terrorism against a person for participating in or leading religious activities the state has not pre-approved. On 17th April 2024, Samson was released from Mytikyina Prison, rearrested the day after by authorities and later rereleased on 22nd July 2024, highlighting how the lack of due process for members of unregistered religious groups in authoritarian states can worsen the impacts of registration issues (USCIRF, 2024).

Some countries criminalise unregistered religious activity at the provincial or municipal level rather than nationally, such as in Bulgaria (Office of International Religious Freedom, 2023). In countries as diverse as Bhutan, Chad and the United Arab Emirates, unregistered religious activity comes with administrative and criminal penalties (Office of International Religious Freedom, 2023). Another example is the Republic of the Congo, where those caught running unregistered religious groups can be imprisoned for up to two years and fined 200,000 Congolese francs ($99). Several states fall into the category at the very bottom of the Spectrum, where the criminal code cites unregistered religious activity as an illegal act, but the authorities tend to make formal indictments under other charges that are often more extreme than simply failing to register. For instance, in its 2022 Annual Report, the Congressional-Executive Commission on China highlighted how the Chinese government uses manufactured charges like 'fraud', 'illegal business activity' or 'inciting subversion of state power' to project a veneer of criminality onto activities that according to international law fall under the scope of reasonable religious practices (CECC, 2022). In countries such as China, where unregistered religious activity is illegal but indictments are formally made under other charges, the government gives itself significant leeway to characterise unregistered religious activity under more serious crimes such as extremism (Office of International Religious Freedom, 2023). Under this approach, the Chinese government can issue longer prison sentences and justify prolonged detainment for those levied with charges of more extreme crimes. For example, Zhao Huaiguo is a former pastor of the unregistered Protestant house church Bethel Church who was detained in 2020 by the Chinese authorities for refusing to have his church join the state-sanctioned Three-Self Patriotic Movement but was instead formally charged with 'inciting subversion of state power' (USCIRF, 2024). States in the lowest category in the Spectrum are typically the same countries classified as 'Terminal' in the SRR-1, like Eritrea, Russia and Vietnam, due to the violent nature of their enforcement of the law, use of long-term detainments and consistent reports of medical neglect and torture of prisoners.

State definition of religion

One of the root causes of recognition and registration issues is whenever states decide to define religion and how this takes place seems to have long-term impacts on conditions of FoRB. Similar to how other recognition and registration issues have a clear scale of severity, I identified during my research how definitions of religion restrict FoRB to varying degrees. For instance, in authoritarian states, any religion that fails to conform to the government's definition of religion is often deemed illegitimate and, in some cases, its practice by citizens may be criminalised, as seen in the ECtHR case 'Jehovah's Witnesses of Moscow and Others v Russia' (2010). In 1998, the prosecutor of the Northern Administrative District of Moscow filed a civil action against Jehovah's Witnesses to have the organisation dissolved and its activities banned. The prosecutor's charges against Jehovah's Witnesses included five reasons: (1) incitement to religious discord; (2) coercion into destroying the family; (3) encouragement of suicide or refusal on religious grounds of medical assistance to persons in life-threatening conditions; (4) infringement of rights and freedoms of citizens; and (5) luring teenagers and minors into the religious organisation.

This case reveals how Russian law follows a normative understanding of legitimate religious activity that is heavily informed by the beliefs and practices of the ROC, feeding into Russian nationalism. For instance, an emphasis was placed in this case on the practice of Jehovah's Witnesses refusing to receive blood transfusions. Also relevant is how the Russian Federation used registration against Jehovah's Witnesses throughout the case. For example, in 1997, the Law on Freedom of Conscience and Religious Associations entered into force, requesting all registered religious organisations to re-register with the Moscow Justice Department to maintain their legal status. However, Jehovah's Witnesses were denied registration under various administrative technicalities alongside other groups described by the government as 'non-traditional religions' (Baran, 2006, p637-656). Emily Baran has followed in her

research how conditions for Jehovah's Witnesses in Russia have deteriorated further, culminating in their complete ban in 2017 and labelled by the Russian authorities as an 'extremist organisation' (Baran, 2021, p35-50). The example demonstrates how the Russian authorities use recognition and registration to achieve the aim of prohibiting a religion entirely, with recognition working in the sociopolitical sphere and registration working in the legal sphere to constrict and delegitimise the activities of the targeted community. State definitions of religion are an underlying cause of recognition and registration issues because whenever states define religion—unless that definition is completely inclusive—groups are likely to be excluded from legal protection, especially those whose beliefs and practices are uncustomary.

State definitions of religion are also principally arbitrary and often founded on the biases and political aims of the government, with little grounding in academic discourse. For instance, in China, the state's definition of religion is based on loyalty to the CCP. An institution like the Roman Catholic Church is excluded from what the Chinese government defines as a legitimate religion because Catholics may be influenced more by the proclamations made by the Pope in Rome rather than those made by the CCP (Brasnett, 2021, p41-58). To remain compliant with FoRB, states are obliged by their commitments to international human rights instruments, such as the ECHR and ICCPR, to use language inclusive of all religions and beliefs regardless of how their institutions are structured. Category One participant Russell Sandberg suggested during his interview that if states apply the axiom 'a very wide definition policy and a very rigorous regulation policy', the issue of states defining religion may infringe less on FoRB than if states take an exclusivist approach. Definitions of religion are an example of how states use recognition to establish a normative policy and use registration to interpret the policy through the legal framework, resulting in negative impacts on conditions of FoRB.

Several ongoing cases of religious prisoners of conscience in Eritrea reveal how the government there uses its tapered definition of legitimate religion to ban religious groups it does not favour and to arrest, forcibly disappear and detain religious leaders

and members. One example is the case of Meron Gebreselasie, an Eritrean national and former pastor of the unrecognised and banned Massawa Rhema Evangelical Church. On 3rd June 2004, the Eritrean authorities arrested Gebreselasie at a police checkpoint on the outskirts of Asmara due to his leadership role in the banned Protestant church (USCIRF, 2024). For the last twenty years, the authorities have detained Gebreselasie without formal charges at the Wengel Mermera Central Criminal Investigation Interrogation Center, a maximum-security facility where many of Eritrea's political prisoners are incarcerated (The Voice of the Martyrs, 2024). The Irish Christian persecution monitoring organisation Church in Chains refers to this facility as a 'dungeon-like inner labyrinth of cells' and Gebreselasie has been held incommunicado there since his arrest (Church in Chains, 2024). As part of a broader crackdown in the early 2000s on religions that fall outside the Eritrean government's four recognised religions[54], members of other unrecognised Protestant churches were arrested and continue to be detained two decades later (Mekonnen & van Reisen, 2013, p223-233). For example, Kiflu Gebremeskel, a former pastor of the unrecognised and banned Southwest Full Gospel Church, was arrested by the authorities in 2004 and is still detained (USCIRF, 2024). Another is Kidane Weldou, a senior pastor of another branch of the same church, who was forcibly disappeared off the streets of Asmara in 2005 and detained for the last nineteen years for his role in the unregistered church (USCIRF, 2024).

An additional concern with state definitions of religion is how recognition systems seem geared towards creating and sustaining such definitions. Perhaps it is for this reason that state definitions appear in authoritarian and democratic states, impacting registration practices and aiding the misrecognition of religions and beliefs. For example, when the Russian Federation labelled Jehovah's Witnesses 'extremists', the government later used this label to justify detaining and incarcerating hundreds of Witnesses across Russia (Carobene, 2021, p82-103). On a similar note, the Pentecostal Christian from Pakistan raised during their interview several issues

[54] The four religions recognised by the Eritrean government are the Eritrean Orthodox Tewahedo Church, Roman Catholic Church, Evangelical Lutheran Church of Eritrea and Sunni Islam.

involving how the government uses the constitution to misrecognise religious communities in disfavour with it. For example, the participant described how the Constitution of Pakistan 'divides the population between Muslims and non-Muslims' and its wording 'treats all religious minorities as a homogenous mass.' While the constitution and government of Pakistan fail to identify the diversity of non-Muslim groups, the practice extends to Muslim communities who hold divergent beliefs, namely, Ahmadi Muslims who the government does not recognise as legitimate Muslims. For example, to list their religion as Islam in their passport applications, Pakistanis must denounce Mīrzā Ghulām Aḥmad as a false prophet (Office of International Religious Freedom, 2024). The same participant also explained how non-Islamic groups may only register as NGOs instead of religious organisations. This effectively creates a policy of non-registration for non-Islamic religious groups, in turn violating the principles of equality and non-discrimination. Since defining and recognising constitute key aspects of how states interact with religious groups, my study introduces the SRR-1 and SRR-2 to more precisely define the extent to which state recognition and registration impact conditions of FoRB.

Ferrari stated during his interview how essential it is that 'registration procedures do not devolve into state officials examining doctrine.' During my study, I referred to this practice as a 'content assessment', during which the beliefs and practices of religious or belief organisations are reviewed by customs officials when attempting to import religious goods or by other 'experts' who are sometimes leaders of favoured religions. For example, content assessments are part of the official registration policy in Belarus, where they are used to censor religious activity and discriminate based on religion (Office of International Religious Freedom, 2022). This links to state definitions of religion because passing a content assessment necessitates a religion or denomination conforms to the criteria set out in the definition. Passing a content assessment also usually hinges on whether a religion's doctrines and practices are familiar to customs officials. The less officials are accustomed to a religion or belief, the more likely they will reject its materials from importation. Overall, countries that

follow a normative definition of religion are usually classified in the 'Restrictive', 'Censorious' and 'Terminal' categories of the SRR-1, depending on how severely the authorities enforce it. Even more significant is that a state's definition of religion often determines how registration laws are devised and enforced, highlighting the importance of a framework like the SSR-1 that synthesises recognition policy and registration law and practice to measure the impacts on conditions of FoRB.

Qualifications and quotas

My survey of registration issues during my study revealed that a factor impacting the preregistration stage is how access to registration is sometimes restricted by several types of qualifications and quotas. Qualifications and quotas work to filter out religious or belief organisations from registration after establishing criteria that some groups will not be able to fulfil. Being restricted from accessing registration is significant in countries that enforce a mandatory registration order because the need to obtain registered status is essential, given that operating without it can come with administrative and criminal penalties (Office of International Religious Freedom, 2022). Featured in the table in Figure 5 on the following page are the different types of quotas I identified during my research. I have listed common to rarer types alongside examples of diverse states that apply them. Beyond quotas, there are also various types of qualifications in the form of documentation that religious or belief organisations must present to become eligible for registration (Defending FoRB, 2022). The following are the three main types of qualifications that I identified during my survey of registration requirements: (1) It is common for states to request a charter, constitution or founding document, with some variation in the specifications required; (2) states might request that a religion has received recognition internationally or must prove it has been registered in a certain number of countries, but what constitutes 'international recognition' is sometimes unspecific (Lavery,

Figure 5 – Types of registration quotas identified during my study

Registration quota types	Examples
Membership quota A religious or belief organisation must surpass a certain number of members to become eligible for registration.	• Burundian law states that a religious or belief organisation must have at least 300 members before it can register (Office of International Religious Freedom, 2023). Other examples of countries imposing a membership quota: • Armenia, Azerbaijan, Bosnia and Herzegovina, Botswana, Central African Republic, Croatia, Guatemala, Kazakhstan, Kiribati, Madagascar, Moldova, Nauru, Poland, Romania and Slovakia.
Longevity quota A religious or belief organisation must have existed for a certain amount of time to become eligible for registration.	• Portuguese law states that a religious or belief organisation must have been registered in the country for thirty years or have been 'internationally recognised' for at least sixty years to qualify for the status of 'religion settled in the country' that comes with the most benefits (Office of International Religious Freedom, 2023). Other examples of countries imposing a longevity quota: • Austria, Croatia, Czech Republic, Hungary, Japan, Lithuania, Romania, Senegal, Trinidad and Tobago and Vietnam.
Geographic quota A religious or belief organisation must prove it operates in a certain number of regions in a country to become eligible for registration.	• The law in Uzbekistan states that religious or belief organisations must have a 'permanent presence' in eight of the country's fourteen administrative units to qualify for registration with the central government (Office of International Religious Freedom, 2023). Other examples of countries imposing a geographic quota: • Belarus, Kazakhstan, Spain, Sweden and Taiwan.
Signature quota A religious or belief organisation must obtain a certain number of notarised signatures from members to become eligible for registration.	• According to the law in the Czech Republic, religious or belief organisations must present the signatures of at least 300 adult members permanently residing in the country to qualify for the lowest tier of registration (Office of International Religious Freedom, 2023). Other examples of countries imposing a signature quota: • Angola, Azerbaijan, Greece, São Tomé and Príncipe and Serbia.
Financial quota A religious or belief organisation must prove it owns a certain amount of funds or property to become eligible for registration.	• The law in South Korea states that religious or belief organisations must own property valued over 300 million won ($239,000) to become eligible to register with the government (Office of International Religious Freedom, 2023). Other examples of countries imposing a financial quota: • Mexico, Taiwan and Vietnam.
Zoning quota A religious or belief organisation must not construct a building within a specified distance from a building owned by another religious or belief organisation.	• The law in Cuba states that two house churches of the same denomination may not be located within 1.2 miles of each other (Office of International Religious Freedom, 2023). • Tajik law allows only one 'central Friday mosque' per district or city and other mosques have to be subordinate to it (Office of International Religious Freedom, 2023). • Places of worship in Cambodia must be located at least 1.2 miles away from each other (Office of International Religious Freedom, 2023).
Capacity quota Each place of worship must serve a minimum number of congregants or be based on a specified size of a plot of land to operate legally.	• Cambodian law states that any place of worship in the country must be built for a minimum capacity of 200 congregants. The permit application for a place of worship must have the proven support of at least 100 congregants (Office of International Religious Freedom, 2023). • Laotian law states that religious or belief organisations must own 5,000 square metres of land to build a church or temple (Office of International Religious Freedom, 2023).
Maturity quota To qualify as a leader of a registered religious or belief organisation, the person must be of a certain age as stipulated in the law.	• Icelandic law stipulates that the leader of a registered religious or belief organisation must be at least twenty-five years old.

2019); and (3) states where a religious group must own or rent property to be eligible for registration are likely to request proof of premises.

The case of registration law in Rwanda points to a government requesting what may be reasonably considered in light of FoRB as an excessive amount of documentation under a mandatory registration order. According to the latest *Report on International Religious Freedom* published by the U.S. Department of State, religious groups in Rwanda must submit the following documents to register for legal status: 'An application letter addressed to the Rwanda Governance Board; notarised statutes governing its organisation; the address of its head office and the names of its legal representative and deputy, their duties, full address, and criminal records; a document certifying the legal representative and deputy were appointed in accordance with its statutes; a brief notarised statement explaining its doctrine; a notarised declaration of the legal representatives of the organisation of consent to the responsibilities assigned to them; notarised minutes of the group's general assembly that established the organisation, approved its statutes, and appointed members of its organs; a notarised document describing the organisation's annual action plan and source of funding; a document indicating the building or meeting space meets the requirements of the building code of the area of operation; a letter issued by district authorities agreeing to collaborate with the organisation; a partnership document issued by an umbrella organisation of the organisation's choosing; and proof of payment of a non-refundable application fee' (Office of International Religious Freedom, 2023). This extensive list of requirements is an example of how onerous registration procedures can be and highlights their impacts on conditions of FoRB if groups cannot obtain legal personality. During my development of the SRR-1, I highlighted in the criteria for the highest 'Dynamic' category that registration requirements must not be cumbersome or otherwise hinder groups from accessing legal personality and its benefits.

In response to restrictions on accessing registration, Category One interviewee Malcolm Brown stated: 'Although religions may not be equal in size, esteem or history, the procedural equality to register religious communities all the same can and

should be achieved.' Prodromou, during her interview, described how qualifications and quotas create a 'stacked system', often favouring an established or privileged religion. Stacked systems permanently disenfranchise religious communities in disfavour from accessing the benefits of registration and their negative impacts tend to escalate whenever choosing to remain unregistered comes with administrative or criminal penalties. Although many types of qualifications and quotas discriminately filter religious communities from gaining access to the benefits of registration, some may be compliant with FoRB. To create clearer parameters, Silvio Ferrari suggested during his interview FoRB-compliant criteria to restrict religious or belief organisations from registering: 'If the group is demonstrably not belief-based and is for-profit or if the group is involved in criminal activity of any kind.' Pursuing greater clarity should prevent religious or belief organisations from being unduly denied registration and forcibly dissolved, as witnessed in the ECtHR case 'Church of Scientology Moscow and Others v Russia' (2021).

It is also necessary that registration laws are consistent because I identified contradictory requirements during my research. For instance, both South Korea and Taiwan impose financial quotas requesting that all religious communities seeking registration own a considerable amount of funds and property to become eligible, contradicting the principle found in the policies of both countries that religious or belief organisations are expected to be non-profit (Office of International Religious Freedom, 2022). In their interview in response to these concerns, Finke recommended that 'more qualitative research should be conducted to address the personal and practical impacts of registration requirements, especially the consequences of being barred from registration.' Additionally, while addressing the issues involving unreasonable registration requirements, Category One participants, Ed Brown and Mine Yildirim, devised similar frameworks to assess whether state requirements are FoRB-compliant. For example, Brown suggested the following three determinants be used: (1) 'Requirements need to be proportional to the benefits received'; (2) 'the necessity of requirements in a democratic society must be scrutinised'; and (3) 'the

way requirements are applied must be non-discriminatory.' Yildirim echoed the same principles of necessity, non-discrimination and proportionality in her framework presented through four questions: (1) 'How do the state's actions interfere with the free exercise of religion or belief?'; (2) 'Are the state's actions necessary in a democratic society?'; (3) 'Are the state's actions discriminatory in any way?'; and (4) 'What aims and intent are interpretable from how states implement policy?' I used Brown and Yildirim's criteria during my development of the SRR-1 and SRR-2 to more precisely demonstrate how recognition and registration issues impact conditions of FoRB.

Horizontal and vertical systems

States including Austria, Czechia, Germany, Hungary, Russia and Slovakia structure their registration systems hierarchically, with multiple registered statuses, each having more lucrative privileges the higher a group ascends the hierarchy. For example, the 50,000 membership quota that the government of Slovakia imposes means that religious groups below this threshold may only register under the secular designation of 'civic association' rather than 'registered religious group' or 'church.' Gaining one of these religious designations by surpassing the membership quota is necessary to receive exclusive benefits, including the legal ability to provide pastoral services to group members in hospitals and prisons and for 'spiritual leaders to perform officially recognised functions' (Office of International Religious Freedom, 2023). However, this differentiation in organisations through a membership quota creates a hierarchy of religious groups by stripping groups of their religious character and denying them basic functions if they fail to meet the quota. Registration is hierarchical whenever being registered results in one set of benefits for one organisation and a separate set of benefits for another. In this type of system, registration does not mean the same for all organisations that receive it. The inequality from such hierarchical systems has led to ECtHR cases, such as 'Verein Der Freunde Der Christengemeinschaft and Others v

Austria' (2009). Conversely, in horizontal systems, registration means the same for all organisations regardless of the religion or belief they profess or their number of members (Office of International Religious Freedom, 2022).

Hierarchical and horizontal systems also feature in state recognition because whenever a religion or belief is established or given special treatment, other recognised religions and beliefs tend to receive less recognition. For example, the 2008 Constitution of Myanmar grants Buddhism a 'special position', a higher degree of recognition than Christianity, Hinduism, Islam and Animism, the four other religions mentioned in the constitution (Office of International Religious Freedom, 2024). A similar issue came about in the ECtHR case 'İzzettin Doğan and Others v Turkey' (2016), during which the Strasbourg Court declared a violation of Article 14 due to the Turkish government's preferential treatment of the Sunni Muslim majority over the Alevi minority. However, why hierarchical systems contravene FoRB needs clarifying. For example, there is a growing trend in the literature to characterise the established churches of certain European countries like Denmark and Iceland as benign and of little threat to FoRB (Ahdar & Leigh, 2013, p87-154). However, the issue inherent to hierarchical systems is how they perpetuate an inequitable dispensation of state recognition, meaning governments cannot guarantee, as they should, that they will treat all religious communities equally. While neither Denmark nor Iceland repress minorities or make adherence to the state church obligatory, they cannot claim complete adherence to the principles of equality and non-discrimination, given the exclusive privileges and special status their state churches receive.

A recurring theme of the interview series was how NRMs tend to sit at the bottom of hierarchical registration systems, demonstrated by how the Russian Jehovah's Witness exiled to Denmark I interviewed described conditions of FoRB in Central Asia and Eastern Europe. The participant explained that countries in these regions give registration a central role in religious policy because of its 'efficiency at filtering out religious groups the state does not favour.' The participant said that 'registration works to stifle all aspects of our religious activity from our missionary work and

proselytising to producing and distributing our literature to regular worship services or constructing our religious buildings.' One example the participant mentioned was Kazakhstan, where Jehovah's Witnesses are not allowed to offer their literature in the street, instead confined to distributing Bibles and pamphlets within their registered places of worship. In Central Asia, registration is a prerequisite to legalisation as unregistered religious activity is criminalised, with administrative penalties in Kyrgyzstan, Tajikistan and Turkmenistan and a combination of administrative and criminal penalties in Kazakhstan and Uzbekistan (Office of International Religious Freedom, 2023). The participant described how groups without registered status 'will face harassment and will be surveilled by local police asking if they are registered.' It appears that gaining registration can make a difference to an organisation's legality and the benefits it receives, including the ability to practise a religion without the threat of harassment or detention. For example, the participant explained that although 'Witnesses had still been restricted when we were registered, the police had less ability to arrest or detain us based on our religious activity because we had legal standing to challenge any violations of our freedoms.' With this legal status revoked in 2017, so was the Jehovah's Witnesses' right to petition as citizens.

The participant attributed the harsh treatment of Jehovah's Witnesses to their apolitical beliefs. As conscientious objectors, the participant explained that 'Witnesses are often viewed as treasonous or insufficiently loyal to the regime which is important in authoritarian, militaristic states like Russia.' The participant said that since 'the ROC is supported by the government of Russia, the Kremlin presumes this is the same for Western countries.' As Jehovah's Witnesses originated in the U.S., the Russian government assumes that they have ties to the American government and are spies attempting to infiltrate Russia to Westernise its citizens. The Russian government decided to restrict the activities of Jehovah's Witnesses to limit the supposed influence of the West. The Pentecostal Christian living in Pakistan shared a similar experience of the Pakistani government interpreting Christian converts as proxies of the West: 'This explains why Christian expression and practice are

suppressed in Pakistan…it also highlights the broader problem of religion being politicised.' Based on these similar experiences from the Category Two participants, human rights organisations need to understand how governments perceive religions to formulate better strategies for countering the conspiracy theories or false narratives that sometimes take hold among state officials.

After observing a series of cases at the ECtHR over the last twenty-five years, human rights lawyer Pamela McCormick (2017, p478-487) identified a pattern in which states have misused registration to restrict religious or belief organisations they disfavour. McCormick concluded that the Strasbourg Court needs to be clearer on how it defines 'belief', 'cult' and 'religion', including how states may practically maintain multiculturalism. McCormick also called for explicit guidance on how states are to maintain pluralism from the institutions advocating this ideal, especially amid political and social backlash against increased immigration into Europe and anti-cult movements targeting NRMs. These discussions prompted by McCormick imply that state recognition and registration can have both negative and positive impacts on conditions of FoRB. My analysis highlights the impacts on religious communities whenever access to registration is restricted, demonstrating that the SRR-1 and SRR-2 can be useful in establishing how recognition and registration issues impact conditions of FoRB by categorising countries based on their policies and how strictly they are enforced.

Subsection 3.1.4 – Analysis of registration procedure issues

Having grasped an understanding of the issues impacting religious communities that often arise before registration procedures have begun, I will explain the issues impacting conditions of FoRB during registration procedures. Assuming that a religious or belief organisation fulfils the eligibility criteria, registration generally begins with the state requesting certain documents and units of information to proceed

with the application. However, many issues can arise that affect religious communities, resulting in negative impacts on conditions of FoRB.

Informational requirements

At the outset of registration, the registering authority will request that religious or belief organisations send certain units of information stipulated by the law. State officials will then check the information against the criteria set out in the regulations. The most basic units of information typically requested by states include the name of the applicant organisation, the name and contact details of a representative and the religion or belief the group affiliates with. Informational requirements tend to escalate in their intrusiveness depending on how the state intends to use registration, either to make a record of active organisations or to influence religious activity. Although asking for basic units of information may seem benign, this has led to states requesting the addresses and names of some or all group members and details about the lives of group leaders, an intrusion into the private religious affairs of citizens (Office of International Religious Freedom, 2023). There is a lack of definitive standards at the international level to establish compliance with FoRB in this area, especially what units of information may reasonably be considered excessive and impermissible to FoRB for states to request. The issue with requests for excessive information is not necessarily that states are asking for information but how they use it against communities postregistration (Baran, 2021, p35-50). States like Russia that request excessive information tend to use it to harass and surveil religious members and leaders and, in extreme cases, have used it to conduct police raids on places of worship or the private residences of members (Corley, 2023). Retrieving as much information as possible about religious or belief organisations during registration is essential for states if the aim is to influence religious activity, pointing to why registration is mandatory in authoritarian and semi-authoritarian states.

Informational requirements serve a crucial role in checking whether the beliefs and practices of a group conform to the state's definition of religion. A consequence is how states like the Maldives create government-approved sermons to be read aloud at religious services (Office of International Religious Freedom, 2023). During his interview, Sandberg posed the question: 'What does the state need to know?' Reflecting on this, I developed the following criteria presented as three questions as a way of considering whether informational requirements comply with FoRB: (1) What details about an applicant organisation and its activities are reasonable for states to request information about?; (2) how often should states reasonably request this information?; and (3) what punishments should states reasonably enforce against organisations that fail to comply with informational requirements? Other interview participants addressed the issue of informational requirements, with a focus on distinguishing regulation from restriction. For instance, it might be reasonable in a democratic society for a government to be informed about when and where a religious procession is planned so that local police can be made aware if security or traffic assistance is required. Conversely, it might be considered unreasonable for states to approve any sermons or pamphlets distributed during a procession, given that this would interfere with manifesting religion or belief.

During her interview, Kerr suggested that 'future standards on requirements could be split between what information states request and how states use that information once received.' I raised with Kerr the issue that it can sometimes be difficult to ensure states receive the information an applicant organisation has sent and that officials have interpreted the information the way it was intended. In response, Kerr suggested that 'applicant organisations should expect a contact person within the competent authority to be readily available as a minimum requirement.' However, based on human rights reports and the experiences of some Category Two participants during my study, communicating with government ministries is often not straightforward due to the issue of governments failing to respond to applicants. Kerr recommended that to avoid excessive misuse, 'requirements for personal information requested by states

during registration should be limited to the contact details of an interlocutor and one form of personal ID.'

Duration of registration and multi-step procedures

Registration procedures tend to turn cumbersome when states mandate that an application be reviewed and accredited by multiple officials or the state introduces a multi-step process involving two or more government ministries having the authority to stall or veto the registration process. For example, in Timor-Leste, the Ministry of Finance, the Ministry of Justice's National Directorate for Registry and Notary Services and the Service for Registration and Verification of Businesses each have a say in granting registration, making procedures for gaining legal personality more onerous than is necessary (Office of International Religious Freedom, 2023). The more complicated registration procedures become, the longer they can take to complete, leading to some unresolved applications reaching the ECtHR, including 'Religionsgemeinschaft Der Zeugen Jehovas and Others v Austria' (2008). During my study, I labelled the timeframe for registration as the 'registry duration' and while the law in states such as Niger allows religious or belief organisations to operate during this period to avoid inhibiting FoRB, others like Djibouti are strict in forbidding organisations to operate until after they have completed registration despite the lengthy registry duration (Office of International Religious Freedom, 2023). During her interview, Clark raised the issue of governments appointing 'lesser ministries' to handle recognition and registration issues despite the absence of such responsibilities in their primary mandate. When FoRB specialists do not handle registration, it becomes more clear why the number of registration issues increases and why their impacts on conditions of FoRB appear to worsen.

Conversely, some states fail to address whether a religious or belief organisation can legally operate during the 'registry duration.' The timescale for registration procedures becomes a FoRB concern whenever it is prolonged to years of waiting

despite registration being mandatory. I found an example of this in Togo, where approximately 900 registration applications for religious or belief organisations remain unprocessed by the government (Office of International Religious Freedom, 2022). In Algeria, Angola and Eritrea, state ministries have stopped responding to registration applications, leaving unregistered religious communities unable to gather legally due to the mandatory registration orders still enforced. For example, several religious groups are still awaiting 'state authorisation' from the Algerian government after many attempts to register since 2012 (Office of International Religious Freedom, 2023). In Belgium, the government never responded to an application for recognition by the Belgian Hindu Forum in 2013. Over a decade later, Hinduism remains an unrecognised religion in Belgium despite its membership of ten thousand people (ISKCON, 2024). Interview participant Stanley Carlson-Thies[55], who is the President of the Institutional Religious Freedom Alliance[56], stated that during dialogue with Belarusian officials on registration issues, they attempted to justify not responding to new applications: 'Too many religious or belief organisations wish to register and if all were registered there would be too many to manage' (Bayram, 2022).

I found during my research that another common narrative invoked by states is the 'protection of culture', often propositioned to justify maintaining the hegemony of a state religion, making cultural relativism a powerful buffer to reform. Thane added during her interview that 'for those who are anti-human rights, cultural relativism is a useful narrative to try and justify continuing the privileges granted to established or favoured religions.' Prodromou described the issue of registration misuse as a type of

[55] Dr Carlson-Thies has long worked at the intersection of faith-based service organizations, public policy and religious freedom. He has been deeply involved in faith-based policy advocacy in the U.S., having served on the staff of the White House Office of Faith-Based & Community Initiatives during the early Bush administration (2001–2002). He founded and convenes the Coalition to Preserve Religious Freedom, a monthly multi-faith gathering of religious freedom advocates, which monitors federal policy and advocates to Congress and the executive branch for laws that respect institutional religious freedom.

[56] The Institutional Religious Freedom Alliance is a programme or division of the Center for Public Justice, a non-governmental organisation that relies on donations from private supporters, corporate sponsors and philanthropic organisations. IRFA's stated purpose is to protect and promote the freedom needed by faith-based organisations so that they can make their distinctive contributions to the common good. Because IRFA is housed under the Center for Public Justice, it is connected to that think tank's overall Christian public policy orientation.

instrumentalisation, recommending the following: ‘The founding conditions of states should be assessed as a way of explaining their laws regarding recognition and registration.’ Historicising the questions raised in my study and considering the impacts of colonialism, for instance, may be crucial in gaining a robust understanding of why recognition and registration issues persist today. Additionally, Prodromou said that ‘regime type is the salient indicator of FoRB conditions, especially in how states react to recognition and registration issues.’ The SRR-1 and SRR-2 reflect how authoritarian states tend to have a greater appetite for control and are willing to use violent force more than democratic states to ensure religious communities comply with recognition policy and registration laws.

Legal designation

Issues at the procedural stage can also stem from how states label religious or belief organisations during registration. One of the principal issues that emerged during my survey of registration issues is how many secular countries have amalgamated recognition with registration. The first concern with this is how registration procedures are the same for religious and secular organisations, causing a lack of distinction in law between organisations of a belief-based nature representing a community and those that are for-profit or secular. For example, in the registration systems of Cyprus, the Marshall Islands, Namibia, the Solomon Islands and Uruguay, religious or belief organisations only have the option of registering under secular designations like ‘association without gain’ or ‘nonprofit corporation’, which fail to recognise the religious or spiritual nature of the activities of these organisations and the communities they serve (Office of International Religious Freedom, 2023). In Liechtenstein, the Roman Catholic Church is the state denomination, exempting it from needing to register and giving it the distinction of being the only organisation recognised in law as a religion. All non-Catholic religious organisations in Liechtenstein may only register under the secular designation ‘association’, stripping

them of their status as religious entities and demonstrating religious inequality, with a similar policy appearing in Andorra (Office of International Religious Freedom, 2023). Beyond this, some states register under designations that imply the dominance or privilege of a religion, like Hungary's use of the designation 'church' even to refer to non-Christian organisations (Office of International Religious Freedom, 2023). Registration issues can worsen when they intersect with state recognition because using designations connoting a certain religion implies the state is partial to that religion. The discourse surrounding legal designations raises an important issue about the disparity in how states use terminology. From one country to the next, religious or belief organisations are referred to using a wide range of religious and secular designations, perpetuating hierarchical registration if some designations carry more benefits or greater legal protection than others and leading to confusion over what benefits each designation grants.

The second issue stemming from amalgamating recognition and registration is that it tends to lead to a lack of avenues for social and symbolic types of recognition, endemic to secular nations where there is often a hesitancy in government to engage in acts of recognition to avoid compromising secularism. During his interview, Bielefeldt acknowledged the issue of amalgamation: 'As religious or belief organisations represent a community, they have distinct needs and require different services from the state compared to companies or secular charities.' A lack of distinction in law between secular and religious organisations appears to erode the protection of religious or belief organisations under FoRB. By representing a community of believers, religious or belief organisations have international protections under FoRB distinct from secular organisations which national registration laws should reflect. In response to states using exclusionary language in categorising religious or belief organisations, Thane recommended the following solution: 'A philosophy or worldview category should be created to avoid excluding belief-based groups that do not self-identify as religious or spiritual.' I have tended to use the phrase 'religious or belief organisation' in this thesis to remain inclusive of

organisations based on religion, spirituality or philosophy, but distinguishing between a religious organisation and a belief organisation is important. A ‘religious organisation’ may be defined as professing any form of theism (e.g. Muslim Council of Britain). A ‘belief organisation’ promotes a belief or system of beliefs based on either a metaphysic (e.g. The Spiritualist Association of Great Britain), ethic (e.g. The Vegan Society), or a philosophical principle distinguished by its assertion of a belief (e.g. Modern Stoicism), non-belief (e.g. Atheism UK), or polity (e.g. Green Party of England and Wales). In this context, respect for the autonomy of organisations to self-identify will be essential, but this necessitates establishing clearer categories in national systems for groups to self-identify with. When developing the SRR-1, I included as a characteristic of the ‘Dynamic’ category in the Spectrum that states should establish legal categories and use inclusive language.

Considering my findings, I think it is important to strive for a clearer explanation of government intentions in applying registration laws. A brief comparison between Australia and Brunei will convey the differences in state intent. In Brunei, registration involves a process of authorisation, through which the government has the sweeping legal ability to refuse registration to religious groups for any reason (Office of International Religious Freedom, 2022). Conversely, in Australia, registration does not include the state approving the doctrines and practices of religious or belief organisations, only the state checking the organisation is ‘non-profit, is of sufficient size and permanence and does not conduct any criminal activities’ (Office of International Religious Freedom, 2022). The crucial difference is that the Bruneian government sees registration as a chance to approve religious communities, while the Australian government sees it solely as a means to differentiate between religious groups that do or do not qualify for tax-exempt status. Comparing the Australian and Bruneian systems helps to distinguish between the two main types of systems: constitutive and declarative. These are phrases used in land, property and trademark law but can also apply to registration law (Setyawati & Sudjatmiko, 2017, p12-16). In the context of registering religious or belief organisations, a constitutive registration

system is one in which the rights of a religious group only come into being after registration, as practised in Brunei. A declarative registration system is whenever the rights of a religious group are understood to be precursory to registration, making registration optional and only for the state to confer benefits like tax exemption, as practised in Australia (Office of International Religious Freedom, 2023).

The difference in how governments approach registration can alter what the process involves and how the state treats applicants before, during and after registration. A registration process that involves a religious or belief organisation having to submit and defend the legitimacy of its beliefs, for example, is a different kind of registration from filling out a simple form to obtain legal personality or tax exemption. States like Cameroon and Tajikistan that use terms such as ‘approval’, ‘authorisation’, and ‘legitimisation’ in their registration policy imply that religious or belief organisations must be state-approved before they may operate legally (Office of International Religious Freedom, 2023). A related issue is how structuring registration on a licensing system—in which organisations must obtain licences for gatherings they host—limits how, when and where registered religious or belief organisations may legally operate, as practised in Bahrain, Bolivia, Guinea-Bissau and Kuwait (Office of International Religious Freedom, 2023). Overall, how states structure their registration systems and the language they use are indicators of their intent in devising registration laws and how much freedom they intend to give to registered and non-registered religious communities. I integrated these factors into the SRR-1 to emphasise how inhibitive registration can become to FoRB whenever it is onerous.

Registration fees

Once a religious or belief organisation provides the registering authority with the requested documents and has been informed of the designation it will be registered under, payment is sometimes necessary to complete registration. Although some countries, like the Solomon Islands, have started waiving their registration fees for

religious or belief organisations, many still charge a fee (Office of International Religious Freedom, 2023). Charging a registration fee might not be a concern to FoRB unless fees limit access to registration or make it more onerous than is necessary. Based on my survey of how states apply registration fees, they can be problematic to FoRB if they are made discriminatory, excessive or hierarchical.

There are no international standards to limit the amount a government can charge a religious or belief organisation to register, leading to governments charging exorbitant amounts for registration and a lack of consensus on what amount would be appropriate to charge. Although most countries fall under the $100 mark for the amount they charge, a dozen or so exceed this threshold, with Palau's one-time $250 'filing fee' as an example (Office of International Religious Freedom, 2023). The critical question for governments charging more than $100 for registration is the following: Why do they need to charge a higher fee for the same process that other states can perform for less? A related concern is that if a registration fee higher than $100 is charged, religious or belief organisations attempting to gain registration in multiple countries will have to pay exorbitant amounts. While an excessive registration fee may seem acceptable or comparably less harmful to FoRB than other registration issues, the implications of such fees for religious groups needs to be scrutinised more during the monitoring of conditions of FoRB.

For example, in Angola, the government requires the notarised signatures of at least sixty thousand citizen members. Given that each signature is estimated to cost $7, this amounts to a de facto registration fee of $420,000, the highest in the world as of 2024 (Office of International Religious Freedom, 2024). Fees may be waived in practice or in countries where corruption is widespread, groups may not need to pay the full fee if they give officials a pay-off. However, whether fees are paid in practice does not resolve the underlying issue of states making registration more onerous by charging excessive fees. Other states have instituted fee systems, a hierarchy of fees that discriminate on the type of organisation a religious or belief group registers as. For instance, a fee system is practised in Bolivia, where the law distinguishes between

‘Religious’ and ‘Spiritual’ organisations. Organisations designated ‘Spiritual’ are expected to pay a $590 fee, while those registered as ‘Religious’ must pay a $990 fee. However, the Bolivian government gives no justification for why ‘Spiritual’ and ‘Religious’ organisations should be discriminated against in terms of the fees they are charged (Office of International Religious Freedom, 2023). Not only do fee systems raise the issue of hierarchical registration, but they perpetuate states defining religion, with the Bolivian government delineating the arbitrary categories of ‘Religious’ and ‘Spiritual.’

Since most countries register religious or belief organisations for under $100, it appears inappropriate that a handful of outliers would charge significantly higher fees, indicating the misuse of fee-charging among some governments to limit access to registration. Although registration fees are primarily an issue at the procedural stage, they sometimes extend into the postregistration stage. For instance, some states impose recurrent fees whereby to retain registered status, a religious or belief organisation is expected to pay an annual or biennial fee—although often an amount reduced from the initial fee—while other states impose fees for reregistration. Recurrent and reregistration fees alone are not necessarily concerning to FoRB but become problematic whenever they are made discriminatory, excessive or hierarchical. For example, in some countries, fees are charged to certain religious or belief organisations and not others depending on whether the state favours them. The government of Liberia discriminates between domestic and foreign religious organisations by charging domestic organisations an annual fee of just L$3,500 ($23), while organisations the government considers ‘foreign’ are charged an annual fee of L$78,000 ($508) (Office of International Religious Freedom, 2023). Another example is Equatorial Guinea, where the Roman Catholic Church and Protestant Reformed Church are both exempt from having to register and do not need to pay the $820 fee for registration that all other religious or belief organisations are legally mandated to pay (Office of International Religious Freedom, 2023). These discriminatory laws regarding fees indicate that any aspect of registration can become detrimental to

conditions of FoRB when it intersects with how states define or favour religions. It also reiterates how the privileges granted to certain denominations are sometimes reflected in how states structure and apply their registration policies. The breadth of issues involving fees shows how they can be used at multiple stages of the registration process to prevent groups from registering, make procedures cumbersome or attempt to justify deregistering organisations in disfavour with the state.

To end with a brief overview of other kinds of restrictions at the procedural stage of registration, I first want to draw attention to the use of 'nominal restrictions', under which a registered religious or belief organisation must name itself in a certain way, typically so that it does not clash with the name of a privileged religion. This issue has led to several ECtHR cases, including 'Bulgarian Orthodox Old Calendar Church and Others v Bulgaria' (2021), 'Independent Orthodox Church and Zahariev v Bulgaria' (2021) and 'Orthodox Ohrid Archdiocese (Greek-Orthodox Ohrid Archdiocese of the Peć Patriarchy) v The Former Yugoslav Republic of Macedonia' (2018). A final issue is when governments insist that organisations structure themselves in a specified way despite undermining the autonomy of the religious community (Thomson & Toney, 2023, p151-192), leading to ECtHR cases like 'Holy Synod of the Bulgarian Orthodox Church (Metropolitan Inokentiy) and Others v Bulgaria' (2009). With these issues consistently reaching the ECtHR, I developed the SRR-1 and SRR-2 to reflect the impacts of these registration issues on conditions of FoRB.

Subsection 3.1.5 – Analysis of postregistration issues

If a religious or belief organisation manages to overcome the series of hurdles before and during registration procedures, its administrators should be aware of the struggles they will face following their attainment of registered status. After surveying how countries apply registration laws, two issues at the postregistration stage are likely to negatively impact conditions of FoRB the most: (1) What registration realistically

provides organisations the free and legal right to do; and (2) what criteria organisations must fulfil to retain their registered status and its associated benefits, including legal personality and tax exemption.

Authenticity of registration

Gaining registration is often the only route for religious or belief organisations to be able to legally perform all necessary functions for their community, including facilitating religious observance. However, my survey of how governments use registration has shown that successfully registering seldom equates to total freedom, especially in authoritarian states. The activities that members of religious communities can or cannot legally perform are often contingent on what benefits the state grants through registration. Whether those benefits are bestowed in practice raises the first postregistration issue I call 'confinement.' I define confinement in this context as whenever a state attempts to restrict what communities are freely and legally able to do despite completing registration. I found that confinement can work either geographically or substantially. Substantial confinement is what a religious community can freely and legally do after registering while geographic confinement is where a registered organisation may legally operate (Vellturo, 2021). For example, substantial confinement is practised in Qatar, where even though the authorities may have registered a religious or belief organisation, it cannot proselytise if it professes a religion other than Islam. Geographic confinement is practised in Bhutan, where registered religious or belief organisations cannot hold public meetings outside their registered facilities without first receiving approval from the local authorities (Office of International Religious Freedom, 2023). Confinement is a key tool for states to retain influence over the activities of religious communities long after they have completed registration. Confinement involves states placing conditions on registration by contending that although registered, religious or belief organisations do not have the inherent right to operate however or wherever they like. Any disconnection

between what registration promises to grant an organisation the free and legal ability to do and what an organisation can do in practice reveals an underlying issue of inauthentic registration. In all registration procedures, states must decide what benefits and rights they are willing to extend to religious communities. However, these decisions are often fluid, with states sometimes revoking rights once given to organisations by removing their legal status, a recurring theme in ECtHR cases, including 'The Moscow Branch of the Salvation Army v Russia' (2007). If a religious community is limited in its basic activities or where it can operate after achieving registration, the integrity of the registration process is called into question.

Another postregistration restriction is preapproval, namely, whenever states demand that religious or belief organisations submit requests to a government authority before they may legally host worship services or organise larger events, such as pilgrimages. Each state that imposes preapproval policies has unique specifications on what kinds of activities will trigger a need to preapprove, with variations in the strictness of these thresholds. A restrained preapproval policy—what I refer to as 'notification'—can be compliant with FoRB, such as the need to inform local authorities of religious processions for security and traffic management purposes. Many democratic states have notification policies in place, but crucially, they do not include the power for states to approve the religious content, like whether state-sanctioned sermons are used. However, notification policies can become excessive and non-compliant with FoRB, as was seen in the recent ECtHR case 'Ossewaarde v Russia' (2023), during which a Baptist Christian received fines for failing to notify Russian authorities about a Bible meeting taking place in his home. Greater monitoring of how states use registration, notification and preapproval is needed to understand what religious activities should be exempt from being subjected to these requirements. The key to this discussion is whether the state requests notification or preapproval for substantial reasons (i.e. regarding the religious content of the activities) or secular reasons (e.g. traffic management). Monitors of registration issues should also be aware of how states sometimes use secular concerns to justify their

control of religious activity. For example, in China, secular reasons for preserving 'beauty' and 'safety' have been used to justify the removal of crosses from churches to maintain the strict laws on secularisation and to advance the government's policy of Sinicising religion (Li, 2020, p113-137).

Issues involving the authenticity of registration focus on states eroding what registration means and what it allows religious or belief organisations to do, leading to undue limits on their everyday activities. Some of the Category Two participants I interviewed spoke about this issue, including the LDS missionary who stated that despite the LDS Church completing registration with the Mongolian authorities, while stationed in Ulaanbaatar, they 'felt nervous about immigration coming to interrogate us or send us home.' A further example of inauthentic registration came from the Haitian participant belonging to the Seventh-day Adventist Church who said that despite their church being registered in Haiti, the church leaders felt they 'could not open offices without fear of state interference.' However, registration should quell any worry about undue intervention in religious activities because the legal recognition it grants should be sufficient to protect its members from harassment. It was concerning to hear from interviewees that they felt state recognition is a requirement for living out their faith fully or expressing their beliefs publicly. Members of minorities appear to see state recognition as the gatekeeper to fully exercising FoRB despite experts such as Bielefeldt explicitly stating that state recognition should not be a prerequisite for religious communities to access the full body of rights protected under FoRB. A more optimistic view came from the Taiwanese Lutheran Christian participant: 'Gaining registration allows our community to practise our religion freely.' This insight indicates that when applied authentically, registration can be positive for communities when they receive benefits. However, when states attempt to erode the rights granted after registration, they may intend to influence religious activity beyond the registration process. It might be prudent to increase monitoring to determine to what degree the benefits of registration are bestowed, as an indicator of a state's respect for FoRB, something I considered when developing the SRR-1 and SRR-2.

These examples indicate that registration neither guarantees one's comfortable, free and legal practice of their religion or belief nor their ability to proselytise. The challenge that awaits those monitoring FoRB is observing more closely how registration is used by states as a tool of control, pointing to the importance of one of the original contributions of my study. My decision to split my analysis of registration into three stages will likely work well in monitoring efforts because it allows monitors to identify the issues impacting religious communities at each stage more clearly. Putting this method into practice in this thesis has demonstrated the significance of its original contribution because it is not yet used by those who monitor FoRB, pointing to why the impacts of registration issues remain poorly understood.

Benefits states grant to registered organisations

The primary aim of a religious or belief organisation registering with a government is to achieve legal entity status, whether to become legal wherever registration is mandatory or to receive financial and legal privileges. Legal entity status grants certain privileges and rights to religious or belief organisations that distinguish them from organisations that are ineligible or have chosen to forego registration. However, there are further intangible and tangible benefits intertwined with registration that I have chosen to split into three categories: concessional, financial and symbolic. In this section, I will explain the three types of benefits and explore some issues arising from how they are bestowed.

Concessional benefits are the rights organisations and their members receive after registering successfully. A state's provision of concessional benefits is most concerning because this often violates FoRB by locking non-registered communities out of the rights already protected by legally binding covenants like the ICCPR. During my research, I discovered that it was a common practice among authoritarian and semi-authoritarian states to use mandatory registration as a precondition for citizens to access some or all of their rights already established in international human

rights instruments (Office of International Religious Freedom, 2023). This use of registration as a mandatory requirement to lock religious communities out of their due rights appears in my research to be the most pressing issue of how registration impacts conditions of FoRB. I have attempted to demonstrate the significance of this issue by making a state's use of mandatory registration an automatic classification as 'Restrictive' in the SRR-1 and by highlighting the scale in severity of the impacts of mandatory registration in the SRR-2.

However, the lack of consensus on which activities religious or belief organisations should have the automatic right to perform regardless of their registered status and those that may be reasonably limited to registered groups is a lingering issue. Some states like China and Russia list as benefits of registration activities that, according to the ICCPR, religious communities have the right to conduct regardless of their recognised or registered status. Due to the tendency of some states to deny non-registered communities their rights protected under FoRB, I prioritised during my study to gain insights from various sources to determine the degree to which registration issues impact conditions of FoRB. Although I found that authoritarian states heavily rely on registration to limit or interfere with religious activity, I also discovered how some democratic states have used registration to deny religious communities access to rights. This issue arose in the ECtHR cases 'Canea Catholic Church v Greece' (1997) and 'Magyarországi Evangéliumi Testvérközösség v Hungary' (2017). As such, democratic states do not always refrain from using registration to place undue limits on FoRB. In secular states, I noticed how concessional benefits commonly include the right to open a bank account, to build and own property and for the organisation to act as a legal person in court. In observing registration policies, there is significant variation in the concessional benefits tied to registered status, meaning that within a single registration system, a range of benefits can be impermissible or permissible to FoRB. Other common concessional benefits tied into registration that I identified during my study include the right to broadcast,

the right to apply for visas for missionaries, the right to open religious schools and the right to have one's child taught religion in a public school.

Beyond the tangible benefits of registration, a series of symbolic, intangible benefits support sociocultural recognition, primarily being included in an official register of organisations. Additional intangible benefits include a religion or belief featured as an option in the census, the freedom for communities to participate in national events and religious leaders invited to gatherings for interfaith dialogue. Most governments collect data on the religious affiliation of their citizens, typically through a national census, with the religion question usually optional, as is the case in the UK (Thorvaldsen, 2014, p203-220). To maintain the separation of religion from the state, countries like the U.S. refrain from including a religion question in the census (Schultz, 2006, p359-384). The Church of Jesus Christ of Latter-day Saints, some Baptist congregations, Christian Scientist groups and Jewish organisations have objected to or expressed concern over a religion question being added to the U.S. census for fear of an increase in religious discrimination (Diamant & Leppert, 2023). Census data on religion has historically informed law and policy, pointing to why Humanists UK leads the charge in encouraging those without a religion to identify themselves on the census under 'no religion' rather than as an atheist or humanist which would come under the equivocal category 'other religion' (Barnes, 2024, p137-149). Humanists UK claims that self-identifying as 'agnostic', 'atheist' or 'humanist' divides the non-religious population into smaller communities, suggesting that the views of the non-religious should have less bearing on policy because they amount to a smaller proportion of the population (Humanists UK, 2021).

The Jedi census phenomenon of 2001 and 2011 also raised important questions about whether a religion or belief should receive recognition solely from census data and what criteria should determine a religion or belief worthy of recognition (Cusack, 2016, p238). The Jedi census phenomenon involved a grassroots movement protesting about being asked to state their religion on the census. As a result, 0.37% of Australians, 0.8% of Britons and 1.5% of New Zealanders recorded their religion as

Jediism based on an urban myth circulated by email chains at the time that any religion with more than 8,000 members in Australia, New Zealand or the UK would receive official recognition (Bainbridge, 2017, p121-149). Despite the movement to self-identify as a Jedi Knight having seemingly been short-lived in the UK, with followers of Jediism dropping to below 1,600 people in the 2021 census, the phenomenon raises an important point about religious recognition (Quilty-Harper, 2022). It demonstrates that any community holding a belief can and should receive recognition, even if only temporarily. Equally, it raised the importance of instituting criteria to distinguish between sincere beliefs and parodies, like the Church of the Flying Spaghetti Monster (Obadia, 2015, p115-128).

Beyond how it negatively impacts conditions of FoRB, my research also highlights how registration positively contributes to the mobility in society of members of religious communities. The intangible benefits of registration can advance the acceptance and social awareness of communal and individual belief identity, pointing to why governments sometimes hesitate to recognise religions and beliefs, as demonstrated in the ECtHR case 'Biserica Adevărat Ortodoxă din Moldova and Others v Moldova' (2007). Registration itself is a symbol for a religious or belief organisation that embodies its recognition in law as a legal person, lack of which has led to issues involving court access, as witnessed in the ECtHR case 'Lupeni Greek Catholic Parish and Others v Romania' (2015). Recognition in law can sometimes extend to the personal status law of the religion, whereby an adherent can be adjudicated in family matters such as inheritance, marriage and divorce, based on the precepts of their religious law instead of by secular laws.

The two most common financial benefits of registration are state funding and tax-exempt status. States typically allocate funding according to a superficial characteristic, such as the number of the group's verifiable members residing in the country, as applied in Azerbaijan, Finland, Georgia, Greece and Lithuania (Werthmuller, 2022). State funding also sometimes includes registered organisations having the salaries of their clergy paid for either partly or in whole by the state, while

building places of worship may be funded or states may offer free access to state-run radio and television, as practised in Cape Verde, Côte d'Ivoire, Portugal, Romania, Seychelles and Tonga (Office of International Religious Freedom, 2023). Some governments discriminate based on religious belief by granting more financial benefits to favoured denominations, highlighting the role of state recognition in intensifying registration issues. My interview participant from China[57], a Buddhist-Taoist, affirmed their support for religious diversity but equally emphasised that 'governments with limited resources may struggle to allocate funds to all religions.' Countries such as Saint Vincent and the Grenadines and the Federated States of Micronesia confer tax exemption through a simple registration procedure. Saint Kitts and Nevis, on the other hand, allows religious groups to import religious items duty-free if they register. Conversely, Suriname confers no tax benefits to registered religious groups (Office of International Religious Freedom, 2023). My survey of national laws and policies using the U.S. Department of State's *Report on International Religious Freedom* conveys the range of ways tax exemption is applied and under what preconditions, if any. Greater monitoring efforts can bring about a better understanding of this diversity to clarify the impacts of registration on conditions of FoRB, pointing to why I introduced the SRR-1 and SRR-2 in this thesis, namely, to explore the interplay between recognition, registration and FoRB.

Forms of retributions

I identified during my research how states use several types of retributions to enforce their registration policies, finding that the severity of retributions is the distinguishing factor between how authoritarian and democratic states ensure compliance with registration laws. Authoritarian states are willing to use violent force to maintain government influence over religious activity. However, retributions for non-

[57] Interviewee 20 is a Chinese national and follows syncretic practices combining Buddhism and Taoism, a common practice among the Chinese who also observe Confucianism; this participant's religious life occurs in a context of close state monitoring of all officially tolerated religions.

compliance in democratic states remain limited to fines or denied access to financial benefits. Conversely, whenever authoritarian states use fines, they are more than likely part of a fining system involving a hierarchy in which fines increase incrementally depending on the identity of the offender and whether they have committed previous offences, as practised in Turkmenistan (Office of International Religious Freedom, 2022). The information retrieved during and after registration procedures aids states in surveilling and gathering evidence on unregistered religious or belief organisations in an attempt to justify retributions against their leaders and members. My research has shown significant variance in the degree of violations of FoRB caused by how retributions are applied. After realising that this needs conveying clearly, I developed another spectrum to support the SRR-1 and SRR-2, by clarifying the degree that registration law, policy and practice impact conditions of FoRB in any given country.

I developed Figure 6 on the following page titled the Scale of Rights Violations (SRV) to convey the range of violations of FoRB and other human rights involving how states apply recognition and registration. The Scale ranges from ‘minor’, ‘moderate’, ‘major’ and ‘grave’ violations, differentiated by a colour code in the first column. In the second column, I provide an overview of rights violations, followed by key features of the different grades of violations in the third column and specific examples of each grade in the fourth. Scaling the degree of violations that result from states misusing recognition and registration allows me to demonstrate how violations of FoRB are closely connected and often lead to violations of other rights. Developing the SRV provides further context to the SRR-1 and SRR-2 by conveying subtle differences between rights violations. For example, the crucial distinction between a moderate and a major violation in Figure 6 is a state’s use of force and violence to deter or punish those caught engaging in unregistered religious activity. This corresponds with the difference between a ‘Restrictive’ and a ‘Censorious’ country in the SRR-1. The Scale in Figure 6 acknowledges how violations of FoRB can escalate into violations of the right to be free from torture and degrading treatment, the right to

Figure 6 – Scale of Rights Violations (SRV) caused by recognition and registration issues developed during my study

Degree of violation	Overview of rights violations	Key features of violations (A state need only have committed one violation listed to be classified).	Examples of violations
Minor	• The state limits access to financial benefits and other privileges that come with registration, causing inequality but not interfering with basic religious activities protected under FoRB. • Minor violations include a state's use of recognition or registration in a way that results in discrimination or inequality. The state also restricts certain religious groups from accessing financial benefits and legal privileges.	• The state discriminates between religious denominations on which it allows access to financial privileges. • The state limits the legal ability to bring in foreign missionaries to only registered religious denominations. • The state decriminalises unregistered religious activity but issues operational penalties for unregistered religious organisations, including forced dissolution or the seizure of property. • The state interferes in the structure and internal affairs of registered religious denominations.	• The ECtHR case 'Supreme Holy Council of the Muslim Community v Bulgaria' (2005) involved the Bulgarian Socialist Party's repeated attempts since it gained power in 1995 to unify the country's Muslim community under one body by refusing to recognise a competing Islamic organisation led by Chief Mufti Fikri Hasan. The Strasbourg Court ruled that there had been a violation of Article 9. Despite the Bulgarian authorities having interfered with freedom of religion under the legitimate aim of keeping religious harmony, the actions of the government to compel Muslims to unify under a single body were deemed by the Court not to have been necessary in a democratic society that should allow religious groups to compete.
Moderate	• The state limits access to recognition or registration for religious or belief organisations, leading to interference with at least one basic religious activity protected under FoRB. • Moderate violations include states using lawfare to restrict the ability of unrecognised or unregistered religious denominations to operate or for their members to express or practise their religion or belief. • Moderate violations do not include acts of violence or neglect as punishment or deterrence. However, moderate violations do include short-term detainment, house arrest or deportation.	• The state refuses to grant or otherwise limits access to recognition or registration, resulting in a religious or belief organisation being unable to operate legally. • The state deports or detains in the short-term members of unrecognised or unregistered religious denominations. • The state uses the legal framework to force members of an unrecognised or unregistered religious denomination to renunciate their religion or belief. • The state places members of an unrecognised or unregistered religious denomination under house arrest. • The state criminalises unregistered religious activity as an administrative offence and issues fines.	• The ECtHR case 'Metropolitan Church of Bessarabia and Others v Moldova' (2002) involved the Moldovan authorities refusing to recognise an autonomous Orthodox Church due to its affiliation with the Romanian Orthodox Church. The Strasbourg Court ruled that a violation of Article 9 had occurred because the Moldovan government's refusal to recognise the Church meant it could neither organise nor operate legally in Moldova. • Religious prisoner of conscience Khrystofor Khrimli was detained by the Russian authorities in occupied Donbas in September 2023 after refusing to join the Moscow Patriarchate. Khrimli was fined 30,000 rubles for being a leader in the Orthodox Church of Ukraine which the Russian government labels 'extremist' (USCIRF, 2024). After five months of detainment, the Russian authorities deported Khrimli to Georgia.
Major	• The state criminalises unregistered religious or belief organisations or establishes no registration procedures for legally protecting some or all religious communities. • Major violations include acts of force, violence or neglect as punishment for or a deterrence against unregistered religious activity. • However, these actions do not constitute torture by international standards and do not lead to the death of members of unrecognised or unregistered religious denominations.	• Unregistered religious activity is criminalised, resulting in the imprisonment or long-term detainment of members of unrecognised or unregistered religious denominations. • Due process is diminished or non-existent for those arrested for unregistered religious activity or related charges. • Detainees are subject to solitary confinement and medical neglect while in custody and access to legal counsel and family visits are regularly denied. • Forced disappearances of members of unrecognised or unregistered religious denominations occur. • Police raids take place in unregistered places of worship or the private homes of members of unrecognised or unregistered religious denominations.	• Religious prisoner of conscience Reverend Haile Naizghe was arrested in 2004 by the Eritrean authorities for his membership in the unregistered and banned Southwest Full Gospel Church (USCIRF, 2024). Naizghe has been imprisoned for the last two decades in a maximum-security facility (Church in Chains, 2019). Naizghe has never been formally charged with a crime and has been held incommunicado since his arrest, including being denied contact with his family. • Religious prisoner of conscience Wang Yi was detained in 2018 by the Chinese authorities for leading the unregistered Early Rain Covenant Church in Chengdu. In 2019, Wang was sentenced to nine years in prison under baseless charges of 'inciting subversion of state power' and 'illegal business activity.' Wang has been held in solitary confinement and denied access to adequate medical care (USCIRF, 2024).
Grave	• The state pursues the violent persecution of religious or belief communities that either refuse to register or are denied access to recognition or registration. • Grave violations include repeated, systematic acts of force, violence or neglect as punishment for unrecognised or unregistered religious activity that amounts to torture, according to international standards, or leads to death.	• The state subjects members of unrecognised or unregistered religious denominations to forced labour, starvation, torture or other atrocities. • The state issues or carries out the death penalty against members of an unrecognised or unregistered religious denomination.	• In 2020, prisoner of conscience Yusef Mehrdad was arrested by the Iranian authorities at his home in Ardabil and imprisoned in Arak Prison for professing atheism and criticising Islam online in a country where Shia Islam is the state denomination and where being an atheist is illegal and considered apostasy, the penalty for which is capital punishment. Mehrdad was held in solitary confinement for two months, denied family visits or phone calls for eight months and sentenced to death after eleven months of detainment. Mehrdad was executed by hanging in May 2023 for blasphemy (USICRF, 2024).

a fair trial and the right to life. I also created the Scale in Figure 6 to put into perspective the impacts of recognition and registration practices by measuring them according to the violations they cause. Although the International Court of Justice has not defined a 'grave human rights violation' (Geneva Academy of International Humanitarian Law and Human Rights, 2014, p21; Liwanga, 2015, p67-81), precedent cases and the views of scholars suggest prioritising the following criteria which I used when developing Figure 6: (1) The pervasiveness of discrimination present against unrecognised or unregistered religious communities; (2) the practical implications of religious inequality; (3) the severity of state interference in religious activity; (4) the level of mistreatment of those convicted of unregistered religious activity; and (5) any acts of violence states perpetrate to enforce their registration laws (OHCHR, 2019). Figure 6 conveys the scale of violations of a range of rights not limited to FoRB that results from how states devise and enforce their recognition policies and registration laws and reflects how conditions of FoRB appear to be shaped by recognition and registration, making the SRV useful in adding more context to the SRR-1 and SRR-2.

Surveillance allows states to increase the body of information they hold on religious communities, including how and where members meet, the identity of religious adherents and leaders and the content they publish, including books, pamphlets and sermons. Once the government gathers enough information about an organisation, state officials are likely to decide whether they are willing for the communities' activities to continue. If not, members and leaders of the organisation are likely to remain on the receiving end of escalated retributions, including being designated illegal and forcibly disbanded, as was witnessed in the ECtHR case 'Islam-Ittihad Association and Others v Azerbaijan' (2014). Turning to look at Azerbaijan more in-depth, the government in this former communist republic targets members of the Muslim-majority population with strict registration laws, resulting in violations of several fundamental rights. The case of religious prisoner of conscience Ahsan Nuruzade reveals how the Azerbaijani government misuses registration by using it to harass, arrest and charge members of religious groups the government does not

recognise or feels it does not have sufficient influence over (USCIRF, 2023). On 6th October 2017, two plain-clothed officers abducted Nuruzade near his home in Baku. At the time of his abduction, Nuruzade was heading to the ongoing Nardaran trial in which eighteen members of the Muslim Unity Movement (MUM) were facing lengthy prison terms for their involvement in the unregistered religious group (Amnesty International, 2017). Nuruzade is also a member of MUM and three days following his abduction, he was brought to the Baku Pre-Trial Detention Facility and falsely charged with 'illegally purchasing or storing with a view of selling, manufacturing, processing, transporting, transferring or selling of narcotics or psychotropic substances in large amount' (USCIRF, 2024). The following March, Nuruzade was sentenced to seven years in prison which was upheld a month later by the Baku Court of Appeal. USCIRF, the U.S. Department of State and the independent Institute for Peace and Democracy based in Azerbaijan since 1995 consider Nuruzade's abduction, detention and imprisonment to be based solely on his membership in an unregistered religious organisation that has faced a crackdown by the Azerbaijani government since 2016 (Hasanov & Yunus, 2021, p19). This case and the accounts of other religious prisoners of conscience included in this thesis show how unrecognised and non-registered religious communities face violations of their human rights not limited to FoRB, with Figure 6 capturing the scale in the severity of these violations.

Beyond this, state officials regularly arrest, beat, harass and interrogate religious leaders and members, often on baseless charges (Freedom House, 2022). However, I was able to identify through my research that authoritarian states use detention as the most common retribution in response to members of religious or belief organisations acting outside state-prescribed norms and in some cases, detention has led to long-term imprisonment (Bonura, 2023, p260-274). For example, Zhu Tonggui is recognised as a religious prisoner of conscience by USCIRF and included on the Frank R. Wolf Freedom of Religion or Belief Victim List. Zhu is from Linyi in Shandong province in China, who the state authorities arrested in 2018 for being a

practitioner of the banned NRM Falun Gong. The authorities mistreated and tortured Zhu while detained and in 2020, the authorities sentenced him to nine years in prison for refusing to renounce Falun Gong (USCIRF, 2024). My research also highlighted that political instability is more common where states impose severe registration laws. It seems governments enforce stricter registration policies to influence religious activity, tending to limit FoRB unduly. In the European context, registration issues appear in ECtHR cases like 'Sindicatul "Păstorul cel Bun" v Romania' (2012), often affecting religious communities in Eastern European states with unstable democracies. Those detained under laws on unregistered religious activity may be subjected to trials without due process and prosecuted under various charges, with the most common being cult activity, extremism, fraud, subversion and terrorism.

Following prosecution, I found that retributions against members of religious communities can range from milder types like short-term detainment, deportation or house arrest, to those more severe, such as long-term imprisonment, torture or execution (Freedom House, 2022). Other retributions enforced alone or in conjunction with those mentioned include the state revoking citizenship and seizing possessions and property. These retributions highlight how recognition and registration issues act as harbingers of more severe forms of discrimination and persecution and play a role in states attempting to justify minor to grave violations of several fundamental rights. Reflecting this point is the case of the religious prisoner of conscience Redouane Foufa from Algeria, a member of the NRM Ahmadi Religion of Peace and Light (AROPL).[58] In June 2022, Foufa was detained along with twenty-four other members of AROPL after Algerian soldiers raided their homes in the port city of Bejaia for belonging to an NRM the Algerian government refuses to register (Human Rights Without Frontiers, 2023). The Algerian authorities interrogated Foufa and his fellow members about their religious beliefs for fourteen hours, confiscating their passports, phones and laptops. According to Foufa, their community had been intimidated and

[58] Founded in 1993, the Ahmadi Religion of Peace and Light is a different denomination to Ahmadiyya and much smaller and newer. It derives from Twelver Shia Islam and follows the teachings of Imam Mahdi, believing Imam Ahmed al-Hassan is a divine guide.

harassed for many months prior. The following day, the First Instance Tribunal in Bejaia charged Foufa with ‘participation in an unauthorised group’ under Article 46 of the Law on Associations along with ‘offending the Prophet’ and ‘denigrating the creed and precepts of Islam’ under Article 144 of the Algerian Penal Code (USCIRF, 2024). Foufa was detained in Oued Ghir Prison while he awaited trial. In September 2022, a judge sentenced him to one year in prison with fines, but this decision was overturned two months later by the High Court of Bejaia and Foufa was released (Amnesty International, 2022). Although Foufa’s account did not result in his imprisonment, the climate of fear stemming from his mistreatment continues to impact religious minorities, acting as a powerful deterrent against joining NRMs.

Retaining registered status: monitorial requirements and reregistration

After obtaining registered status, the principal issue at the postregistration stage involves organisations facing challenges with retaining registration. Retaining registered status was an issue Yildirim admitted during her interview that ‘international human rights standards have failed to address sufficiently.’ My research identifies the following three issues that are likely to be of principal concern to those monitoring FoRB: (1) states that request excessive information about the activities of registered organisations; (2) the threat of deregistration; and (3) whenever states request that organisations reregister. I will now highlight how these issues at the postregistration stage negatively impact conditions of FoRB, shedding more light on my choices when developing the categories of the SRR-1 and SRR-2.

States sometimes request updates on activities throughout the year to retain influence over religious or belief organisations after they have registered. Such ‘monitorial requirements’ often take the form of annual reports that organisations are mandated by law to submit to remain registered, as practised in Honduras (Office of International Religious Freedom, 2023). However, I discovered in my research how

the level of detail states request be included in such reports can vary significantly. For instance, states sometimes request an annual summary of the religious organisation's finances, its activities throughout the year, a list of new members and any leadership changes. The FoRB-compliance of such reports and whether the state should be able to mandate that registered religious or belief organisations produce them annually or quarterly remains unclear given that international guidance is yet to address these granular details. Concerns for FoRB with such reports are likely to centre on whether the information requested is used against religious communities to enable state surveillance. A further concern is that governments are sometimes unclear on what they expect organisations to do to remain registered, contradicting Yildirim's recommendation: 'Governments should be clear in terms of what is involved in producing annual reports.' Some states also use the annual reports of registered religious or belief organisations to ensure that organisations conduct activities within the confines of the charter they submit during registration.

For example, in Vietnam, a religious or belief organisation the government deems to be acting in violation of its charter may be deregistered and declared illegal (Office of International Religious Freedom, 2022). However, violating a charter can become inevitable, especially when governments have broad interpretations of what constitutes a violation. The case of Y Pum Bya, a Vietnamese citizen and religious prisoner of conscience, is relevant here in demonstrating how the Vietnamese government applies its registration laws stringently. On 28th February 2002, the Vietnamese authorities arrested Bya for allowing religious services to take place at his unregistered house church despite having requested state authorisation (USCIRF, 2024). After ten months of detainment, the authorities sentenced Bya to eight years in prison and four years of probation for 'undermining national unity policy.' After serving his sentence, Bya was released and completed his probation. However, on 10th April 2018, the authorities arrested him again in connection with his leadership position in the unregistered Protestant group Gospel Missionary Church (Tom Lantos Human Rights Commission, 2024). The Vietnamese authorities had previously

threatened Bya with arrest over his involvement in the unregistered church. For example, in March 2017, Bya requested permission to register his religious activities with the authorities in the Ea Drong Commune of Dak Lak province (USCIRF, 2024). However, the authorities rejected Bya's request and local police threatened him with arrest and imprisonment if he continued to operate his church. A year later, during his April 2018 arrest, intelligence gathered by USCIRF states that Bya was tortured during his interrogation over his unregistered religious activity and forced to sign commitments to revoke his membership in the unregistered church (Shaheed, 2018, p2). On 31st January 2019, Bya was sentenced to fourteen years in prison and an additional four years of probation under the same charge of 'undermining national unity policy' and is currently serving his sentence at Gia Trung Prison (Campaign to Abolish Torture in Vietnam, 2023). Y Pum Bya's case is an example of unregistered religious activity used by a government to justify multiple arbitrary arrests, prolonged detainment, imprisonment and torture despite Bya's attempts to comply with registration laws by submitting requests to register his house church. Bya's case exposes how the Vietnamese government uses registration to control religious activity and filter out religious groups instead of offering legal protection to religious communities.

Another issue is the significant task of religious or belief organisations to avoid deregistration, leading to several ECtHR cases, including 'Magyarországi Evangéliumi Testvérközösség v Hungary' (2017). In countries where registration is mandatory, deregistration is a serious issue because it equates to criminalising membership in or otherwise operating deregistered organisations, sometimes extending to prohibiting a religion or denomination entirely. For example, the Vietnamese government recognises sixteen religious traditions[59] and thirty-six religious organisations that must identify with one of the recognised traditions to operate legally (Office of International Religious Freedom, 2023). Some smaller

[59] The sixteen 'religious traditions' the government recognises include Buddhism, Islam, the Bahá'í Faith, Catholicism, Protestantism, Hoa Hao Buddhism, Cao Dai, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Cham Brahmanism, Hieu Nghia Ta Lon Buddhism, and the Seventh-day Adventist Church.

religious groups are prohibited nationwide, like the Unified Buddhist Church of Vietnam banned in 1981 (Abuza, 2001, p183-210). The Vietnamese government has also targeted members of the Degar Protestant Church for their unregistered religious activity (Human Rights Watch, 2015). An example is the religious prisoner of conscience Y Tup Knul. The Vietnamese authorities arrested Knul for his membership in the unregistered Degar Protestant Church on 6th October 2020, under charges of 'activities against the People's government' (USCIRF, 2024). A similar case of the Vietnamese government targeting members of an unregistered church is A Tach, who the authorities arrested in 2012 for his membership in the unregistered Ha Mon Catholic Church after the government accused Ha Mon Catholics of using religion as a cover for separatist activities (Campaign to Abolish Torture in Vietnam, 2022). In May 2013, a judge sentenced Tach to eleven years in prison, with an additional three to five years probation for 'undermining national unity policy' (USCIRF, 2024).

The task facing religious or belief organisations in navigating the postregistration stage involves self-censoring by ensuring that none of their activities or publications could possibly be deemed incompatible with state regulations. During his interview, Finke pointed out a further example of how state recognition can intersect with registration to make issues worse: 'Privileged religions have sometimes been found to work against minority communities to stall any growth in their acceptance in society to avoid compromising their own privileged status.' Finke also highlighted how religious or belief organisations professing a minority religion must be 'continuously aware of the attitudes and policies of the privileged religion.' The Category Two participant, the Presbyterian Christian living in India, made a similar point: 'The religion of the majority always becomes the state's religion.'

Equally concerning is how reregistration orders are used as an attempt to justify deregistration. Despite a religious or belief organisation having likely overcome some significant hurdles to achieve registered status, some governments make this status temporary and subject groups to annual, biennial or triennial reregistration, as is the case in Sierra Leone, where religious groups must renew their registration annually

(Office of International Religious Freedom, 2023). Concerns for FoRB are likely to arise whenever states request excessive information, impose further fees or expect groups to endure onerous procedures to remain registered. Reregistration policies give registered status a time limit, forcing organisations to undergo administrative procedures again to reattain it. The issue of states showing preference for certain religions reappears here as privileged communities are likely to be exempt from having to reregister or treated less strictly during reregistration. However, most concerning are 'mass reregistration orders' whereby a government or occupying force issues an abrupt mandatory order that all organisations must reregister by a certain date to maintain their legal status, with only privileged religions exempted. For example, Russian occupying forces enforced a reregistration order in Crimea in 2014 and more recently in Ukraine's Donbas region (Corley, 2015; Corley & Kinahan, 2022). Both reregistration orders resulted in many religious or belief organisations being deregistered and made illegal, putting their members in danger of deportation, long-term detention or imprisonment. However, the reason Russia instituted the mandatory reregistration orders is not limited to the ongoing dispute between the Russian Orthodox and Ukrainian Orthodox churches over the ecclesiastical supremacy of the Moscow Patriarchate. The Russian government targeted non-Orthodox communities with no connection to the dispute (Corley, 2018). The groups in Crimea burdened in 2014 with reregistration on the threat of being deregistered included 410 Islamic, 283 Protestant, 22 Catholic, 13 Jewish and 79 other religious organisations alongside 602 Orthodox communities (Corley, 2014). The possibility of legal standing has been removed entirely for some religious groups under reregistration policies sometimes corresponding with their legal status inside Russia. For example, in 2018, Baptist, Seventh-day Adventist and Pentecostal organisations were denied reregistration in the Luhansk People's Republic, with Jehovah's Witnesses also banned there, imitating Russia's 2017 ban (Coynash, 2018).

Other governments besides Russia have imposed mass reregistration orders, with a similar effect of restricting religious activity. For example, in the 2011 Law on

Religious Associations and Religious Activity, the government of Kazakhstan ordered the reregistration of all religious associations, reducing the number of legal religious groups by over a thousand (Apakhayev, 2019, p122). Reregistration was used in this case to remove the legal status of organisations affiliated with religions the Kazakh government does not recognise or otherwise does not view as belonging to one of the country's 'traditional' religions (Office of International Religious Freedom, 2023). Mass reregistration orders with the same detrimental impact on conditions of FoRB have been imposed in a variety of authoritarian and semi-authoritarian states, including Algeria in 2012 (Office of International Religious Freedom, 2023), Azerbaijan in 2009 (Wilson, 2020, p177-198), Bolivia in 2017 (Office of International Religious Freedom, 2022), and the breakaway state of Transnistria in 2010 (Office of International Religious Freedom, 2023).

During their interview, the Taiwanese Lutheran Christian participant mentioned their related worry over states exporting their worst practices, namely, one country influencing the laws and practices of other nearby weaker countries or disputed territories (Šorytė, 2023, p12-25). The participant referenced China's encroachment on territories in the South China Sea region, especially Hong Kong. They also described the threat of China exporting its strict religious policies to Taiwan, including its stringent registration laws and its narrow definition of 'normal religious activity.' The Jehovah's Witness participant raised the same concern: 'The Witnesses had been registered in Crimea, but by 2017, the ban on the Witnesses in Russia also applied to annexed Crimea.' The same policy applies in the breakaway states of Abkhazia, South Ossetia and Transnistria, where Jehovah's Witnesses are either banned or denied registration to render their organisations inoperative as a way of the secessionist governments in these territories to show their loyalty to the Kremlin.

Having surveyed the range of issues emerging in the three stages of registration, the impact these issues have on conditions of FoRB is now much clearer. Many states that use registration in ways that violate FoRB have signed and ratified the ICCPR, meaning they have legally binding commitments to upholding human rights. It is a

concern to the international community if states break their commitments. While states have a legitimate concern in protecting national security, preventing criminal and fraudulent activity and reducing religious extremism and radicalisation, the evidence presented in this thesis shows that how states use registration often violates these margins of appreciation. Conversely, my research has shown that registration has a legitimate regulatory function that can positively impact religious communities by granting legal personality and financial benefits. Given the positives and negatives of registration, I introduced in this section the SRR-2 to define with greater precision the FoRB-compliance of various registration policies. Also introducing the SRV in this section complements the SRR-1 and SRR-2 by adding further context to both spectra and clarifying how different grades of human rights violations result from how states apply recognition and registration. Finally, by analysing the registration process using my method of splitting it into three stages, I have highlighted key issues, demonstrating that registration can significantly impact conditions of FoRB, especially whenever it intersects with state recognition.

Section 3.2 – Case studies of registration systems

For my case studies on registration systems, I have chosen to focus on an authoritarian state (China), a semi-authoritarian state (Ethiopia) and a democratic state (Austria) to show the variance between how registration policy is devised and enforced under different types of governments and in diverse cultural settings. These case studies will include the historical and political background of the registration laws and practices of the three countries. I intend to reiterate how registration issues can cause minor to grave human rights violations, justifying the classifications of China, Ethiopia and Austria in the SRR-1 and SRR-2. These case studies will also show how the SRR-1 works by considering various factors to determine the severity of conditions of recognition and registration and their impacts on conditions of FoRB. The case studies will demonstrate how the SRR-2 works by identifying the type of registration policy the state follows and classifying it as either 'optional', 'mandatory' or 'non-registration.'

Subsection 3.2.1 – China case study

As of 2024, I classify China as 'Terminal' in the SRR-1, with its registration policy a combination of 'broad mandatory' in the 'mandatory' category and 'exclusionary registration' in the 'non-registration' category of the SRR-2. The Constitution of the People's Republic of China asserts, under the leadership of the Chinese Communist Party (CCP), that citizens 'enjoy freedom of religious belief' but limits protections for religious practice to 'normal religious activity' without defining 'normal' (Ying, 2006, p347-373). The series of sociopolitical events in China since 1927[60], leading to the

[60] Before 1927, the Qing dynasty that ruled between 1644 and 1912 officially promoted Confucianism while its successor, the Republic of China (1912–1949) was a secular state.

1949 communist takeover, have drastically impacted conditions of FoRB in the country, with recognition and registration playing a crucial role in how the communist regime handles the controversial matter of religion in an atheist state (Yang, 2012, p45-84). Communist leaders quickly got to work at sowing the seeds of negative sentiment about religiosity, accusing religion of being linked to 'foreign cultural imperialism', 'feudalism' and 'superstition' (Leung, 2005, p894-913). Justifying itself through these narratives, the CCP spent much of the 1950s forcibly closing or seizing temples, churches and mosques for secular use and setting up the State Religious Affairs Bureau responsible for managing the 'patriotic religious association' framework that the Chinese government devised to recognise religions compatible with Chinese socialism (Morrison, 1984, p244-255).

However, Mao Zedong's Cultural Revolution from 1966 to 1976 made conditions for FoRB in China far worse. Mao's political campaign was hostile to religion, associating it with the 'Four Olds': 'old things, old ideas, old customs and old habits' (Ho, 2006, p64-95). As a result, Mao launched a nationwide ban on religious activity throughout China in 1966, with religious leaders violently persecuted in the aftermath (Lamb, 2014). Underground churches began developing in China as religious adherents could now only practise their faith in secrecy. The nationwide ban on religion meant that there were no recognised believers of any religion in China which remained the case until the death of Mao Zedong in 1976, ending the Cultural Revolution (Goldman, 1986, p146-156). The ascendence of Deng Xiaoping as the CCP's next vice chairman saw the removal of the Mao-era ban on religion. With a new constitution adopted in 1982, the 'normal religious activity' paradigm was established, whereby only a handful of religions would receive recognition in China on the condition that they are state-controlled (Pew Research Center, 2023). Lifting the ban on religion saw religiosity accelerate, with a Pew Forum study estimating in 2010 that China has over 600 million religious people compared to just 100 million in 1996 (Pew Research Center, 2012).

However, the explosive growth in religion brought with it a new wave of persecution beginning in the 1990s under the leadership of Jiang Zemin, who launched the CCP's violent campaign against Falun Gong practitioners and other unrecognised religious communities (Madsen, 2010, p58-71). In 1999, the Chinese government called for the 'education of Marxist materialism and atheism' to counter the teachings of Falun Gong and that anyone caught practising publicly or disseminating Falun Gong literature would be imprisoned (Casil, 2004, p225-230). The government misrecognised Falun Gong as a subversive 'evil cult' and a 'vehicle for anti-China forces' in an attempt to justify the violent elimination of Falun Gong practitioners (Lin, 2022, p501-525). Under the Zemin administration (1989–2002), violent repression of Tibetan Buddhists also rose, as did the persecution of Christian communities, including the government's use of registration laws to restrict and criminalise unregistered religious activity (Cipollone, 2021). For example, in 1994, Huang Fangxin, a Christian, was arrested and labelled a 'ringleader of an illegal religious organisation' for engaging in unregistered religious activity and sentenced to three years in a reform-through-labour camp for 'disturbing the social order and normal religious life' (Human Rights Watch, 1995, p13-15). The case of Huang highlights the restrictive functions of recognition and registration. First is the role recognition plays in establishing normativity on religious observance, followed by the state's use of registration in violently enforcing the state-prescribed norm by framing unregistered religious activity as a crime, a hallmark of a state classified 'Terminal' in the SRR-1. For example, between November and December 2000, the Chinese authorities destroyed, closed or seized 400 unregistered Protestant and Catholic churches in Zhejiang province alone (Christian Solidarity Worldwide, 2000). This aggressive campaign coincided with the arrests of 130 members of an underground Protestant church called China for Christ Church in Henan province, including its founder Zhang Rongliang who the authorities sentenced to two years in a forced labour camp for leading what the government labelled a 'cult' because Zhang refused

to register his church (USCIRF, 2012, p12). China is a ‘Terminal’ country in the SRR-1 because of its regular use of violence to enforce its registration laws.

The later administration of Hu Jintao saw the focus of the CCP’s anti-religious campaign target places of worship and sacred sites through widespread demolition, the repurposing of buildings and land redevelopment (Laliberté, 2020, p21-37). The Hu administration (2002–2012) also focused much of its anti-religious campaign against Tibetan Buddhists by using state recognition and registration to tightly control religious activity across the western hinterlands of Gansu, Inner Mongolia, Qinghai, Tibet and Xinjiang (Harris, 2011, p173-191). For example, in July 2007, the State Religious Affairs Bureau issued Order No. 5 requiring religious institutions in Tibet to apply for permission to operate legally to keep within the confines of what Beijing considers ‘normal religious activity’ (International Campaign for Tibet, 2007). The use of registration to restrict the activities of the Tibetan Buddhists, along with increased violence sanctioned or perpetrated by state officials, led to the 2008 Tibetan unrest. This period saw street demonstrations and self-immolations performed by monks protesting the way the CCP was treating Tibetans (Topgyal, 2011, p183-203). The CCP launched a swift crackdown on the dissent, with an example being the March 2008 mass arrest of 280 monks at the Tibetan Buddhist Labrang Monastery in Gansu province who were later tortured during custody (Tibet Watch, 2016, p18). The CCP actively mischaracterised the Tibetan Buddhist monks as treasonous and seditious for continuing to follow the Dalai Lama, with state officials forcibly closing any temples or monasteries in Tibet not registered with the state.

Under the current President Xi Jinping, who became the leader of China in 2012, state-led campaigns against religious communities have intensified, leading to more grave human rights violations. The anti-religious campaigns have expanded under Xi and now impact several minority communities, with state misuse of recognition and registration widespread, justifying China’s classification in the SRR-1 as ‘Terminal’ (Rusnandi, 2022, p81-94). For example, the Uighur Muslim community in the westernmost province of Xinjiang has faced mass surveillance, strict registration

laws, state misrecognition of Uighur Islamic identity as 'extremist', re-eduction programmes and the forced internment in re-education and labour camps of one million Uighurs, with reports of forced abortions and sterilisations, rape and torture by soldiers (Ramachandran, 2023, p1-72). The level of orchestration demonstrated by the Chinese government in pursuing what it calls the 'people's war on terror'[61] and the degree of violence perpetrated by state officials led the UN Human Rights Office in 2022 to declare China's policies and actions as 'serious human rights violations.' Some national parliaments have characterised the Chinese government's persecution of Uighurs and other Muslim minorities as genocide, including the House of Commons of the UK and the U.S. Congress (Stern, 2021, p1-33). The events leading to the Uighur genocide, along with new regulations introduced in February 2024 specifically applying to Xinjiang, reveal the role recognition and registration can play in enabling grave human rights violations (Human Rights Watch, 2024).

The Xi administration (2012–present) introduced new components to the policies of the CCP on religion that have since had detrimental impacts on conditions of FoRB, with recognition and registration at the forefront of policy (Cook, 2017). For example, in 2016, President Xi called for the 'Sinicisation of religion' in a monumental speech that acknowledged the growth in religion among the Chinese. However, Xi stressed the importance of 'guiding the adaptation of religions to socialist society' (Vermander, 2019, p137-160). By redefining the norms of religious activity, Xi's 'Sinicisation of religion' policy clarified the 'normal religious activity' paradigm that had dominated religious policy in China since Mao's death. Under the new policy, all religious or belief organisations must actively embrace Chinese socialism, accept the leadership of the CCP and have the outward expression of religious belief conform to the characteristics of traditional Chinese culture (Subhash, 2022, p69-101). Examples of how the state enforces this policy include when the authorities removed over 1,200 Christian crosses from the steeples of churches in

[61] A similar campaign is Russia's 'spiritual security law' that imposes charges of extremism and cult activity against any unapproved religious organisation. The Russian government has posited its supposed war on terror as justification for increased restrictions (Morton, 2020; Payne, 2010, p712-727).

Zhejiang province in 2013, demolished a Catholic church in Shanxi province in 2017 and demolished another church in Jiangsu province in 2020 (Clark, 2020, p157-243).

The CCP has since increased its use of registration laws to implement Xi's Sinicisation policy by imposing regulations over the past six years that have given registration a key role in restricting religious activity. The new laws include the 2018 Regulations on Religious Affairs, the 2021 Measures for the Administration of Religious Personnel, the 2022 Measures Governing Internet Religious Services and the 2023 Administrative Measures for Religious Activity Venues (Chen & Lavicka, 2023, p259-274). The Sinicisation policy has also increased the CCP's mischaracterisation of various religions as either 'dangerous' which is the higher warning or a lower warning of 'be on guard against' (Barker, 2019, p125). The authorities published the most recent designations in 2017, with twenty religious organisations listed: eleven were recognised as 'dangerous', including Falun Gong, The Church of Almighty God, True Buddha School and All Ranges Church and another nine were recognised as 'be on guard against', including Yuandunfamen, Three Grades of Servants and The Discipline Society (Irons, 2018, p33-57). Under the Xi administration, misrecognition reaffirms the religious norm that the authorities use registration to enforce through onerous regulations, capturing how recognition and registration are applied in tandem to significantly impact conditions of FoRB (Lee & O'Brien, 2021, p902-914).

I will apply my approach of deconstructing the registration process into three stages to understand the issues arising at each stage in the case of China. When looking at the preregistration stage of procedures for religious or belief organisations to register in China, state recognition and registration are closely intertwined (Office of International Religious Freedom, 2023). What religions the government chooses to recognise holds a significant bearing on what religious or belief organisations can access registration which is crucial to the survival of any religious group given that registration is a mandatory requirement under Chinese law. The Chinese government recognises Buddhism, Catholicism, Islam, Protestantism and Taoism as official

religions. Having said this, state officials only permit religious groups belonging to one of the five state-sanctioned 'patriotic religious associations' representing each recognised religion to register and hold worship services legally (Chan, 2005, p87-119). The 'patriotic religious associations' are the Buddhist Association of China (1953), the Chinese Catholic Patriotic Association (1957), the Islamic Association of China (1953), the Three-Self Patriotic Movement (1954) and the Chinese Taoist Association (1957). Any religions that are either unrecognised or do not belong to one of the five 'patriotic religious associations' are forced to conduct their activities covertly, with fines and imprisonment often imposed against those caught participating in unregistered religious activity (Koesel, 2014, 131-155).

Barring religious or belief organisations from registration precludes legal protection for their members and from conducting several activities fundamental to religious practice, positioning registration as a gatekeeper (Feuchtwang, 2016, p141-170). The United Front Work Department (UFWD), which is directly responsible to the CCP and oversees the State Administration of Religious Affairs (SARA), handles registration applications for religious or belief organisations and manages the five state-sanctioned 'patriotic religious associations' (Office of International Religious Freedom, 2023). Since the law in China mandates that religious groups must register but does not provide a mechanism for the registration of religious or belief organisations independent of the five official 'patriotic religious associations', the Chinese system adopts a mixed policy of 'broad mandatory' registration for organisations affiliating with one of the five religions recognised in Chinese law and 'exclusionary registration' for religious or belief organisations identifying with any other religion or belief. Hence, China fits into two categories of the SRR-2, namely, the 'mandatory' and 'non-registration' categories, given how different policies apply depending on the religion or denomination applicant groups affiliate with.

The Chinese system is evidence of a state's use of recognition to inhibit access to registration and to legally perform all religious activities protected by international

covenants like the ICCPR[62] (Sun, 2007, p17-42). However, gaining registration in China does not equate to free and legal religious practice, further justifying its classification as 'Terminal' in the SRR-1. For example, the Administrative Measures for Religious Groups introduced in 2020 regulate almost every aspect of a religious or belief organisation's activities, including its structure, the functions and roles of leaders, offices, supervision, charitable projects and financial administration at national and local levels (Wei, 2022, p143-185). Democracies contrast with authoritarian states by giving registered religious or belief organisations more autonomy in managing their internal affairs (Minnerath, 2004, p291-319). The difference in the meaning of registration between states is reflected in how Chinese registration law demands that religious groups attempting to register must make three declarations: (1) to support the leadership of the CCP; (2) to adhere to the policy of the Sinicisation of religion; and (3) to implement the values of socialism (Office of International Religious Freedom, 2023). These conditions placed on accessing registration indicate the CCP's instrumentalisation of religion and registration to achieve its political aims. Beyond various concerns with the conditions of registration and the limits placed on access to it, religious groups must provide excessive information to the authorities.

To register, religious or belief organisations must submit copious amounts of information on their organisation's historical background, members, doctrines, publications and details about their government sponsor that must be one of the five state-sanctioned 'patriotic religious associations' (Office of International Religious Freedom, 2023). Religious or belief organisations that choose to remain unregistered must not arrange worship services without requesting permission from the local authorities for each session they plan to host. The account of the religious prisoner of conscience Fu Juan is an example of the repercussions of remaining unregistered and how the Chinese authorities use registration laws to exert control over religious activity to a level that deserves 'Terminal' classification in the SRR-1. Fu, a Protestant

[62] China signed the ICCPR in 1998 but has not ratified its signature, meaning it is not legally bound to the Covenant.

Christian, was arrested by police in Xi'an, Shaanxi province, on 17th August 2022, for operating an unregistered house church called the Church of Abundance (USCIRF, 2024). The state authorities accused Fu of 'endangering national security' and although she was released not long afterwards, she remained under residential surveillance by authorities for six months and, according to intelligence gathered by USCIRF, was tortured by Chinese state officials during this period (USCIRF, 2024). In February 2023, the Chinese authorities transferred Fu to a detention centre and, a month later, criminally arrested her for 'fraud.' Fu's fellow pastors at the unregistered Church of Abundance, Lian Changnian and Liam Xuliang, were arrested alongside her in 2022 and received similar mistreatment (Bandow, 2024).

Other cases of maltreatment perpetrated by the Chinese authorities include the forced disappearances of those who engage in unregistered religious activity, with the account of religious prisoner of conscience Liu Honggeng a specific example. Liu is a Catholic priest who previously served in an underground church in Baoding, Hebei province, not registered with the Chinese Catholic Patriotic Association (USCIRF, 2024). On 7th May 2015, the Chinese state authorities detained Liu to 'prevent pilgrimages to his church' but his whereabouts remain unknown (Shea, 2019, p40). USCIRF believes Liu to be imprisoned for his role as a leader of an unregistered religious organisation and for practising Catholicism without state approval (USCIRF, 2024). Another case involves Geng Zejun, who the authorities detained on 5th December 2021 for serving as the pastor of the unregistered Church of the Rock following a raid on a church service (USCIRF, 2024). Although released after fifteen days, the police summoned Geng for questioning in early January 2022 and detained him for what the authorities called 'organising illegal religious gatherings' and was sentenced in August 2022 to one year and three months in prison for refusing to have his church join the state-regulated Three-Self Patriotic Movement (USCIRF, 2024; Vishnevskaya, 2022, p35). The severe rights violations and lack of due process in the accounts of Fu, Liu and Geng for unregistered religious activity justify my

classification of China as ‘Terminal’ in the SRR-1 because the authorities use violent force to uphold the ‘broad mandatory’ registration policy I identified using the SRR-2.

Since Chinese national regulations allow each provincial administration to issue regulations concerning religious affairs, the issue of localisation appears in the Chinese system. Local or provincial authorities use their discretion on occasion to permit the followers of unregistered religious organisations to carry out religious practices (Office of International Religious Freedom, 2023). However, there are two concerns regarding FoRB. Firstly, this practice makes unregistered religious groups highly dependent on the whim of local state officials, leaving members of those groups without protection and subject to retributions if their registration is denied (Temperman, 2011, p425-441). Secondly, it means that from province to province in China, regulations on religious activity can be very different and without sufficient knowledge of these differences, religious groups can and have unknowingly come under scrutiny from the authorities for not adhering to local regulations (Shumakova & Titova, 2023, p38-51). Similar is how registration is localised in other countries qualifying as ‘Terminal’ in the SRR-1, like Uzbekistan, where religious groups must reregister in each province to operate legally (Clark & Vovk, 2020, p35-48). Thus, localisation increases the onerousness of registration. Authoritarian states like China use this policy as an attempt to justify the prosecution of religious leaders who do not adhere to the complex national laws on religious activity that are interpreted and implemented differently from province to province.

On postregistration issues in the Chinese system, concerning is the requirement for religious or belief organisations to undergo reregistration with the government if groups make any changes to the information they provided during initial registration (Office of International Religious Freedom, 2023). The registered status of a religious or belief organisation is, therefore, constantly at risk of being revoked when considering how regularly the information within organisations changes. In addition to undermining autonomy, state officials supervise registered religious or belief organisations on how they train their leaders, build places of worship, publish

literature and provide social services like pastoral care to local communities (Fenggang, 2012, p8-26). These regulations on registered groups demonstrate that gaining registration equates to gaining permission to exist in China but not the right to operate freely, another hallmark of a country warranting 'Terminal' classification in the SRR-1. By contrast, in democratic states classified in the SRR-1 as 'Receptive', the purpose of registration is to obtain personality in law and receive financial benefits (Masláková & Satorová, 2019, p446-463). A further concern is how Chinese law avoids defining keywords it uses like 'proselytising', 'extremism' and 'normal' in the phrase 'normal religious activity', thereby giving the government significant leeway to apply regulations to exclude religious groups it does not favour (Asia Watch Committee U.S., 1993, p35-36). Chinese law indicates that the rights of members of any group that falls outside the 'normal' paradigm of religion—including all unrecognised religions and unregistered congregations—lack protection under the constitution, another indicator of 'Terminal' classification in the SRR-1.

Facing the full force of the CCP's restrictions are the religious or belief organisations designated 'cults' by the government, including the Children of God, The Church of Almighty God, Falun Gong, Jehovah's Witnesses, the Unification Church, among others (Zhu, 2010, p471-501). Receiving this negative recognition leads members of these communities to face severe retributions due to the inability of their organisations to become legal through registration. One example is the account of Wang Ruiling, a member of The Church of Almighty God (also known as Eastern Lightning), an NRM that incorporates some Christian beliefs (USCIRF, 2024). Police officers detained Wang on 31st August 2017 for distributing religious pamphlets for what the government has designated an illegal and unregistered 'cult' and the police seized cash, religious materials and electronics containing religious content from Wang's home. According to intelligence gathered by USCIRF, the Chinese authorities tortured Wang while detained (USCIRF, 2024). On 23rd April 2019, the Gulou District People's Court of Xuzhou sentenced Wang to seven years in prison, with a fine of 20,000 yuan ($2,814) for 'organising or using a cult to undermine

implementation of the law.' The Chinese authorities sent Wang to Nantong Women's Prison in Jiangsu province, where she is currently serving her sentence.

A similar case of how the misuse of registration and the designation 'cult' has resulted in severe human rights violations is the religious prisoner of conscience Pan Feng (USCIRF, 2024). Pan is a Falun Gong practitioner who the Chinese authorities arrested and detained in April 2018 for handing out Falun Gong materials on the street. On an unspecified date, a judge sentenced Pan to seven years in prison, a term he is currently serving in Suzhou Prison, with reports of him facing torture (USCIRF, 2024). These examples of specific cases of religious prisoners of conscience belonging to unregistered and unrecognised religious organisations show how recognition and registration are used in tandem by the Chinese government to marginalise, vilify and criminalise NRMs. The use of recognition and registration leading to severe human rights violations is a clear justification for the classification of China as 'Terminal' in the SRR-1 and its registration policy as belonging to the 'mandatory' and 'non-registration' categories of the SRR-2.

In September 2023, the Chinese government reinforced its control over the organisational structure and personnel of registered religious organisations by SARA issuing the Administrative Measures for Religious Activity Venues (Chen & Lavicka, 2023, p259-274). The new regulations on 'establishment approval and registration' found in the second chapter of the document consist of sixteen articles and twenty subclauses that detail significant intrusions into the private religious practices of citizens by insisting, for example, that religious communities identify all of their members and leaders (Arya, 2023). The regulations also place nominal restrictions on religious groups by stating that religious buildings 'shall not be named after churches, sects or persons', despite the common practice in Buddhism and Roman Catholicism of naming monasteries and churches after sages and saints (Tao, 2017, p263-277). The CCP aims to ensure religious groups adhere to Chinese socialism by mandating that 'places of religious activity establish a study system and regularly organise the personnel of the place to study the guidelines and policies of the CCP, national laws

and regulations, Chinese excellent traditional culture, religious knowledge, and so on' (OpenDoors, 2023). The CCP's use of registration to advance its policy of the Sinicisation of religion appears most poignantly in how the new regulations mandate that during registration, state officials will inspect 'places of religious activity' to ensure they 'reflect a Chinese style and integrate Chinese culture in the architecture, sculpture, painting, decoration and other visual aspects' (Ji & Xuan, 2024, p78-101). The new law retroactively justifies the CCP's demolition and repurposing of religious buildings and monuments, including Nangang Church in Zhejiang province in 2023 (Lee, 2023), Shadian Grand Mosque in Yunnan province in 2023 (Andringa, 2023) and a thirty-metre high Buddha statue in Sichuan province in 2021 (Gurung, 2021). Applying the SRR-1 and SRR-2 to China makes a definitive statement about how the country's recognition and registration policies and practices directly impact conditions of FoRB. This highlights the primary function of the SRR-1 and SRR-2 in establishing a clear connection between how recognition and registration shape the overall conditions of FoRB in any given country.

Subsection 3.2.2 – Ethiopia case study

As of 2024, I classify Ethiopia as 'Censorious' using the SRR-1 and its registration policy as 'broad mandatory' in the 'mandatory' category of the SRR-2, designations that I will explain during this case study. The Constitution of Ethiopia establishes the country as a secular federal republic, with an explicit claim to FoRB that the government is obliged to uphold in both policy and practice, including its international commitment to the ICCPR that Ethiopia ratified in 1993 (Mengist, 2020, p36-41). According to democracy and electoral monitoring organisations, Ethiopia is undergoing a transition from a semi-authoritarian system of government to an authoritarian one due to the ongoing internal conflict, despite Prime Minister Abiy Ahmed's pledge to reform Ethiopia's regime with elections and liberalisation policies (Ngcayisa, 2021, p93-118). The government tends to privilege the Ethiopian

Orthodox Tewahedo Church (EOTC), whose members comprise 43.8% of the population and was disestablished in 1974, and the Ethiopian Islamic Affairs Supreme Council (EIASC), comprising 31.3% of the population (Steen-Johnsen, 2017, p57-74). Religious minorities in Ethiopia include P'ent'ay (also called the Ethiopian–Eritrean Evangelical Church) (22.8%), Traditional African religion (0.6%) and smaller populations of Roman Catholics, Bahá'ís and Jewish people. As a result of the ongoing deterioration of Ethiopia's political stability, Freedom House scored the country just one out of four regarding the government's respect for FoRB in its 2024 *Freedom in the World* report, putting Ethiopia on par with other authoritarian states (Freedom House, 2024).

Conditions for FoRB and other human rights deteriorated in January 2023 when members of the EOTC residing in the Oromia region formed a sixty-six-member breakaway synod led by Archbishop Abune Sawiros (Heliso, 2023). Lethal clashes between rival communities within the EOTC erupted soon thereafter, forcing the government to deploy security forces to tackle the conflict. The government quickly restricted access to social media platforms on which discussions about the breakaway synod were apparently inflaming the violence (EPO Weekly, 2023). Although the breakaway synod reconciled with the main body of the EOTC in mid-February 2023, the government did not restore access to Facebook, Telegram and TikTok for its citizens until July 2023 (Ndubuokwu, 2023). In August 2023, the state authorities detained seven bishops from the breakaway synod that refused to support the reconciliation (SouthWorld, 2023). The government's swift response to the temporary schism using authoritarian tactics including violent force, detentions and curtailing freedom of speech online raised questions among the public about the separation of church and state in Ethiopia as the government's actions revealed its preference for maintaining the EOTC, likely to avoid further instability for the regime. These recent events provide evidence of the limits placed on FoRB in Ethiopia since the breakaway synod was forcibly disbanded by the government, with the bishops who refused to accept reconciliation detained and silenced. Ethiopia's national and international

commitments to FoRB include the right to establish and organise a religious organisation, even if this involves breaking away from an existing denomination. My classification of Ethiopia as 'Censorious' using the SRR-1 is justified due to the government's intermittent use of violent force to maintain the EOTC and its suppression of dissenting groups.

This most recent deterioration of conditions of FoRB in Ethiopia came after decades of stagnation on religious issues due to local conflicts and violence erupting along religious lines between the majority Christian community and the significant minority Muslim community (Feyissa, 2013, p25-46; Østebø, 2023, p721-744). Discrimination and state-led persecution against Ethiopian Muslims have been widespread since the formation of modern Ethiopia, particularly during the reign of Haile Selassie from 1930 to 1974 (Hussein, 2005, p49-80). After Selassie was deposed, the country came under the rule of a Marxist–Leninist military dictatorship called the Derg, or officially the Provisional Military Administrative Council, which instituted a nationwide policy of state atheism (Haustein, 2023, p465-493). The socialist revolution saw evangelical Protestant Christianity mischaracterised by the government as a pro-Western, imperialist and anti-revolutionary denomination. In comparison, the Muslim minority faired better during this era and did not feel the full force of the communist government's persecution of other religious communities (Eshete, 2009, p37-65). Although the EOTC lost the privileges it enjoyed before the Marxist coup when it was the state denomination[63], it weathered the atheistic government better than other Christian denominations as the Derg leaned on the EOTC to spread its communist ideology and control the rural population (Barata, 2019, p107-137). For example, during Marxist rule, the EOTC launched a series of seminars about the compatibility between the principles of socialism and those found in the Bible. However, practitioners of traditional African religion suffered the most during the communist era, with the Derg executing many prominent Alamos (i.e. spirit mediums) and burning down their houses. Meanwhile, the government forced the

[63] The EOTC enjoyed official status in Ethiopia from 1270 to 1974, with one brief interval between 1622 and 1632 when Roman Catholicism was established.

Manǧo peoples to abandon their Indigenous beliefs and convert to the EOTC because the government could instrumentalise the EOTC easier than traditional spiritual leaders scattered across the country, with no central authority (Barata, 2019, p107-137; Haustein & Østebø, 2011, p755-772).

When the Marxist-Leninist regime collapsed in 1991, Ethiopia emerged as a multiethnic, multi-religious state ravaged by years of communist rule and colonial occupation before that by fascist Italy from 1935 to 1941 (Abbink, 2011, p253-274; Pankhurst, 1999, p83-140). With the founding of modern Ethiopia came a new constitution guaranteeing FoRB and other fundamental human rights for citizens. However, backsliding on calls for democratic reforms and unresolved interethnic and inter-religious clashes have since undermined FoRB (Teferi, 2012, p62-69). For example, in March 2011, fifty-five churches were torched by Muslims after a dispute in the Jimma Zone of the Oromia region (Abbink, 2014, p346-365). More recently, in December 2019, several mosques and Muslim-owned businesses were attacked in the Christian-dominated Amhara region (Østebø et al., 2021, p5). Likely in response to the prolonged civil unrest along religious lines and militia violence against religious communities, the Ethiopian government has increasingly turned to authoritarian tactics, including mandatory registration, to exert greater control over religious activity, correlating with deteriorating political stability in the country (Ethiopian Human Rights Commission, 2023). For example, Amnesty International recently expressed its concern over the government's use of the pretext of a state of emergency to limit fundamental civil rights, including freedom of association (Amnesty International, 2024; Salemot, 2021, p175-194). Registration laws governing religious organisations now play a crucial role in how the Ethiopian government monitors religious activity. The government's harsh reaction to the recent schism within the EOTC revealed its attempt to co-opt the EOTC for political purposes in a similar way to the former Soviet-backed regime (Liyew, 2024).

In present-day Ethiopia, the government institutes a mandatory registration order on all religious or belief organisations to conduct activities legally, placing Ethiopia

into the ‘mandatory’ category of the SRR-2 as it enforces a ‘broad mandatory’ policy (Office of International Religious Freedom, 2023). The government’s policy undermines Ethiopia’s commitment to the ICCPR, including the freedom to practise a religion in community with others as a universal human right that necessitates having a place of worship and should not be subject to the precondition of registration (Villaroman, 2014, p276-310). Registration confers legal entity status on religious or belief organisations and is overseen by the Directorate of Faith and Religious Affairs within the Ministry of Peace. To become eligible for registration, religious or belief organisations must either prove they have at least fifty citizen members to register under the religious designation ‘religious entity’ or fifteen members to register under the secular designation ‘association.’ However, according to the law, the rights and privileges are the same for each category, demonstrating little practical difference between religious and secular organisations beyond the superficial nominal categories (Office of International Religious Freedom, 2023). Instituting membership quotas to restrict access to registration is a widespread practice, with fifty-two countries and territories imposing such quotas as of 2023 (Office of International Religious Freedom, 2023). Likely concerning to those monitoring conditions of FoRB is that membership quotas limit access to registration in ways that disproportionately impact NRMs and minorities that tend to have fewer members. During her interview, Susan Kerr challenged this form of discrimination: ‘All religions at some point have been new and I think there is a tendency to forget that what is often referred to as a traditional religion was not always a traditional or established religion.’

If a religious or belief organisation qualifies for registration, it must submit to the Directorate of Faith and Religious Affairs several documents, including an application letter requesting registration, a founding charter, financial reports and the national identity cards of the organisation’s founders (Office of International Religious Freedom, 2023). The Directorate also requires religious groups to send several pieces of information, including details about the founders and board members of the organisation, meeting minutes, any offices the organisation runs, the official name of

the religious group, any symbols representing the religion and the permanent address of the headquarters of the religious institution and any planned regional branches. The Directorate reviews the documents and information submitted and if approved, publishes the applicant group's name and logo in a local newspaper (Office of International Religious Freedom, 2023). If there are no objections, the authorities grant registration to the organisation, thus extending to the group the right to congregate and purchase land to build a place of worship and establish a cemetery for the religious community (Haustein, 2011, p46). Acting as further evidence of its privileged status, the EOTC is not required to register because it has permanent registration through a provision in the civil code passed in 1960 during the imperial era that is still in force (Ibrahim, 2016).

When discussing post-1991 Ethiopia in a paper they published, the scholar Serawit Debele introduced the concept of 'enclavement' in which 'religious communities are rendered immobile because their infiltration in the sociopolitical domain is perceived as a potential threat' (2018, p26-42). Debele considered the Ethiopian government's use of registration, bureaucratic barriers and forms of legal exclusion against Muslims and other religious minorities as an example of enclavement, namely, the 'segregation and containment of social groups.' Enclavement is perhaps no more evident than in the mandatory reregistration order the Ethiopian government issues on all religious or belief organisations. To remain legal, organisations must renew their registration at least once every five years, with a group's failure to do so resulting in a fine and its forced dissolution by the authorities (Office of International Religious Freedom, 2023). Besides this, religious or belief organisations must provide annual reports of their activities and finances, including mandatory details on proselytising, a list of new members during the year, any newly ordained clergy and new places of worship. Another indication of the privileges granted to the EOTC and the EIASC is how they only have to undergo government audits every three to five years rather than annually (Office of International Religious Freedom, 2023). Under the constitution, the government owns all land in the country, meaning religious or belief organisations

must apply to regional and local government bodies for land allocation, necessitating their prior registration with the federal government and creating further bureaucratic procedures for groups to build places of worship for their communities.

The case of Ethiopia's registration policy raises some concerns that explain why I currently classify Ethiopia as 'Censorious' in the SRR-1 and place its registration policy in the 'mandatory' category of the SRR-2. Firstly, Ethiopia's compliance with international standards on FoRB and religious equality is called into question with the evidence of the government treating two religious denominations preferentially (Parker, 2006, p91-129). Secondly, Ethiopia's request for detailed information on groups' proselytising activities and the identity of new converts raises a question about what information states should reasonably be able to request from religious groups during registration and reregistration (Stahnke, 1999, p305-325). Thirdly, the requirement that religious groups seeking to build places of worship have to undergo procedures with the national Directorate as well as regional and local governments calls for clearer guidance about what types of registration policies may be reasonably labelled onerous in light of the protections granted under FoRB (Villaroman, 2012, p292-320).

Finally, the volatile aftermath of the Tigray War ending in November 2022 has caused the Ethiopian federal government to fail at protecting religious communities due to its lack of control over the territory it claims (Pellet, 2021, p4-20). It appears registration is no guarantee of freedom nor peaceful practice for religious communities and the Ethiopian government has little to no ability to prevent the desecration of places of worship. For instance, in April 2022, a group of Muslims were attacked in the Amhara region by heavily armed assailants, leaving Muslim-owned properties and mosques destroyed and over twenty civilians killed and at least 150 injured (Office of International Religious Freedom, 2023). Later that year, militants raided a Protestant church in a village in the East Wollega Zone of the Oromia region, killing fifteen congregants and church leaders (OpenDoors, 2023). These unprovoked acts of violence directed towards registered religious communities

by rogue militants, combined with the government's inability to prevent them from occurring regularly, are sufficient evidence to demonstrate an example of 'malregistration' in Ethiopia. 'Malregistration' is a significant issue because it undermines the legal protections supposedly afforded to religious communities by registering. This evidence from the case study on Ethiopia builds on the insights from my interview series that the structure of a country's registration policy and its enforcement are significant factors in shaping conditions of FoRB. This case study has also shown how the SRR-1 and SRR-2 are useful tools in identifying the interplay between recognition and registration, analysing registration policy and practice and evaluating the degree to which registration issues impact conditions of FoRB.

Subsection 3.2.3 – Austria case study

As of 2024, I classify Austria as 'Restrictive' using the SRR-1 and its registration policy as 'pseudo-mandatory' in the 'mandatory' category of the SRR-2. I will explain these decisions as I conduct this case study. The Constitution of Austria establishes the country as a secular republic that, according to electoral monitoring organisations, functions as a democracy that guarantees political rights and civil liberties, including an explicit claim to FoRB in the national constitution (Constitute Project, 2013). However, according to Freedom House's 2024 *Freedom in the World* report, Austria scores three out of four for conditions of FoRB, putting it behind other countries in Western Europe like Ireland, Italy, Portugal, Spain and the UK (Freedom House, 2024). The reason for Austria's lower rating is due in part to its national registration system that discriminates between NRMs and more established religions and actively hierarchises religions according to their familiarity with the state and society. How the Austrian government devises and applies its registration policy calls into question the government's respect for the equality of religions enshrined as a fundamental component of FoRB in the ICCPR, signed by Austria in 1973 and ratified in 1978 (Mayer & Wutscher, 2017, p201-211). This points to why I classify Austria as

‘Restrictive’ according to the criteria set out in the SRR-1, but also because Austria’s registration policy is de facto mandatory, leading to undue limitations on FoRB.

The status of religious communities changed dramatically in Austria when the expansion of Nazi Germany in 1938 engulfed the nation[64], leading to its annexation and transition into a subnational division of the Third Reich (Botz, 1992, p199-219). At the time, Austria was an overwhelmingly Catholic country, with approximately 90% of the population adhering to Roman Catholicism and Hitler was well aware that crafting Nazi relations with the Church to subvert it would be crucial to maintaining power (Botz, 2016, p191-213). The Austrian Concordat of 1933 established in law a privileged position for the Roman Catholic Church in Austrian society and recognised the 1917 Code of Canon Law, ensuring the Church would have the final word on matters of ecclesiastical polity and doctrine (Bell, 2008, p1-18). As a result of the Concordat, the Church secured its influence on schooling, religious education and marriage laws. Although suspended during the *Anschluss*, the Austrian government reinstated the Concordat in 1957 (Ruff, 2017, p48-85). However, before and during Nazi rule, the Church was increasingly suspicious of the Third Reich’s intentions to subvert its activities, with bishops seeking assurances during negotiations with the Nazi regime that Church prerogatives on doctrine, discipline, teaching and other religious works as well as Church property would not be interfered with (Luža, 1977, p537-572). Although the Roman Catholic Church wielded enough influence to negotiate with the Nazi regime and survive the *Anschluss*, minority religious communities were less fortunate. For example, the Nazis executed 250 members of the German and Austrian community of Jehovah’s Witnesses during the Second World War, following military court decisions ruling in favour of bans on ‘anti-military associations’ and ‘anti-military attitudes’ from 1939, with death penalties frequently applied after 1943 (Garbe, 2008, p341-367).

Following liberation in 1945, Austria endured a decade-long occupation by the Allies resulting from the Vienna Offensive and underwent a period of gradually

[64] Before 1938, the Federal State and First Republic before that were both secular states, as was Austria-Hungary, although it showed preference for the Roman Catholic Church.

improving conditions of FoRB compared to how they had deteriorated during the war years (Eisterer, 2002, p179-201). The Austrian State Treaty signed in 1955 by the Allied occupying powers and the Austrian government guided the country to full independence, with the government quickly declaring its perpetual neutrality in the same year (Kunz, 1956, p418-425). With the ECHR incorporated into the national constitution in 1964, Austria has since made significant strides in creating better FoRB conditions and improving the recognition of minority religions, particularly for those communities like Jehovah's Witnesses and Jewish people who were targeted during the Nazi annexation (Cohen-Weisz, 2016, p121-176). However, privileges for the Roman Catholic Church have remained, demonstrated by the current system of registration that hierarchises religions and undermines Austria's commitments to religious equality (Miner, 1998, p607-647). Like many European nations, Austria struggles with the full implementation of the ECtHR's ideals of multiculturalism and religious pluralism, as evidenced by the rise of antisemitic hate crimes in the country for example, increasing to nearly a thousand during 2021, an increase of more than 65% compared to those recorded in 2020 (Freedom House, 2023).

One of the principal concerns in the modern era regarding FoRB conditions in Austria is how the government orients its registration system, leading to a de facto mandatory policy. Although Austrian law does not explicitly mandate registration, unregistered religious or belief organisations must confine their activities to private residences (Office of International Religious Freedom, 2023). This law disregards that publicly expressing and manifesting religion are enshrined in the human rights instruments to which Austria is partied. Due to Austrian law having made performing religious activities in public a benefit of registration, Austria's policy may reasonably be classified as 'pseudo-mandatory' in the SRR-2 and non-compliant with FoRB. Of further concern, particularly with contravening Austria's commitments to religious equality under European and international human rights conventions, is the hierarchical structure of the Austrian registration system (Isaeva, 2015, p1583). The system includes three levels of registered religious organisations, each given

incremental privileges as groups ascend the hierarchy (Finke et al., 2018, p720-736). The three levels in descending order of the privileges they receive are ‘legally recognised churches and religious societies’, ‘religious denominational communities’ and ‘associations’ (Oesterreich.gv.at, 2023). The religious organisations categorised under the secular designation ‘association’ are stripped of their religious or spiritual nature and are instead interpreted in law as secular entities (Reiss, 2022). Beyond this, the privileges of those religions classified as ‘legally recognised churches and religious societies’ reveal significant inequality in how the Austrian government dispenses state support and treats religious groups (Potz, 2019, p435-460). For example, eligibility for ‘legally recognised church and religious society’ status is of principal concern. Applicants must have operated as a ‘denominational community’ for at least twenty years and have a proven membership of at least 0.2% of Austria’s total population, according to the latest census (Office of International Religious Freedom, 2023). Not only does this rule bar most NRMs in the country from achieving this status, but it also imposes a membership quota dependent on census data which is not always an accurate reflection of citizens’ religious affiliations (Apfalter, 2020, p93-123). Compared to groups in the lower two categories, ‘religious societies’ enjoy a higher level of internal autonomy, including how they structure their institutions and operate their subsidiaries.

To register as a ‘religious denominational community’, a religious group must have at least three hundred members and submit its statutes to the Office for Religious Affairs within the Federal Chancellery. The statutes of all applicant organisations must describe their goals, the rights and obligations of group members, membership regulations, a list of officials within the organisation and detailed information about how the group finances itself. The applicant organisation must also submit a description of its religious doctrines that have to differ from any previously registered ‘religious society’ or ‘religious denominational community.’ The Office for Religious Affairs, tasked with scrutinising the descriptions of religious doctrines of applicant organisations, uses ‘public security, order, health, morals and the rights and freedoms

of citizens' as criteria for determining whether the beliefs of a group are appropriate to be granted the status of 'religious denominational community.' NRMs, including The Church of Scientology, Sahaja Yoga and the International Society for Krishna Consciousness, have alleged that the Austrian registration system impedes their claims for recognition and demotes their members to second-class citizens (Freedom House, 2023). However, the Austrian government does not impose criminal or administrative penalties to enforce its registration laws. Hence, I classify Austria as 'Restrictive' in the SRR-1 to reflect the problems of inequality in its recognition and registration system while acknowledging that the issues identified are not as detrimental to conditions of FoRB as those identified in the case studies in this thesis on authoritarian states. The unique function of the SRR-1 is revealed here by its ability to identify the nuances between states on how their policies and practices impact conditions of FoRB to different extents. Contributing to the SRR-1 classification is the criteria in the SRR-2, namely, distinguishing between mandatory and non-mandatory policies to ascertain whether a country's registration system complies with FoRB. Using the two spectra allows me to pinpoint the FoRB-compliance of any country's recognition and registration systems and using the SRV, I can scale any specific violations of FoRB. As such, Austria's registration policy and practice is an example of a democratic government treating religious organisations that are more familiar better than those that are new or uncustomary (Schima, 2009, p199-209).

In 1998, the Federal Chancellery established the Federal Office on Sect Issues as an independent institution under public law. However, the Minister of Women, Family, Youth, and Integration is responsible for appointing and overseeing the head of the Office (Bundeskanzleramt.gv.at, 2019). The stated aim of the Office with its €500,000 annual budget is to document and provide information about the dangers that can stem from religious groups that the Office recognises as 'sects', including pointing out 'the existence of a threat to mental or physical health, protecting the integrity of family life, identifying extreme financial entanglement, freedom to enter

and leave the group and the wellbeing of children and young people' (Human Rights Without Frontiers, 2016). The Office states that its purpose is not to intervene in the freedom of conscience or the 'religious freedom of the individual', but to offer advice on the effects that the structures of 'sects' can have on individuals and communities and to supply neutral information so that individuals can make informed decisions about whether to join a group (Zoehrer, 2020, p96-115). The transition of a religious group from 'sect' to recognised as legitimate by the Austrian government is a process that Jehovah's Witnesses endured for a decade, resulting in the ECtHR case 'Religionsgemeinschaft Der Zeugen Jehovas and Others v Austria' (2008). The Strasbourg Court ruled that the Austrian government had violated Article 9 of the ECHR when it stalled the application of Jehovah's Witnesses for recognition (Human Rights Case Digest, 2008). In 2009, Jehovah's Witnesses were declared by the Austrian government to no longer be a 'sect' as the community fulfilled the quantitative quotas on longevity and membership and the qualitative quota that the group must possess a 'positive attitude towards the state and society' (Ohms, 2009, p210-217). As a result of Jehovah's Witnesses achieving 'religious denominational community' status and since having gained 'religious society' status, the Federal Office on Sect Issues lost its jurisdiction to publish advice about Jehovah's Witnesses (Die Presse, 2009).

In 2015, the Austrian Parliament passed a law prohibiting foreign funding for Muslim places of worship and imams. However, Orthodox Christian and Jewish groups with strong links to organisations abroad faced no such restrictions (Dautović & Hafez, 2019, p28-50). The Islamic Religious Community, which has 'religious society' status, continues to express its objection to the law restricting foreign funding, stating that it is discriminatory and interferes with FoRB and the internal affairs of the Muslim community in Austria (Scheu, 2021, p21-31). In response, the Office for Religious Affairs stated that all registered religious public law corporations must adhere to the same restrictions concerning foreign funding, claiming that only Islamic groups had violated the requirements (Office of International Religious

Freedom, 2023). The issue of foreign funding of religious groups went unaddressed by the OSCE's 2014 *Guidelines on the Legal Personality of Religious or Belief Communities*, demonstrating a gap in the guidance for states on dealing with religious groups that wish to receive funding from abroad. For example, it may be reasonable for states to request that religious groups complete registration before they may legally receive funding from abroad to satisfy the state's legitimate concerns over national security, radicalisation and financial crime. The hierarchical approach to registration taken by Austria, combined with its 'pseudo-mandatory' policy on registering religious or belief organisations, is evidence that democratic nations are not free from registration issues that result in violations of FoRB. With help from the SRR-1, the SRR-2 and the SRV, I have been able to show in this case study how the registration issues in Austria differ from those in China and Ethiopia, especially the degree to which they impact conditions of FoRB and the severity of the rights violations these issues cause.

Part Four

International response to recognition and registration issues

Section 4.1 – Analysis of international human rights instruments

The insights from my interviews, coupled with my analysis of countries using data from human rights reports, have identified a series of violations of FoRB and other fundamental human rights stemming from how governments devise and enforce their recognition policies and registration laws. In this part of the thesis, I will explore the international protections for religious communities and the guidelines addressing recognition and registration issues to gain an understanding of the strengths and limitations of the human rights system in addressing recognition and registration issues that impact conditions of FoRB. I will shape this discussion by analysing the language of international human rights instruments to grasp how they address discrimination and inequality arising from recognition and registration issues. I will follow this by analysing a series of ECtHR judgements and UN Human Rights Committee rulings on cases involving recognition and registration to ascertain what counts as a violation of FoRB to these judicial bodies. I will then analyse the *Guidelines on the Legal Personality of Religious or Belief Communities* published by the OSCE in 2014 to highlight gaps in the guidance, before ending with a discussion of the interplay between recognition and registration.

The most wide-reaching and legally binding international human rights convention protecting FoRB is the ICCPR, a multilateral treaty adopted by the UN General Assembly on 16th December 1966. The Covenant currently has 174 parties, six signatories without ratification and fourteen countries that have neither signed nor ratified it, including Malaysia, Myanmar and the United Arab Emirates. Article 18 of the ICCPR addresses freedom of thought, conscience and religion. It establishes the right to have or to adopt a religion or belief of one's choice and the freedom to manifest that religion or belief individually or in community with others in the form of worship, observance, practice and teaching. Another protection is the right to be

free from coercion to adopt a particular religion or belief. The Covenant also establishes limitations on manifesting religion, citing prescriptions by law that are necessary to protect public safety, order, health or morals and the fundamental rights and freedoms of others. The final aspect of the ICCPR's protection of FoRB is that parties should 'have respect for the liberty of parents' on the religious and moral education of their children to correspond with their convictions. Beyond Article 18, Articles 2, 4, 24, 26 and 27 of the Covenant establish religion as a protected characteristic from discrimination and recognise the equality of all religions and beliefs. However, a concern with the wording of the ICCPR is how it misses out on the crucial role that religious institutions play in facilitating their members to exercise their right to FoRB. There is an omission of institutional rights in the ICCPR despite their importance to FoRB given its communal dimension. For example, the Saudi Arabian government continues to prevent the Roman Catholic Church from establishing a diocese, meaning no priest nor bishop can reside there and build and operate a parish (Bureau of Democracy, Human Rights, and Labor, 2008). Restricting the freedom of religious institutions to operate in this way shows how the conditions of FoRB for individuals and communities can deteriorate, given the limited facilities for adherents to exercise their right to manifest their religion or belief. Furthermore, neither recognition nor registration were mentioned in the ICCPR as potential threats to upholding non-discrimination and religious equality if states misapply them. The absence of a mention of recognition and registration issues in international covenants upholding FoRB may have contributed to the prevalence and lack of understanding of these issues and how they impact conditions of FoRB.

Some of my interviewees suggested how to rectify recognition and registration issues. For example, Thane recommended that 'human rights organisations must defer to those directly experiencing recognition and registration issues when considering how to tackle them.' Thane's other recommendation was that a clearer understanding must be achieved of why recognition and registration issues are arising among certain types of governments. She suggested that 'greater comprehension is needed of what

fears, whether justifiable or unjustifiable, are the driving force behind the decisions states are making to limit religious activity using recognition and registration…given that courts are less competent in addressing the fears of stigmatised groups or resolving the issue of states favouring religions.' Prodromou added during her interview some more recommendations: 'Recognition and registration standards need to reform societal attitudes towards minorities and new religions in terms of how they receive recognition and registration. Society needs to be inclusive and receptive to pluralisation for any reformed recognition and registration laws to work effectively. Countries have found this process difficult because they have long histories of religious homogenisation.' A Category Two participant, the Oneness Pentecostal living in the Philippines, concurred with this sentiment: 'Gaining recognition for myself as a Christian from society and the state is important as I belong to a new denomination that is nontrinitarian.'

In 2005, the UN Commission on Human Rights passed Resolution 2005/40 addressing registration issues (OHCHR, 2005). In paragraph 4(c), states were urged 'to review, whenever relevant, existing registration practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private.' While respecting the sovereignty of member states and recognising the concerns arising from registration issues, this statement failed to provide specific guidance on what types of registration practices inhibit people the most from manifesting their religion or belief. Crucially, it did not establish what states need to do to have their registration policies and practices meet international standards on FoRB. My research highlights the prevalence and diversity of recognition and registration issues. It reveals a lack of understanding of the issues, including the degree to which they violate the rights of individuals and communities and how states can fix them without relinquishing their sovereignty or compromising national security. Thus, states have been left underprepared to ensure their recognition and registration policies and practices correspond with international standards. A disconnect persists between international guidance and how recognition and

registration negatively impact FoRB conditions at the national level. Having said this, the resolution from 2005 expressed 'serious concerns at the misuse of registration procedures' to limit the right to FoRB, including restrictions on the distribution of religious materials. However, subsequent guidance has failed to present registration issues systematically to identify the series of violations of FoRB that directly result from registration laws and how they are enforced.

The comments of Resolution 2005/40 also referenced 'whenever relevant', highlighting a lack of specificity in present guidance and the need to elaborate on what types of registration policies and practices warrant changing to ensure they do not negatively impact conditions of FoRB. In the resolution, the UN Human Rights Committee failed to commit to any standard for states to work towards when it comes to reforming registration policies and practices. Despite the resolution's comments associating registration issues with undue limitations on the distribution of religious publications, it failed to identify that registration issues impact many other religious activities conducted by individuals, communities and institutions. Although paragraph 4(e) of the resolution urged states to protect and uphold the right 'to establish and maintain religious, charitable or humanitarian institutions', it made no explicit reference to how registration is used to limit this right. The resolution's comments on registration also failed to identify the role of personnel in religious institutions who are often at the forefront of dealing with registration procedures that are frequently onerous. The resolution guidance did not address the permissibility of using registration systems to monitor religious groups and their activities postregistration. With this lack of clarity in what circumstances registration should and should not be applied, states must form their registration policies based on existing cultural, political and religious frameworks at the national level. However, the evidence presented in this thesis shows how states often fall below international standards by establishing recognition policies and registration laws that lead to undue interference with FoRB.

In Resolution 6/37 passed in 2007, the UN Human Rights Council expanded the original comments of the Committee by connecting registration issues to restrictions

on constructing places of worship (Human Rights Council, 2007). However, a systematic review of all registration issues was still lacking. More recent publications by the Special Rapporteur have continued to express concern over registration issues, such as the recent report (OL BLR 7/2023) written by the incumbent Special Rapporteur Nazila Ghanea concerning Belarus. The report includes paragraphs addressing in greater depth than previous publications the concern of mandatory state registration of religious groups, compulsory reregistration and discriminatory restrictions on access to registration (OHCHR, 2023). In the report, Ghanea asserts that international human rights law recognises the right to FoRB regardless of registered status and acknowledges how state recognition intersects with registration laws in Belarus to further deteriorate conditions of FoRB. Ghanea pointed to the exclusive privileges granted to the Belarusian Orthodox Church, including its ability to influence decisions on the registration applications of minority communities. The former Special Rapporteur, Asma Jahangir, stated that giving other religious institutions veto powers on registration applications violates FoRB (Jahangir, 2004, p17). In acknowledging the role of established or privileged religions in influencing access to registration for minorities, Jahangir identified how state recognition can exacerbate problematic registration practices. Having said this, Jahangir's comments in 2004 were still brief on recognition intersecting registration issues, with many related concerns left unaddressed. More country-specific reports on registration issues would allow for a better understanding of how domestic registration policies and practices can be reformed to correspond with international standards. I applied in this thesis a temporal method for analysing issues at each of the three stages of registration as a systematic approach that others can use to identify issues in each jurisdiction.

Although Jahangir's 2004 report highlighted registration issues for states 'to take into consideration', the level of specificity was insufficient. For example, while Jahangir identified that registration should not be compulsory, she clarified that gaining registration 'should not be a precondition for practising one's religion, but only for acquiring a legal personality and related benefits.' However, my findings

have shown how integral legal personality is to the survival of any religious community, prompting the need to consider what rights and benefits states should reasonably include under legal personality, given how widespread it is for states to include activities fundamental to religious observance. Moreover, Jahangir stipulated that registration should be 'easy and quick' and 'not depend on extensive formal requirements in terms of the number of members or the time a particular religion has existed.' While Jahangir acknowledges that membership and longevity quotas make registration more onerous than necessary, she did not establish standards specific enough to define 'easy and quick' procedures or 'extensive' requirements. Jahangir's comments in 2004 and comments by subsequent Special Rapporteurs are guidelines rather than standards as they lack a systematic approach and are not definitive.

The website of the Office of the UN High Commissioner for Human Rights (OHCHR) references the 1993 General Comment 22 on state recognition of religions (CCPR, 1993). Paragraph 9 addresses the issue of state religions and governments extending privileges to some religions and not others: 'The fact that a religion is recognised as a state religion or that it is established as official or traditional should not impair individuals belonging to other religions or none to practise, express or manifest their beliefs.' The General Comment also refers to the incompatibility with FoRB of states treating members of the established or privileged religion preferentially compared to members of minority religions, including the practice of 'giving economic privileges' or 'imposing special restrictions on the practice of other faiths.' However, in its comments, the UN Human Rights Committee did not speak specifically about the issue raised in my study that states establishing or privileging a religion or belief can make registration procedures more onerous for minorities and NRMs. The current guidelines by the UN Human Rights Committee provide a margin of appreciation for states to establish a state religion or to designate a religion or belief as official or traditional but place limits on this margin by stating that any such establishment or privilege must not contravene non-discrimination and religious equality. However, from the evidence of my study on the experiences of members of

minority religious communities and NRMs in countries with a state religion, religious establishment and state privilege are intrinsically discriminatory and contravene religious equality. In these comments from the UN Human Rights Committee, there was no assessment of other recognition issues, such as states defining religion, especially in ways that exclude uncustomary religions or beliefs. What may be needed from the UN Human Rights Committee to provide more definitive guidelines on religious recognition and registration is to acknowledge the symbiotic nature of recognition and registration and to make clearer the scale of the impacts of recognition and registration issues on conditions of FoRB. I developed the SRR-1, SRR-2 and SRV to offer methods of categorising countries based on the degree to which recognition and registration policies and practices impact FoRB.

The comments of the UN Human Rights Committee also overlooked the human rights violations that states are committing by recognising certain religions as 'non-traditional.' More exacting language is needed from the Committee to address the role of state recognition and registration in violating human rights not limited to FoRB. For instance, the Egyptian government established Islam as the state religion in its most recent 2014 constitution and often detains outspoken Christian converts (Fegiery, 2013, p1-26). One example is the Yemeni refugee Abdulbaqi Saeed Abdo, who was arrested by the Egyptian authorities at his home in Cairo in December 2021 and later imprisoned for appearing on a Christian television channel to talk about his conversion from Islam and the persecution Christians are facing in Yemen (Amnesty International, 2023). Since then, the Egyptian authorities have attempted to repatriate Abdo to Yemen despite the risk to his life if he returns. Abdo's health condition deteriorated while imprisoned in Egypt due to heart and liver disease, for which the authorities failed to provide adequate medical care (USCIRF, 2024). Abdo's case is an example of how converts to a minority religion in a country with an established religion have sometimes faced baseless charges of apostasy, blasphemy, extremism and separatism, wrongly detained and neglected while in custody for not adhering to the state religion.

What should also alarm the UN Human Rights Committee is how states sometimes use registration against the majority religion, with recent events in Nicaragua being an example. Over the last several years, the regime of President Daniel Ortega has launched a crackdown on the Roman Catholic Church despite Catholics being the largest religious group in the country as of 2020, accounting for 45% of the population (Berg, 2022, p1-9). The Ortega regime aims to bring the Roman Catholic Church under its control to co-opt its leaders and instrumentalise it for political purposes, including dissolving any organisations defiant of increased state control, such as the Society of Jesus, which the government forcibly disbanded in August 2023 and confiscated its assets (Freedom House, 2024). The Nicaraguan government has used a mandatory registration order on religious or belief organisations to increase its surveillance of religious activity. The new registration law involves a two-step process necessitating that groups provide personal information about their members and leaders. The government also has the unchecked ability to fine and imprison members or forcibly disband any religious or belief organisation that violates the registration law, which the government interprets broadly (Office of International Religious Freedom, 2023). Concerning is how a crucial part of the Ortega regime's campaign against the Roman Catholic Church involves denouncing and smearing clergymen as treasonous. One example was the arrest of Bishop Rolando José Álvarez Lagos, whose citizenship was revoked. Bishop Álvarez was sentenced to twenty-six years in prison in February 2023 on charges of 'treason against the state' (USCIRF, 2024). While Bishop Álvarez was exiled to Vatican City in January 2024, other wrongly detained Catholics remain imprisoned in Nicaragua, including Jimmy Antonio Bonilla, who the authorities arrested in April 2023 for participating in an unapproved Holy Week procession and later sentenced to eight years in prison for unregistered religious activity (USCIRF, 2024).

These examples highlight my concern that the language used in publications by UN institutions, committees and rapporteurs has not been exacting enough when identifying the role of recognition and registration in human rights violations. Despite

these gaps in the international guidance on recognition and registration issues, some recent publications by international bodies have used a country-specific approach and detailed how recognition and registration issues negatively impact conditions of FoRB. However, these reports are not comprehensive and only a few have been published focusing on recognition and registration. As such, there persists a lack of specificity in the language used by the UN Special Rapporteur and UN Human Rights Committee in most publications addressing recognition and registration issues. The publications are also silent on how states should alter their registration policies to align with international standards on FoRB. To conclude, progress is happening at the international level in discussing recognition and registration issues and their impacts on FoRB. However, several gaps in the guidance remain that need addressing, with some recognition and registration issues left undiscussed. Finally, the language used in the documents is often not geared towards protecting the activities performed by the administrators of religious institutions that are crucial to facilitating the right to FoRB.

Section 4.2 – Analysis of UN Human Rights Committee rulings

The UN Human Rights Committee (hereafter 'the Committee') is one of ten UN human rights treaty bodies responsible for monitoring compliance among partied states to the ICCPR. During the preparatory research for my study, I reviewed five cases communicated by the Committee in the last five years that have involved alleged misuse of recognition or registration in violation of at least one of the articles of the ICCPR. I have selected three of these cases to analyse in-depth in this section due to their insights on how recognition and registration issues impact conditions of FoRB and how the Committee determines what constitutes a violation of FoRB resulting from recognition and registration issues. At the end of each of the rulings, I will measure the state's actions against the criteria in the SRR-1 and SRR-2 to understand the impacts on conditions of FoRB and use the SRV to scale the violation from 'minor' to 'grave' to show how the spectra work.

Suleymanova and Israfilova v Azerbaijan

'Suleymanova and Israfilova v Azerbaijan' was communicated by the UN Human Rights Committee on 3rd February 2022. The case was lodged by two Azerbaijani independent Jehovah's Witnesses who are not members of the Religious Community of Jehovah's Witnesses registered with the government at its legal address in Baku. The issue began on 15th November 2016 when an acquaintance invited the two independent Witnesses to their house for a private meeting about religious beliefs. Although initially informal in character, the Azerbaijani authorities interpreted the gathering as a form of religious activity. The following day, the Witnesses were summoned to the local police station, where they were held for four hours without an explanation and again on 17th November for several hours. They were then taken to

appear before the Goranboy District Court, where they were charged and convicted of violating Article 515.0.4 of the Code of Administrative Offences by operating a religious association outside a registered legal address. The District Court cited Article 12 of the Law on Freedom of Religious Beliefs prohibiting religious organisations from operating outside their legal address. The Court fined each Witness the maximum penalty of 2,000 manats ($1,185). Among other claims, the Witnesses asserted to the Committee that the Azerbaijani authorities had violated their rights under Article 18 of the ICCPR after being prosecuted and convicted for discussing religious beliefs in a private residence which under the authorities' interpretation of domestic law constituted religious activity.

This case is an example of how registration in authoritarian regimes does not guarantee free and legal religious practice as further conditions are often placed on registered religious activity that restrict how religions may be observed and organised. The law in Azerbaijan criminalises unregistered religious activity by issuing administrative and criminal penalties. It also outlaws religious activities performed outside a registered place of worship, thereby removing religious observance from the public sphere, aligning with the government's strict secularisation policy. The Committee employed three criteria for determining that a violation of Article 18 of the Covenant had taken place. The criteria included whether the government's actions were lawful, pursued a legitimate aim and were necessary in a democratic society. The complainants claimed that the Azerbaijani government's actions intended to punish peaceful religious worship and that no legitimate explanation was given about why religious activity outside a registered place of worship should be prohibited. The government responded that the law on confining religious activity to a registered place of worship was lawful and necessary in a democratic society to protect the public order and to ensure the harmonious existence of different religious denominations.

However, the Committee's view was that the Azerbaijani authorities had given no evidence showing how the peaceful manifestation of Jehovah's Witnesses' religious

beliefs would in any way disrupt social stability, nor did the government provide proof of how Jehovah's Witnesses' proselytism would adversely impact public order or safety. The Committee concluded that a violation of Article 18 of the Covenant had occurred since the Azerbaijani government had limited the freedom to manifest religious belief by using the law on registration to justify levying fines against the independent Witnesses. This case of Azerbaijan using registration laws to place significant limitations on the freedom of individuals to observe and manifest their religious beliefs is not an isolated incident. Azerbaijan has adopted an extensive set of laws to confine religious activity in ways that mirror other authoritarian regimes, including establishing regulatory bodies to make religious observance conform to state-prescribed norms, issuing mandatory registration orders, making registration procedures onerous, restricting the importation and distribution of printed religious materials and censoring online religious expression (Freedom House, 2024).

The views of the Committee on the Suleymanova and Israfilova case reveal its concerns over how the authorities in Azerbaijan instrumentalise registration, leading to undue limits on FoRB. The Committee obliged Azerbaijan to compensate the Witnesses by reimbursing the fines and court fees. However, Freedom House reported in 2024 that Jehovah's Witnesses continue to face harassment and prosecution for their religious activities and no efforts had been made by the government of Azerbaijan to repeal its stringent registration laws since the Committee's ruling (Freedom House, 2024). The impacts of registration laws on religious communities and the lack of cooperation from many regimes in changing how they enforce registration points to a need for more monitoring of the impacts of registration laws on conditions of FoRB. The details of this case place Azerbaijan's registration policy in the 'broad mandatory' category of the SRR-2 since members of any religious community should have the right under FoRB to proselytise outside a registered place of worship without having to notify the authorities. The criminalisation of unregistered religious activity, combined with the government's intermittent use of threat and violence to enforce its registration laws, place Azerbaijan in the

‘Censorious’ category of the SRR-1. The Suleymanova and Israfilova case reveals Azerbaijan’s use of confinement to restrict where individuals may gather for religious purposes, another hallmark of a country classified as ‘Censorious’ in the SRR-1. To scale the violation in the Suleymanova and Israfilova case, the criteria in the SRV show that the violation was ‘moderate’ as it involved the state issuing fines but not imprisoning or committing acts of violence against the independent Witnesses in this case.

Borovik v Belarus

The case ‘Borovik v Belarus’ was initially submitted in 2011, but only communicated by the Committee ten years later in 2021. It centres on Valentin Borovik, the leader of a Pentecostal Christian religious community that, due to its small size, did not need to rent premises or hire personnel and decided to exercise their right to practise their religion communally without creating a legal entity. However, on 16th March 2008, as thirteen group members met at a private residence for Sunday worship, they were interrupted by the Belarusian state authorities seeking to verify whether the community was acting in compliance with the Law on Freedom of Conscience and Religious Organisations. As the community was participating in religious activity without first registering as a legal entity, the authorities accused Borovik of committing an administrative offence under Article 9.9(1) of the Code of Administrative Offences on unregistered religious activity. A month later, Borovik was fined 140,000 Belarusian Rubles ($42,780), with the local court attempting to justify the excessive fine by stating that Borovik had previously been informed of his obligation to register his religious organisation but continued organising religious services without registering. Borovik claimed his community was not a religious organisation and launched an appeal against the fine. However, in June 2008, the Court of the Moskovskiy District of the Grodno Region raised Borovik’s fine to 315,000 Belarusian Rubles ($96,257). The district court ruled that the group Borovik

led constituted a religious organisation under the law since its members worshipped a god, organised worship services and educated their followers, meaning the law required the group to register before conducting any activities. However, when Borovik cited the membership quota of twenty adults required by law to qualify for registration as a religious organisation, he was accused of violating the law by running an organisation with less than twenty adult members.

Despite Borovik's sound appeal citing the Court's contradiction of the constitution and the stipulation of the OSCE[65] Guidelines that registration should not be a mandatory requirement, the Grodno Regional Court dismissed his appeal, maintaining that Borovik was guilty of violating Article 9.9(1) of the Code of Administrative Offences as he had created and led a religious community without state registration. Borovik submitted a supervisory review request to the Supreme Court over his case, but this was rejected in March 2009 and Borovik was forced to pay the fine. In his statement to the UN Human Rights Committee, Borovik criticised the domestic courts in Belarus for disregarding the OSCE Guidelines that recommend their member states allow citizens to practise their religion without needing to register. Borovik also clarified that the domestic courts did not explain how to register a religious organisation with fewer than twenty members. Borovik claimed that a violation of Article 18 of the ICCPR had occurred because he and his fellow members had not been able to practise their religion in a community without having to register. Borovik's case raises important questions about the number of members a group should need to be considered a religious organisation under the law and what reasonable limits should be placed on access to registration. The case also highlights the issue of authoritarian regimes instituting mandatory registration orders on all religious activity, including conducting raids on places of worship, detaining group members and imposing substantial fines. The Belarusian judicial system's dismissal of the OSCE Guidelines also reveals the lack of respect or consideration for them, pointing to the necessity of giving recognition and registration issues a greater focus

[65] Belarus became a member of the OSCE in 1992 (Korosteleva & Rontoyanni, 2005, p209-231).

in monitoring strategies so that their negative impacts on conditions of FoRB can be communicated more effectively to states. For example, it could be communicated to states how instituting stringent registration policies prevents them from fulfilling their national and international commitments to upholding fundamental human rights.

In its ruling on the case, the Committee highlighted how the Belarusian government had not given an adequate reason why it had issued a large fine on an individual for engaging in religious worship in community with others and why this was necessary under the law to protect public order, safety, morals or the rights and freedoms of others. Although Borovik won his case against Belarus in March 2021, this came a decade after he initially submitted his case and thirteen years after his arrest (Silliman, 2022). This significant time lag reveals the limitations of the UN Human Rights Committee in responding to violations, with Belarus continuing to restrict minority religious groups and making no effort to reform its registration laws in the wake of Borovik's win (Freedom House, 2023). The Jehovah's Witness interviewee raised a similar example during the interview series by criticising the recent ECtHR decision that condemned Russia's 2017 ban as unlawful as 'too late' and that 'the declaration should have taken place years ago.' The comments from the participant highlight the slow pace at which the international human rights system works, only serving to 'undermine their decisions on the issues impacting communities like the one I belong to.'

The Borovik case is an example of a government applying registration to limit freedom of association in violation of FoRB. The actions of the government warrant Belarus' classification as 'Censorious' in the SRR-1 and its registration policy categorised as 'broad mandatory' in the SRR-2. As for the violation itself, using the criteria of the SRV, the violation is classified as 'moderate' because although Borovik was detained and issued a significant fine, the authorities did not physically harm or neglect him while in custody or imprison him for his unregistered religious activity. However, it is concerning how, in January 2022, the Belarusian government changed the law to make activities conducted by unregistered religious groups a criminal

offence punishable by up to two years in prison from its previous status as an administrative offence (Office of International Religious Freedom, 2023). It is alarming that this escalation came less than two months after Borovik won his case and may lead to major violations of FoRB in the future, with prison sentences likely to be issued for unregistered religious activity (Glace, 2022). The Belarusian government seems disgruntled over its loss in the Borovik case and now pursues a harsher crackdown on unregistered religious groups, as evidenced by the government revoking the right of Belarusian citizens in 2022 to complain to the UN Human Rights Committee.

Adyrkhayev, Solikhov and "The Religious Association of Jehovah's Witnesses in Dushanbe" v Tajikistan

The UN Human Rights Committee communicated its ruling on the case 'Adyrkhayev, Solikhov and "The Religious Association of Jehovah's Witnesses in Dushanbe" v Tajikistan' in July 2022. The case concerns the refusal of the Tajik government to accept an application by Jehovah's Witnesses to remain a registered religious organisation following a mandatory reregistration order issued in 2009 amid a broader crackdown on Jehovah's Witness activities in Russia and other Central Asian states. Vladimir Adyrkhayev and Behruz Solikhov, who were founders of The Religious Association of Jehovah's Witnesses in Dushanbe (hereafter 'the RAJW'), lodged a claim that Tajikistan had violated their rights under Articles 18 and 22 of the ICCPR. On 11th October 2007, the Ministry of Culture of Tajikistan banned the RAJW by annulling its charter, determining that the RAJW's previous registration in 1997 was unlawful and that members of the RAJW had repeatedly violated national legislation by distributing religious publications in public spaces and by conducting door-to-door proselytising which the Ministry of Culture claimed caused discontent among the public.

On 1st December 2009, Adyrkhayev and Solikhov applied for the reregistration of the RAJW. However, the Ministry of Culture rejected their application because the RAJW did not have the right to carry out activities in Tajikistan after a court decision banning Jehovah's Witnesses based on an 'expert analysis' by the Institute of Philosophy of the Academy of Science that designated their literature as 'inciting extremism and fanaticism.' Adyrkhayev and Solikhov claimed that directly due to the ban on the RAJW and how the group was mislabelled by the government, their members were subjected to numerous arrests, house raids and searches, detentions and interrogations, beatings, seizure of religious materials and deportations of foreign Witnesses (Corley, 2009; OSCE, 2012). On 2nd March 2012, the complainants applied to the Constitutional Court of Tajikistan to have Article 16(2) of the 1990 religion law, which the Ministry of Culture used to ban the RAJW, declared unconstitutional. However, the Constitutional Court refused to initiate judicial proceedings over a technicality that the 1990 religion law was no longer in force.

Adyrkhayev and Solikhov brought their case to the UN Human Rights Committee, accusing the Tajik government of violating their right to FoRB under Article 18 of the Covenant by preventing them from forming a religious organisation which they asserted is integral to manifesting their religious beliefs. Adyrkhayev and Solikhov claimed that registration is crucial in Tajikistan because tied in with gaining it are several fundamental rights, including the right to conduct religious meetings and assemblies, to own or use property for religious purposes, to produce and import religious publications, to receive donations, to carry out charitable activities and to invite foreigners to participate in religious events. Adyrkhayev and Solikhov argued that the reasons the Ministry of Culture and the domestic courts had given for banning the RAJW did not meet the criteria laid out in Article 18 on limiting FoRB. The complainants noted that the criticism they received for believing their religion is 'the right one' is inherent to many religions. They argued that governments are prohibited from imposing limits on a sincerely held religious belief, including an exclusivist theology that asserts the damnation of non-believers. In their comments to the

Committee in 2018, the complainants said that ‘without registration, the many hundreds of Jehovah’s Witnesses residing in Tajikistan live in a climate of fear, not knowing when the next police raid will occur.’ The Tajik government responded that there were no domestic remedies to grant reregistration to the RAJW except to reverse the original 2007 decision, yet the ban remains lawful.

The Committee stated that while the Tajik government provided reasons for banning the RAJW and refusing its reregistration, it did not advance any argument as to why its actions were necessary in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. The Committee also highlighted that the refusal to reregister the RAJW directly led to the de facto unlawfulness of its operation throughout Tajikistan as the authorities beyond Dushanbe interpret all activities by Jehovah’s Witnesses as illegal. In light of this, the Committee recognised that a violation of Articles 18 and 22 of the Covenant had occurred. This case highlights the issue of a state discriminating based on religion by refusing to reregister an organisation that professes a religion the government interprets as a threat because its members are conscientious objectors and actively proselytise. It pinpoints the role that a lack of registered status can play in human rights violations and how lacking legal protections creates a climate of fear for members of unregistered religious communities, demonstrating the significant impact of discriminatory recognition policies and registration laws. It also highlights the need for more monitoring of recognition and registration practices to clearly understand their impacts on the members of unrecognised and unregistered communities. Measured against the criteria of the SRV, this case constitutes a ‘major’ violation of FoRB because the government effectively criminalised membership in the Jehovah’s Witnesses by preventing reregistration, enforcing this with violent police raids and threatening imprisonment. The Tajik government’s use of violence to maintain its confinement on lawful religious activity to state-approved places of worship, along with banning unfavourable religions and pursuing a strict secularisation policy through onerous registration laws, justifies

Tajikistan's classification as 'Terminal' in the SRR-1. Finally, Tajikistan's registration policy is classified as 'broad mandatory' in the SRR-2 as registration is an obligatory requirement for all religious or belief organisations to operate legally.

Section 4.3 – Analysis of ECtHR rulings

In this subsection, I will focus on the guidance at the European level addressing recognition and registration issues. I will analyse three rulings by the ECtHR to show how recognition and registration issues impact conditions of FoRB, demonstrating the strengths and limitations of court guidance on recognition and registration issues. At the end of my analysis of each of the rulings, I will measure the state's actions against the criteria in the SRR-1 and SRR-2 and will also use the SRV to scale the violation from 'minor' to 'grave' to show how the spectra work. Over the past twenty years, more than two dozen disputes involving states recognising or legally registering religious or belief organisations have escalated into cases at the ECtHR. The complainants have claimed that states are violating one or more of their rights protected under the ECHR by using state recognition and legal registration to hinder the activities of religious or belief organisations, thus impeding the collective and individual rights of religious adherents. The complainants have sometimes claimed that when states show a preference for one religion over others, members of unrecognised religions face discrimination and inequality. The growing body of cases involving recognition and registration issues reflects a rise in ECHR-participating states devising and implementing policies not compliant with FoRB.

I reviewed twenty-six cases that have reached the ECtHR since 2006 that involve claims of a violation of Article 9 over a state's recognition or registration practices. I selected three cases to analyse as each raises important questions over the international and national provision of FoRB, including margins of appreciation when states devise and implement their recognition and registration policies. For example, states might have legitimate concerns over organisations fronting as religious groups that are conducting illegal operations such as human trafficking or that infringe on the fundamental human rights of their members, as was alleged in the ECtHR case 'Religious Cult "Biserica Unificarii" and Akhunzyanov v The Republic of Moldova' (2016) recently communicated in November 2023. In these instances, legal

registration plays a legitimate role as an efficient and FoRB-compliant mechanism for monitoring suspected organisations. However, some states, due to their bias against new religious groups or those unfamiliar to society, have misused this margin of appreciation to restrict groups that have not conducted activities demonstrably criminal, fraudulent or harmful.

Ancient Baltic Religious Association "Romuva" v Lithuania

The case 'Ancient Baltic Religious Association "Romuva" v Lithuania' was communicated by the ECtHR in September 2021. Lithuanian law distinguishes between three types of legal religious entities: 'traditional religious associations', 'non-traditional religious associations recognised by the state' and 'other religious associations.' Hence, the law establishes a dichotomy between traditional and non-traditional forms of religion that the government uses to discriminate between religious groups. For example, during registration, the government does not charge a fee to religious groups it considers 'traditional', but it does charge €32 ($34) to those it considers 'non-traditional.' Being considered 'traditional' or 'non-traditional but state-recognised' grants an organisation the right to provide religious education in schools, the right to perform religious marriages that have the same lawfulness as civil marriages and the right to airtime by the national broadcaster to transmit religious services. To gain state recognition, a group already registered as a 'religious association' must submit an application that has to be debated and voted on by parliamentarians of the Seimas.

In the present case, the applicant religious organisation, Romuva, was registered as a 'religious association' in 2002 and 2017. Romuva sent an application to the Ministry of Justice to have the Seimas introduce a draft resolution granting it state recognition. The Ministry of Justice held that Romuva met the criteria for being granted state recognition as it had been functioning in Lithuania for more than twenty-five years, its teachings did not violate the law or public morals, it had more than 5,000 members—

making it the sixth largest religious movement in Lithuania at the time—and it was viewed positively by members of the public during surveys conducted by the Ministry. During the debate in the Seimas, several ministers spoke in support of the draft resolution. However, others raised doubts over whether Romuva had been operating for long enough and if it had sufficient public support. Some parliamentarians pointed out that the applicant religious association could function freely in Lithuania regardless of whether it gained state recognition, thereby discounting any concern over the FoRB of its members if it were denied recognition. The case concerned granting Romuva additional privileges already enjoyed by the groups considered 'traditional' or 'non-traditional but state-recognised.' Eighty-three members of the Seimas out of 141 were present for the debate, with forty-six voting in favour, nineteen against and eighteen abstaining. The text of the draft resolution was approved and the vote on whether to adopt it was scheduled for 27th June 2019.

However, the day before the resolution was due to be voted on, the president of the Lithuanian Bishops' Conference—the territorial authority of the Roman Catholic Church in Lithuania—sent a letter by email to a member of the Seimas who was the chair of the parliamentary group 'For the Family' who forwarded the letter to the group's eighty-one members representing several political parties. The president of the Lithuanian Bishops' Conference argued in his letter that the very concept that the Romuva group based itself on, namely, an 'ancient Baltic religious association', was misleading and had no scientific basis because there had never been a universal and uniform 'old Baltic faith' given that Prussians, Lithuanians and Latvians followed different divinities, rites and customs. The president made three claims: (1) the surviving fragments of the pre-Christian Lithuanian religion and their importance to modern Lithuanian culture and identity was overstated; (2) the applicant association did not profess a comprehensive and finite set of beliefs; and (3) ascertaining public support for a state-recognised religious movement should not be determined solely on the results of surveys, but on a more in-depth study of the movement and its beliefs and practices. The letter ended by stating that while some Lithuanians had self-

identified in the most recent census as members of a 'Baltic faith', there are many pagan communities in the country, all of which are not likely to support the neopagan beliefs of Romuva. The influence of this letter from the Lithuanian Bishops' Conference on members of the Seimas is debatable. However, when voting on the resolution the following day, forty voted in favour, thirty-one against and fifteen abstained. With no clear majority, the draft resolution was not adopted.

In response to the Romuva movement's appeal, the group was told to return in ten years with a new application for state recognition, resulting in limited domestic success in having the subject debated again in parliament. Members of Romuva submitted to the ECtHR an allegation of a violation of Article 14 of the ECHR to be read in conjunction with Article 9. The complaint raised did not concern the denial of Romuva's legal personality or any restrictions on its ability to operate or to practise its religion, but a discriminatory denial of privileges granted only to state-recognised religions. The Lithuanian government claimed that Romuva failed to exhaust the available domestic remedies before submitting a complaint to the ECtHR. The complainant responded by stating that no effective domestic remedies were available since the Constitution of Lithuania states that members of the Seimas exercise their mandate freely and that no domestic courts could oblige the Seimas to vote in a certain way or to adopt a specific decision.

In its ruling on the case, the ECtHR observed that it was insufficient that no explicit mechanism was prescribed in law for a religious group to appeal a decision of the Seimas in the case of it denying state recognition to a religion. On the matter of the government's claim of non-exhaustion of domestic remedies, the ECtHR found that the Lithuanian government had not sufficiently demonstrated that lodging a complaint against the Seimas with the domestic administrative courts constituted a remedy that was available to the applicant association in both theory and practice. The complainant claimed that the members of the Seimas had not relied on the conclusions of the Ministry of Justice's survey of members of the public in their decision but instead on their own religious convictions and political interests. The complainants

asserted that this was proven by members quoting the same arguments presented in the letter by the Lithuanian Bishops' Conference and making baseless allegations during the debate about Romuva having links with the Kremlin. The ECtHR commented that states must be left a margin of appreciation on how they cooperate with religious communities and that FoRB under Article 9 of the Convention neither obliges states to create a particular legal framework for granting religious communities special privileges nor penalises states for refraining from offering privileges. However, the Strasbourg Court did contend that whenever a legal framework for extra privileges is established, states must comply with the principle of impartiality and all religious groups must have equal opportunity to apply for privileges. Thus, the Strasbourg Court ruled that there had been a violation of Article 14 of the Convention, read in conjunction with Article 9, as the Lithuanian government did not provide a reasonable and objective justification for treating Romuva differently from other religious associations and that members of the Seimas had neither remained neutral nor impartial in exercising their regulatory powers. However, the ECtHR did not comment on whether the ten-year waiting period for Romuva to resubmit an application for state recognition also violates the Convention.

The Romuva movement being refused state recognition and denied access to the privileges that come with this status raises important questions of relevance to the Lithuanian system and broader recognition issues. Firstly, the fact that state recognition depends on a vote in parliament should raise concerns over the expertise and impartiality of parliamentarians deciding the legitimacy and worthiness of any religion to gain state recognition. The consequence of partiality is evident in this case and in Hungary, which also practises parliamentary voting on religious recognition (Office of International Religious Freedom, 2023). The second main concern with the events of this case is the influence of a 'traditional' religion (i.e. Roman Catholic Church) over 'non-traditional' religions ascending the hierarchical recognition system. Although not a violation of the fundamental right to practise and organise a religious group, the influence of a third party on the recognition or registration of a religion

evident in this case is similar to how Armenia, Belarus, Bulgaria, Hungary, Kyrgyzstan, Russia, Turkmenistan and others provide the leaders of the privileged religious denomination an opportunity to disclose their opinion on whether a minority religious community should be approved or given greater privileges. Analysing the treatment of Romuva during its pursuit for greater recognition highlights the impacts on conditions of FoRB whenever governments dispense state recognition unequally, leading to a violation of non-discrimination and religious equality. Applying the criteria of the SRV, the actions of Lithuania amount to a 'minor' violation since Romuva was not denied legal personality and its members were not prevented from exercising the right to observe and manifest their religion. However, Romuva was discriminated against and treated inequitably compared to 'traditional' religions by being denied extra privileges. Lithuania's registration policy is classified as 'stipulatory' in the 'optional' category of the SRR-2 since registration is not required by law for groups to operate but is hierarchical. As a result, Lithuania is classified as 'Receptive' using the criteria of the SRR-1 because the registration system primarily accommodates religions regarded as 'traditional' by the government and employs a hierarchical structure that disenfranchises NRMs.

Biserica Adevărat Ortodoxă din Moldova and Others v Moldova

The case 'Biserica Adevărat Ortodoxă din Moldova and Others v Moldova' was communicated by the Strasbourg Court in May 2007. It originates in an application made by several members of the 'True Orthodox Church in Moldova' (hereafter 'TOCM') against the Republic of Moldova for refusing to register their church. The applicants claimed that the Moldovan government had unduly interfered with their ability to exercise their freedom of association and FoRB by limiting how they could gather legally for religious purposes. Members of the TOCM had originally applied to register their church under the Religious Denominations Act of 1992. However, the Moldovan authorities refused to register the church by sending a letter to the group in

November 2000. The church members submitted an appeal to the Court of Appeal which they won in August 2001. Nine months later, the Supreme Court of Justice upheld this judgement, finding that the Moldovan government had not submitted evidence that registering the applicant church would harm public order, health or morals. From then on, the complainants made repeated requests for the final judgement on the Moldovan government to be enforced, but to no avail.

With a change in legislation on registering religious denominations in 2002, the government department responsible for registering religious groups continued placing obstacles in the way of the TOCM gaining registration. Firstly, the department claimed that the TOCM had not sufficiently explained its canonical subordination to foreign churches and that the government had discovered ‘new and relevant information’ that would affect the TOCM’s right to receive registration (Corley, 2002). Both the Court of Appeal and the Supreme Court of Justice rejected the requests of the government to re-open proceedings three times from May 2003 to October 2004. In June 2004, representatives of the TOCM submitted a new request for registration and a set of accompanying documents but received no reply from the government. The principal claim of the members of the TOCM to the ECtHR was that the Moldovan government had violated their right to FoRB guaranteed by Article 9 of the ECHR by refusing to register their church, meaning they could not operate freely and legally as a religious community. For example, under Moldovan law, unregistered religious communities are not legally permitted to import or publish religious literature despite this being a basic activity of religious groups (Office of International Religious Freedom, 2024).

To ascertain whether a violation of Article 9 had occurred, the aim of the ECtHR involved making three determinations: (1) whether there had been an interference by the state; (2) whether the interference was prescribed by law; and (3) whether the interference was necessary in a democratic society. The Strasbourg Court found that the Moldovan authorities’ refusal to register the TOCM and to endow it with legal personality had prevented its members from carrying out ‘a number of essential

functions', constituting an inference with FoRB. On whether the state interference was justified by prescriptions in law, the ECtHR maintained that the right to manifest a religious belief includes the expectation that adherents will be allowed to associate freely without arbitrary state intervention. Moreover, the Strasbourg Court asserted that 'the autonomous existence of religious communities is indispensable for pluralism in a democratic society.' The Court ruled that there had been a violation of Article 9 of the Convention in the Moldovan government's inaction on the registration application of the TOCM despite having been ordered by domestic courts to register the church (Arlow & Gau, 2007, p344-345). The case raises some important topics about how governments sometimes use their inaction on matters of registration to inhibit the activities of religious groups, including non-response to communications about registration applications. This non-response indicates that the government acknowledges that gaining registration is crucial to exercising the freedom to manifest religion and perform basic activities, with FoRB conditions deteriorating whenever registration is denied (Corley, 2009). Applying criteria from the SRV, Moldova's violation of FoRB using registration, in this case, classifies as 'moderate' because it involves the government refusing to grant registration, thereby restricting the basic activities of a religious community. However, denying registration did not equate to criminalising the religious group, nor did the government use violent force to ensure conformity with its regulations. Moldova is classified as 'Restrictive' using the criteria of the SRR-1 because it imposes a 'pseudo-mandatory' registration policy as it prohibits non-registered groups from importing and publishing religious literature legally. The 'pseudo-mandatory' policy places Moldova into the 'mandatory' category of the SRR-2, making its policy and related practices non-compliant with FoRB.

Islam-Ittihad Association and Others v Azerbaijan

The case 'Islam-Ittihad Association and Others v Azerbaijan' was communicated by the ECtHR in February 2015. It originates in an application made by the Islam-Ittihad

Association (hereafter 'the Association') and two Azerbaijani nationals, Azer Samadov and Ilgar Allahverdiyev, against the Republic of Azerbaijan for forcibly dissolving the non-governmental organisation the two men headed. The Association was active between 1991 and 2003, with its headquarters located inside a mosque in Baku. The Association was registered by the Ministry of Justice in 1995 as a non-governmental secular association, giving it legal entity status. The activities of the Association included repairing and maintaining abandoned mosques, campaigning against drugs and alcohol, organising pilgrimages to Islamic shrines, providing pastoral care to orphaned children, the elderly and ill and disabled people, arranging programmes for interfaith dialogue and publishing Islamic books. The applicants claimed that the Azerbaijani authorities' forced dissolution of their association in 2003 violated their right to freedom of expression and association protected under Articles 10 and 11 of the ECHR.

In 2002, the Ministry of Justice commenced an inspection of the Association's activities to determine whether its operations were being carried out in compliance with its charter from 1991, a procedure that all organisations, whether secular or religious, are obliged to undergo in accordance with Azerbaijani law. The inspection concluded that there was a significant overlap in the activities between the Association and the mosque it was headquartered in, particularly as the head of the Association was also the head of a religious organisation, of which all the board members of the Association were also members. Soon after, the Ministry sent out an official warning to the Association, claiming that its primary activities involved 'religious propaganda and agitation', noting that by the Law on Non-Governmental Organisations (Public Associations and Funds), it is unlawful for registered secular associations to engage in religious activities of any kind. In August 2002, the Association replied to the Ministry, claiming that its social programmes, campaigns and activities were geared towards establishing a civil society and promoting human rights, thereby denying its involvement in religious activity. The Association also noted in its response how Azerbaijani legislation does not define 'religious activity.'

The following month, the government sent a stern letter demanding the Association cease its unlawful religious activities 'with immediate effect', explaining that it considered the Association's board members' discussion of religious topics at its general assemblies in 1997, 1998 and 2001, as constituting 'religious activity.' The Ministry issued a third written warning, but the Association did not respond. In July 2003, the Ministry lodged an action with the Sabail District Court, claiming that the Association engaged in 'unlawful religious activity' and requested the court to order its dissolution. In its filing, the Ministry specifically cited how the Association's decision to hold a conference commemorating the Prophet Muhammad's birthday and its criticism of the monopoly of the state-sanctioned Caucasus Muslims Board over Islamic organisations and pilgrimages in Azerbaijan constituted 'religious activity.' The Sabail District Court ordered the Association to be dissolved. Despite the Association appealing the dissolution order later that year, citing how the legislation does not define 'religious activity', thereby the Association could not foresee that the law would interpret its activities as 'religious', the Court of Appeal dismissed this claim, a decision later upheld by the Supreme Court.

Upon reaching the ECtHR, the Court applied its criteria of whether the actions of the Azerbaijani government were 'necessary in a democratic society' and whether the legislation was both 'accessible' and 'foreseeable' to ascertain whether a violation of the ECHR had occurred. With both parties accepting that there had been an interference in the applicants' freedom of association, the case centred on whether the interference was justified. The Strasbourg Court focused much of its attention on the final criterion of legal foreseeability, on which it agreed with the complainants that the wording of the legislation was too general and 'may give rise to extensive interpretation.' The Strasbourg Court noted that while the legislation explicitly referred to 'religious communities, departments and centres, religious fraternities, religious educational establishments and their unions' as constituting 'religious organisations', the legislation was mum on what constitutes 'religious activity.' The Court determined that given the lack of a definition in the law of 'religious activity',

the Association could not have foreseen that its operations would constitute 'religious activity' and contravene domestic law by operating as an association registered for secular purposes. As a result, the Court concluded that the domestic authorities in Azerbaijan were given 'unlimited discretionary power' in this sphere and the interference on the part of the government was not prescribed by law, concluding with a judgement that there had been a violation of Article 11 of the ECHR.

The case of the forced dissolution of the Islam-Ittihad Association involves a religiously-affiliated organisation that was registered but not to the satisfaction of the government in Azerbaijan. The case is relevant to recognition and registration issues because it raises an important question about what constitutes a religious organisation and the consequences in an authoritarian state of refusing to adhere to registration requirements (Bashirov, 2019, p49-68). The contention of the government of Azerbaijan was not necessarily the activities of the Association per se but instead that the Association was registered as a secular organisation rather than a religious one. It was the main argument of the Azerbaijani authorities that the Association had no legal right to conduct activities in connection with religion as a registered secular entity because doing so meant it would have to abide by the Law on Freedom of Religion that makes demands of religious organisations that do not apply to secular entities. This case not only highlights the consequences of the mandatory registration order imposed on all organisations in Azerbaijan, but also emphasises a need for defining 'religious activity', determining what limits are appropriate for governments to place on freedom of association and whether an organisation should be obliged to declare itself religious or secular before the law. For example, this topic arose during my interviews when Thane suggested that 'states have a responsibility under FoRB to register religious or belief organisations as such in law, so they should have their own separate procedures and legal category.' Thane advocated for this due to the distinct needs and rights of religious communities. The focus of the Strasbourg Court on foreseeability reflects the need for greater clarity from the international level on how states approach defining religion, religious organisations and religious activity. If the

Court can make a judgement based on a state's lack of definitiveness in domestic legislation, more guidance is required at the international level to encourage states to adjust their domestic laws to remain accessible and foreseeable to reduce undue state interference with exercising fundamental rights.

The case emphasises the issue of when adherence to 'hypersecularism' interferes with FoRB. Until 1991, Azerbaijan was a communist and de facto atheist state and has maintained in policy and practice an air of hostility towards religion that has seeped into its registration laws and manifests in the measures the government uses to restrict religious activity (Gasimov, 2020, p1-37; Khalilzada, 2024). The government's pursuit to keep religion confined leads to the strict limits placed on what activities religious and secular organisations may participate in legally (Minasyan, 2017, p819-837). There is a need for the international human rights system to discuss whether a legal distinction should be made between religious and secular organisations in registration laws. The case highlights the difficulties with religious groups registering affiliate organisations that are not necessarily participating in religious services but facilitate religious activities or provide humanitarian support or pastoral care with a religious ethos. The case calls attention to the interconnection between freedom of association, freedom of expression and FoRB and emphasises the bearing registration practices can have on the autonomy of private organisations. Finally, applying the criteria of the SRV, this violation by Azerbaijan involving registration can be classified as 'minor' because while it involved the forced dissolution of the Association, this did not result in any members of the religious group being detained or fined. However, these actions by the Azerbaijani government reflect its 'broad mandatory' registration policy classified as non-compliant with FoRB in the SRR-2 and its categorisation as 'Censorious' in the SRR-1.

Section 4.4 – Analysis of the OSCE Guidelines

After observing how pervasive the impacts of recognition and registration issues can become in the cases I have analysed from the UN Human Rights Committee and the ECtHR, I now turn my attention to why international guidelines have so far failed to curb the growth of such issues. I intend for this section to highlight the strengths and weaknesses of the primary international document solely committed to dispensing guidelines on recognition and registration: the 2014 *Guidelines on the Legal Personality of Religious or Belief Communities* (hereafter 'OSCE Guidelines' or 'the Guidelines') published by the Organization for Security and Co-operation in Europe (OSCE) through its Office for Democratic Institutions and Human Rights (ODIHR). This document is the most comprehensive as it addresses a range of recognition and registration issues and is widely cited in the field. The first point I wish to raise is that the OSCE Guidelines were mainly accurate in identifying impermissible and permissible state policies and practices on recognition and registration. For example, Brown stated during his interview that 'the OSCE Guidelines support the determination of what does and does not constitute control when it comes to state interactions with religious or belief organisations including the use of recognition and registration.' However, there are several issues with the Guidelines, including a lack of specificity on margins of appreciation, some key issues that went unaddressed that have gained greater prominence since the Guidelines were published and the absence of a systematic analysis of registration issues to form an evidence-based approach that demonstrates the impacts of recognition and registration issues on conditions of FoRB.

My first concern regarding the Guidelines does not involve their content, but the way they present registration issues. For example, on page thirteen, the document states that FoRB 'cannot be made subject to prior registration or other similar procedures', inferring the concern regarding mandatory registration orders. Still, no explicit emphasis was made in the Guidelines on mandatory registration being the

principal registration issue, nor was any reference made to how mandatory registration escalates the severity of the impacts of other registration issues. My point is the OSCE Guidelines fail to present registration issues systematically and do not establish coherent categories for organising registration issues to understand which are more pressing than others when it comes to their impacts on conditions of FoRB. To remedy this, I introduced in this thesis my approach of presenting recognition and registration issues chronologically by dividing them according to how religious or belief organisations are likely to come across them in the field by splitting them into preregistration, registration and postregistration stages. This approach establishes a clearer understanding of how registration issues arise and interrelate and conveys with greater ease and clarity how the issues impact conditions of FoRB. After failing to categorise the issues, the Guidelines also fail to specify which registration issues are of greater threat to conditions of FoRB than others. Hierarchising registration issues provides a clearer view of how each impacts conditions of FoRB which could be more effective at reforming law and practice. The way recognition and registration issues are presented needs to change to improve how evidence is gathered about the impacts of the issues on conditions of FoRB.

If the OSCE Guidelines were to be updated, they would need to make international standards more coherent, 'implementable' and realistic. Connected to this is my second main concern, namely, the limited geographic scope of the OSCE Guidelines. The Guidelines are demonstrably Eurocentric and although there are important recognition and registration issues endemic to European nations that I have highlighted in this thesis, the political and religious diversity beyond Europe results in a much wider range of recognition and registration issues that tend to receive less attention. It appears that the OSCE Guidelines were meant to handle recognition and registration issues where human rights are viewed from a Western perspective, leading to little to no regard for issues in countries where the state religion is Buddhism or Islam or where state atheism is espoused. A set of international standards would ideally consider a range of political and religious systems given that non-Western

nations often have diverse approaches to religious recognition based on their cultural and historical background that may constitute a legitimate margin of appreciation. Although the OSCE Guidelines provide snapshots of problematic recognition and registration laws for certain countries in-text, the fast-paced nature of how laws change outdates some of the examples provided.

My third criticism of the OSCE Guidelines is how the primary data from my interview series raised recognition and registration issues that went unaddressed or were not sufficiently discussed in the Guidelines, including the amalgamation of recognition with registration, registration fees, customs regulations on importing religious goods, geographic quotas, deregistration and reregistration, non-registration and proselytising. Any new international standards document must include all recognition and registration issues of concern to FoRB to a sufficient depth even if the problems appear granular. This is important for issues that have become more prominent in the field since the OSCE published the Guidelines in 2014, an example being the use of mass reregistration orders by the Russian Federation in Crimea and, more recently, in the Donbas region of Ukraine (Corley & Kinahan, 2022). Moreover, integral to any systematic approach to analysing recognition and registration issues would be assigning new terminology to distinguish with greater coherence each issue as a concern to FoRB, thus coinciding with the SRR-1, SRR-2 and SRV in categorising recognition and registration issues according to the severity of their impacts. A precursor to sufficiently understanding recognition and registration issues as an international human rights concern is to identify the issues using key terms that are definitive and memorable so that they gain more attention from governments and human rights organisations to leverage change.

My fourth key concern regarding the OSCE Guidelines is their tendency to view recognition and registration issues solely through collective and individual rights while disregarding institutional rights. For instance, on page seventeen, the Guidelines state that FoRB is accorded to ‘human beings as rights-holders’ but dismisses the role of religious or belief organisations and their functionaries in providing the facilities

for rights-holders to exercise their rights. One of the main insights from my interviews was that institutional rights are just as crucial to upholding FoRB as collective and individual rights and that all three are symbiotic. A concern is raised here over the lack of attention given to institutional rights in academic and judicial discourse on FoRB, pointing to one of the reasons why recognition and registration issues continue to worsen given the weakness in protections for institutions. In essence, FoRB becomes vulnerable to being violated when states limit what religious or belief organisations can do freely and legally, given that this curtails the rights of communities and individuals. It might be better to present recognition and registration issues through a three-pronged framework of collective, individual and institutional rights, the equal importance of which to the provision of FoRB should be communicated. What institutional rights include needs clarifying as they often go unmentioned or are not sufficiently addressed in human rights instruments and guidance, likely due to the prevailing approach of prioritising collective and individual rights.

A related final concern is how the OSCE Guidelines are not specific enough. For example, on its thirty-third page, the Guidelines document states that applicants 'have a right to receive prompt decisions on registration applications', yet no specification is given of an appropriate and FoRB-compliant timescale for states to follow in announcing their registration decisions. The Guidelines also fail to clarify the legitimate reasons states may invoke to deny registration to or deregister religious or belief communities while remaining compliant with FoRB. These examples reveal the need for clearer limits on states to curb the misuse of recognition and registration due to unclear margins of appreciation. States appear to have significant leeway to create their recognition and registration policies and to apply them stringently, perhaps pointing to why issues have become overbearing on conditions of FoRB. The need for more specificity is clear when considering the issue of registration fees. For instance, on page twenty-six, the Guidelines mandate that states should not charge 'excessively high or unreasonable registration fees' but fail to quantify these terms. Although the

OSCE Guidelines is a landmark document, it is now a decade old and fails to represent the global approach to recognition and registration issues that the insight from my study indicates is needed instead of the prevailing Eurocentric approach. The Guidelines also require an update on how recognition and registration issues are categorised and greater specificity on several issues that have worsened over time due to the incoherence or lenience of current guidance. In conclusion, any future document addressing recognition and registration might aim to remedy some issues by exercising clearer limits on states while respecting certain margins of appreciation for language differences, culture and tradition and the legitimate concerns of states over sovereignty, national security, religious extremism, radicalisation and organised crime.

Section 4.5 – Interplay between recognition and registration

An underlying theme of my study is the interplay between recognition and registration. As I stated in the introduction of this thesis, Heiner Bielefeldt recommends making a clear distinction between recognition and registration due to their distinct functions. According to Bielefeldt, each has a unique role to play in state-religion relations which should be acknowledged in law and practice, especially given how recognition and registration appear to influence conditions of FoRB differently. Having said this, it appears that recognition and registration also frequently interact with each other, as demonstrated by the findings from my interview series and my analysis of case studies, court rulings and accounts of religious prisoners of conscience. When developing my thesis, I followed Bielefeldt's recommendation to make a clear distinction in my work by dedicating separate parts to the discussion of recognition and registration. Despite this, my discussion of recognition often touched on matters involving registration and vice versa. In this section, after considering the international response to recognition and registration issues, I will discuss further the interplay of recognition and registration to draw reflections on how and why recognition and registration interact.

One of the reasons Bielefeldt cited for clearly distinguishing between recognition and registration is because he came across many instances in which the two had been amalgamated during his incumbency as a Special Rapporteur. Recognition is a social construct in which legitimacy, mutual acknowledgment and trust are established between a government and the religious institutions and communities it chooses to recognise. Conversely, registration is a legal procedure that should culminate in a religious or belief organisation obtaining a personality in law so that it can act independently of its members in a legal capacity. When recognition and registration are intertwined, it can be difficult to decipher what the state means to bestow to

religions and beliefs when they are recognised or registered. This ambiguity that amalgamation causes demonstrates why the practice is detrimental to conditions of FoRB because it leads to some religious communities receiving more privileges or a higher level of recognition than others. Clearly distinguishing what recognition and registration mean would address some of the issues raised by Category Two participants, including confusion over the legal status of their communities. It would also support FoRB literacy which a couple of the Category One participants championed. For example, both Brown and Patton predicted that improving FoRB literacy would help resolve some recognition and registration issues. Both participants also contended that the more terminology that exists to describe recognition and registration issues, the more avenues will arise to understand and resolve them.

During her interview, Kerr agreed that a clearer understanding of the interplay between recognition and registration will be necessary 'to sharpen the line between what is and is not permissible to FoRB.' Kerr stated that establishing clarity on the nuances between recognition and registration 'could encourage states to fulfil their responsibilities in being even-handed when it comes to treating religious or belief organisations and their members.' She added that this would involve states 'practising even-handedness in terms of granting access to registration, treating groups equitably during registration and not discriminating against organisations once they have obtained registration.' My reflections on the insights from the interview series and the research I have conducted imply that while recognition and registration have different functions in state-religion relations which should be acknowledged, they also frequently interact. In particular, my finding is that state recognition has a greater bearing on registration law and practice than the other way around because how states choose to recognise religions and beliefs orients how registration policy is developed and applied. For example, in Algeria, where Sunni Islam is the state denomination, registration for all non-Islamic religious organisations is mandatory and segregated from Islamic organisations as it is handled by the National Commission for Non-Muslim Worship, a practice less likely to appear in a secular state where all religions

should be treated equally during registration (Office of International Religious Freedom, 2023). While reforms to registration are likely to improve conditions for religious communities in the short term by allowing groups to conduct day-to-day activities with greater freedom, these reforms can only go so far if an exclusivist recognition policy prevails such as the establishment of a religion or denomination.

My research has also found that the interplay between recognition and registration is often not conducive to improving conditions of FoRB. Registration must be accessible, equitable and visible for all religious communities to become FoRB-compliant. However, state recognition tends to limit access to registration, makes completing registration easier for certain religious communities and interferes with the activities of registered communities. More emphasis needs to be placed on understanding the nature of the interactions between recognition and registration and identifying how these interactions negatively impact conditions of FoRB. By introducing the SRR-1, SRR-2 and SRV, my thesis goes some way in separating recognition from registration, identifying their interactions and conveying how each impacts conditions of FoRB separately and together. However, there is no doubt that more research and monitoring of recognition and registration issues is needed to understand the nature of the issues in different contexts. At the foundation of the discussion of the interplay between recognition and registration are some of the ideals Bielefeldt espoused during his interview, one being 'the principle of the maximisation of rights', namely, that regardless of the orientation of recognition and registration in any given country, the universality of FoRB in its fullest sense must prevail. Bielefeldt's other principle of the non-negotiability of rights is relevant to the interplay between recognition and registration because, while this principle does not disregard political sensitivities or cultural and religious traditions, neither does it allow states to undermine the international and national protection of fundamental rights by using culture, politics or tradition as justification.

Finally, a couple of the Category Two participants expressed how they felt about the future of registration issues. For example, the Presbyterian Christian living in

India summarised their views when they called for an overhaul on what constitutes religion and belief: ‘Much of it involves collectiveness, but we have forgotten that faith in any form is first personal. If we do this and stick to the teachings of whatever/ whoever we worship, I am sure most of our current problems will be dealt with because no religion, as far as I know, teaches hate.’ Meanwhile, the LDS missionary who participated in my study emphasised the importance to them and their community of being able to ‘live out our faith without state interference.’ Understanding the legal and social impacts of recognition and registration issues on conditions of FoRB has been core to my study achieving its aims, with many insights having emerged from participants that either directly express or intimate that how recognition and registration are applied significantly impact conditions of FoRB.

Part Five

Conclusion

Section 5.1 – Outcomes

My research during this study has shown that recognition and registration are powerful tools that states across the political spectrum and in all regions of the world regularly implement to exert influence over religious activity. The primary data from the interviews I conducted, along with secondary data from case studies and analyses of court rulings, show that recognition and registration issues lead to several kinds of rights violations. In this final section, I will conclude my study by considering the three outcomes of my research: (1) recognition and registration issues are prevalent in every region of the world, in both authoritarian and democratic states, but to different severities; (2) there is a range of real-world impacts on religious communities that recognition and registration issues enable, including religious discrimination and inequality, restrictions on religious activity and violent persecution; and (3) recognition and registration are necessary despite the most pressing issue of mandatory registration enabling states to surveil religious groups, conduct raids on places of worship and private residences and detain or imprison group members and leaders. These three outcomes lead me to conclude that recognition and registration influence conditions of FoRB to a significant degree. I will reflect on the efficacy of my chosen methodology, the contributions my study has made to the literature and how my findings might be taken forward to support future research.

Subsection 5.1.1 – Prevalence of recognition and registration issues

The principal finding of my study is that recognition and registration issues are not limited to one region of the world or one type of government but appear across the Americas, Africa, Asia, Europe and Oceania. While their impacts are more severe on conditions of FoRB in authoritarian states like China and Kazakhstan, recognition and

registration issues frequently appear in democratic states like Austria and Germany. The difference between how authoritarian and democratic states apply recognition and registration is that authoritarian governments often make registration mandatory and use violent force to ensure that recognition and registration policy is followed, especially by religious minorities and members of NRMs but also by the majority religious community. My study has shown that authoritarian states suffer more from strict adherence to the established religion or strict forms of secularisation, each of which can be equally detrimental to conditions of FoRB. In these states, gaining recognition or registration is a matter of survival rather than obtaining legal personality and benefits. In democratic states, my case studies on Austria and Germany showed that recognition and registration issues tend to arise from the unequal treatment of religions in obtaining the same privileges granted to the majority denomination. I also found that the impacts of recognition and registration issues escalate against minority communities or members of new religions who tend to face harsher treatment. While in Africa and Asia, recognition and registration issues are most pervasive and severe, my study shows that countries throughout the Americas, Europe and Oceania are not free of problems with their recognition and registration systems that have a significant bearing on conditions of FoRB.

This finding is significant because it emphasises how widespread and diverse recognition and registration issues have become in the contemporary world, with implications for states in upholding their international commitments to FoRB. I find that the regime type, the cultural, ideological, political and religious background of the social order and the government's interpretation of FoRB significantly influence the prevalence of recognition and registration issues, causing significant bearing on conditions of FoRB. As a result, more monitoring specific to recognition and registration issues is necessary to record the trends of recognition and registration policy and practice across many states. More detailed and extensive observations of recognition and registration issues will likely reveal new issues that religious communities face, emphasising the need for increased national and international

attention. By taking a global approach with case studies from states with different cultural, political and religious backgrounds, my study shows that recognition and registration issues arise in various forms and to different severities depending on the cultural and political landscape. My study shows the prevalence of recognition and registration issues and how they differ across states, an outcome that would not have been possible if I had focused my study on one region of the world. The complexity of recognition and registration law and practice my study conveys also leads to the outcome that more extensive monitoring of the issues will result in a clearer understanding of how recognition and registration issues impact conditions of FoRB.

The series of human rights reports, USCIRF intelligence, ECtHR rulings and UN Human Rights Committee guidance that I have included and analysed in this thesis substantiate my finding that recognition and registration issues significantly impact conditions of FoRB. My extensive review of secondary data led to my thorough examination of the full range of recognition and registration issues, revealing that they can cause significant detriment to the freedoms of religious communities. This analysis in my thesis points to the legitimacy of the concerns of human rights organisations monitoring conditions of FoRB. It also brings about new challenges in the aim of achieving higher levels of freedom for religious communities. My analysis reveals that these issues undermine key aspects of FoRB and other closely related human rights like freedom of association and freedom of expression. However, I equally find that human rights organisations and academics have not quelled the growing concerns over recognition and registration issues due to their failure to come to a consensus on many of the granular issues I identified during my analysis. In turn, the results of my interview series show that experts remain divided on three topics: (1) how recognition and registration issues are best prevented; (2) whether state recognition of religions is compatible with FoRB; and (3) whether recognition and registration can be used to facilitate religious activity. Although my Category Two participants identified how they are impacted by recognition and registration issues, they held limited insight on resolving the issues. Some Category One participants

were fixed on traditional methods of tackling human rights violations, namely, by relying on courts and committees to react on a case-by-case basis, which has so far failed to curb the growth of recognition and registration issues. Since recognition and registration issues appear to be compounded by a lack of consensus on how to reform policy and practice to make recognition and registration more compliant with FoRB, this leads me to conclude that more monitoring is needed to build a greater consensus on the most efficient ways of preventing recognition and registration issues.

Subsection 5.1.2 – Impacts of recognition and registration issues

My study shows that recognition and registration issues have many impacts on religious communities to different severities and shape conditions of FoRB. Substantiating this finding is the primary data from my interviews with members of religious minorities and NRMs and secondary data gathered from accounts of religious prisoners of conscience, quotations from members of religious communities included in the latest U.S. Department of State's *Report on International Religious Freedom* and individuals claiming rights violations before the ECtHR or the UN Human Rights Committee because of their lack of access to recognition or registration. I classified these impacts into four categories: (1) the impacts on individual expression and observance of religion or belief; (2) the impacts on communal expression and observance of religion in public and in private; (3) the impacts on institutions aiming to provide facilities for individuals and communities to observe their religion; and (4) the impacts specific to certain types of communities, such as those belonging to NRMs or that have chosen to refrain from registering. For example, members of unrecognised or unregistered religious communities stated in their interviews that their right to exercise FoRB had been violated due to their community's lack of recognition and registration. Those helping to run religious or belief organisations stated that onerous registration requirements were adept at stalling their ability to provide the facilities for members to practise their religion.

Identifying these impacts on different aspects of FoRB substantiates that recognition and registration can detrimentally impact the lives of members of unrecognised or non-registered religious communities. My analysis of case studies, insights from the interview series, court rulings, human rights reports and the accounts of religious prisoners of conscience in this thesis have shown that there are five major impacts: (1) discrimination against unrecognised or non-registered communities; (2) a lack of equality among religious communities in accessing the benefits of recognition or registration; (3) stigmatisation against unrecognised or non-registered communities; (4) states detaining and ill-treating imprisoned members of unrecognised or non-registered communities; and (5) states using violent force against members of unrecognised or non-registered communities to ensure compliance with regulations. These findings are significant because they demonstrate the real-world impacts on members of unrecognised and non-registered communities in exercising FoRB. The findings reveal the role that recognition and registration play in shaping conditions of FoRB, not only through law and policy but the day-to-day activities of communities, including running religious institutions. It appears that some states use recognition and registration to confine or influence religious activity, prompting the outcome that more research should be dedicated to specific countries and communities to draw out further insights that no single study could capture. By refraining from narrowing my research to a single religious community or country, I have conveyed a scale of impacts caused by recognition and registration issues in different cultural contexts and under a range of governments. I developed the SRR-1, SRR-2 and SRV to measure the variation in how governments enforce their recognition and registration policies to scale the impacts on religious communities.

Subsection 5.1.3 – Necessity of recognition and registration

My research shows that recognition and registration issues significantly impact conditions of FoRB, especially mandatory registration orders, which emerged as the

principal issue because they enable state surveillance. Equally, my research reveals how necessary recognition and registration are to obtain legal personality, gain social acceptance and benefit from financial privileges. Thus, recognition and registration are indispensable to how governments and religious communities interact. Not only this, but in all the authoritarian states I studied during my research, including China, Ethiopia, Kazakhstan and Malaysia, gaining recognition and registration is instrumental to securing several rights despite these having already received universal protection in human rights instruments. Nonetheless, whether the benefits a state ties in with recognition and registration are FoRB-compliant, my research highlights how crucial recognition and registration are to the legal and social framework of relations between religious communities and the state.

This finding is significant because it justifies placing greater emphasis on addressing recognition and registration issues. It also leads to a third outcome for the study: governments and human rights organisations must understand the dynamics of recognition and registration to highlight their impacts whenever they are misapplied. This outcome is substantial because it demonstrates how policymakers and those monitoring conditions of FoRB can take the study's findings forward and apply them to initiate change. This outcome includes the necessity of making recognition and registration more compliant with FoRB to reduce their negative impacts. My rigorous examination of recognition and registration issues allows me to conclude that recognition and registration are a salient factor in determining conditions of FoRB, so much so that their impacts can be significant. Necessary in coming to this conclusion involves ascertaining a correlation between conditions of FoRB and recognition and registration policy and practice. The SRR-1, SRR-2 and SRV are instrumental in highlighting this correlation because they each show the differences in severity between how states devise and enforce recognition and registration. Also supporting this correlation and contributing to the existing literature are the personal insights and expert opinions from the interview series, particularly because of the current lack of

qualitative research on how recognition and registration issues impact religious communities.

My analysis of the range of registration issues revealed that these issues specifically impact conditions of FoRB by using my chronological approach of splitting the problems into three stages. This approach allowed me to show what issues religious communities face at each stage of the registration process to convey the impacts they can have on conditions of FoRB. My analysis during the writing of this thesis has shown that while it is ideal to theoretically differentiate recognition from registration to understand their differences, in practical terms, recognition and registration cannot be separated. My research indicates that the complex historical, political and sociocultural factors influencing how a state and a society recognise religions and beliefs have a significant bearing on the legal framework for gaining registration. While registration has less of a bearing on recognition, recognition has a significant bearing on registration and discussing registration without recognition would omit a major aspect of why and how registration issues arise.

Subsection 5.1.4 – Contributions, efficacy and implications of the study

My study is a piece of sociolegal research that explores the interaction between recognition and registration policy and practice and how the impacts of these mechanisms differ depending on the cultural and historical background of a nation and its type of government. My thesis presents evidence of how recognition and registration issues impact conditions of FoRB from legal and social perspectives. For example, the social perspective arises in the interviews I conducted with members of unrecognised and unregistered religious communities who expressed their concerns over the most pressing issues impacting their ability to exercise their FoRB. Meanwhile, the legal perspective is conveyed in this thesis through the primary data from the human rights professionals I interviewed and in my analysis of ECtHR and

UN Human Rights Committee rulings on cases involving recognition and registration issues. This approach leveraged my study to consider the range of impacts recognition and registration issues have on conditions of FoRB. The aim of my study is achieved as I have provided a detailed account of how states apply recognition and registration, alongside a discussion of the degree to which recognition and registration issues impact conditions of FoRB. I have achieved this through my analysis of the primary data from my interview series along with secondary data from case studies, several accounts of religious prisoners of conscience and judicial rulings on cases involving recognition and registration issues. I also addressed the objectives of my study by conducting an extensive literature review on registration laws and the theory of recognition to determine more clearly its psychosocial and sociocultural functions in the context of state recognition, with a discussion of how this relates to FoRB.

Contributions of the study

With my approach of using case studies and first-hand accounts to corroborate the qualitative data, my study has made an original contribution to the literature. The principal way my study has contributed is by presenting a phenomenology of religious recognition and registration. My research has clarified how state recognition and registration can impact members of any religion or belief, with a focus on those belonging to minority communities and NRMs who voiced their experiences and opinions during the interview series. Exploring these impacts has the potential to influence existing theory by providing perspectives from individuals who have been personally affected by recognition and registration issues. These findings will be of value to human rights organisations, advocates, fellow researchers and governments that wish to understand the extent of recognition and registration issues and how to rectify policy and practice. Additionally, I intend for my findings to improve how data on recognition and registration is collected, analysed and presented in the future to make clearer their impacts on conditions of FoRB.

My study also contributes the SRR-1, SRR-2 and SRV as models for measuring the severity of the impacts of recognition and registration issues on conditions of FoRB. The SRR-1 is broader as it looks at recognition and registration issues in a country overall. Countries can be classified in the SRR-1 based on several factors: (1) how inclusive or exclusive a state's policies and practices are; (2) the degree of violent force state officials use to enforce recognition or registration policy; (3) the degree to which religious communities are treated fairly and equitably in recognition policy and registration procedures; (4) the mandatoriness, accessibility and onerousness of registration; and (5) the degree to which states uphold in practice the benefits formally tied in with gaining recognition and registration. On the other hand, the SRR-2 focuses on registration by categorising countries as either compliant or non-compliant with FoRB according to what policy they adopt which helps with defining a mandatory policy. The SRV complements both spectra by measuring specific violations of FoRB that have involved states using recognition or registration by scaling the violation from 'minor' to 'grave' based on criteria set out in the model.

The third contribution of my study is my novel method of analysing registration issues using a three-step approach. It considers the obstacles religious groups face in trying to gain access to registration (what I call the preregistration stage), the issues groups face during registration such as onerous requirements and finally, the problems groups face in trying to retain their registered status (what I call the postregistration stage). Introducing this method in my thesis has allowed me to convey more clearly the types of issues religious groups face at the different stages of registration as a way of deconstructing the entire registration process. Contributing this method should create a greater understanding of the complexity of registration laws and practices and is likely to reveal a wide range of problems that can arise before, during and after registering. Overall, my research makes three main contributions, including qualitative research on an area in which there existed little qualitative data before my study, three measures to help understand the scale and severity of the impacts of recognition and registration issues on conditions of FoRB and a method for

deconstructing and analysing the registration process to better understand the issues religious communities face.

Efficacy of the methodology

My chosen methodology for my study was a series of semi-structured interviews with two categories of participants: those who had directly experienced recognition and registration issues and those working at the international level on religious freedom advocacy. My methodology involved using a combination of purposive sampling for the initial round of interviews with both categories of participants and snowball sampling for later interviews with Category One participants. My chosen methods of analysis were thematic for the Category One interviews and interpretative phenomenological for the Category Two interviews. Overall, my chosen methodology has been effective at providing a sociolegal analysis of recognition and registration issues to understand the degree to which they impact conditions of FoRB. My approach of conducting semi-structured interviews gave my participants the freedom to express what recognition and registration issues they felt were most pressing. Conducting interviews with two kinds of stakeholders also meant that I could understand recognition and registration issues from two perspectives, including a bird's-eye view from human rights lawyers and FoRB advocates and a view on the ground from members of religious minorities or NRMs. Having these two perspectives meant that I could understand the issues to a greater depth and draw out qualitative data from people directly affected by the issues which is much-needed in this field as there has been sparse qualitative research conducted on recognition and registration. Using thematic analysis on the interview transcripts of my Category One participants meant that I could draw out key themes the subject-matter experts had raised and highlight instances in which participants' views diverged. Applying IPA to the interview transcripts of my Category Two participants meant that I could draw out and emphasise the personal impacts of recognition and registration issues. My use of

IPA also allowed me to gain a clearer understanding of how each of the participants felt about and made sense of the challenges their community faced in gaining state recognition and registration. In turn, I am satisfied with the methods I chose for my interviews, sampling and analysis.

Although my chosen methodology has been successful, some limitations emerged after reflecting on my findings. The principal limitation of my study is that I was unable to develop a third category of participants comprised of government officials to get their perspective on recognition and registration issues. Another limitation is that my study had less Category Two participants than Category One participants. I aimed for an exact balance between the two categories but instead ended with seventeen and fourteen participants respectively. The reason for the lower number of Category Two participants was twofold: (1) my limited network to contact participants; and (2) the sensitivity of the topic of human rights caused some potential participants to back out in fear of their safety despite my guarantee that they would be anonymised. These events during the interview preparations proved how significant recognition and registration issues can be for religious minorities, especially when framed and discussed as human rights violations. Fewer Category Two participants meant that the qualitative data from those belonging to minority and new religions was slightly less than what it could have been. Despite this, I was still able to achieve my objectives and I conducted many Category Two interviews that provided valuable insights. My interviews drew detail from personal experience and showed empathy for and engagement with the accounts of each of the participants. Meanwhile, the Category One participants offered a more authoritative voice on several controversial topics that required expert knowledge and experience on FoRB to explore sufficiently.

Implications of the study

The insights from the interview series, the case studies and the first-hand accounts I have presented in this thesis have several implications for governments, researchers

and policymakers. The implications for governments centre on how states use recognition and registration in ways that violate FoRB and other fundamental rights. To improve FoRB conditions and to keep to their international human rights commitments, these findings suggest that action needs to be taken by governments to reform policy and to make changes in practice to resolve recognition and registration issues and reduce their negative impacts. The implication is that governments are responsible for upholding the commitments they have made to FoRB after signing instruments like the ICCPR and making further commitments to FoRB in domestic legislation. Governments are obliged to consider recognition and registration issues in terms of their impacts on FoRB to initiate reforms.

The findings of my study have implications for future research. Researchers will be crucial in promoting and solidifying the link between FoRB and recognition and registration issues by building on the results of my study and collecting new data. The implications of my study for researchers centre on how more monitoring is needed on recognition and registration issues, necessitating that researchers dedicate more of their resources and time to addressing these issues. The findings suggest that recognition and registration issues significantly impact FoRB, enough to justify increasing specialised monitoring by human rights organisations. Finally, the findings of my study have implications for policymakers as they are liable for following any future standards on recognition and registration. Policymakers have the challenge of reforming their national recognition and registration systems to address issues to which there may be political resistance and social backlash. Having the expertise to know how to change recognition and registration policy to avoid further detriment to FoRB will be essential. The implications primarily centre on how governments, human rights organisations, policymakers and researchers react to my study and their efforts to carry the findings forward. The link between these implications is the relationship between FoRB and recognition and registration issues. If the thesis had not made this link clear, the implications of my findings would be less significant. However, the findings of my study demand greater attention from governments,

human rights organisations, the international community and policymakers to make the changes necessary to resolve the recognition and registration issues identified, given their proven impacts on conditions of FoRB.

Concluding remarks

After exploring the impacts of recognition and registration issues across different types of governments, diverse cultural and religious contexts and in several regions of the world, my conclusion is that recognition and registration policy and practice have a significant bearing on conditions of FoRB. My research establishes that recognition and registration are powerful tools that, if not applied in FoRB-compliant ways by states, can lead to severe human rights violations. My study's purpose has been to provide empirical evidence about recognition and registration issues and to analyse how these issues emerge in different ways in several types of countries to convey their prevalence, variety and importance. My introduction of the SRR-1, SRR-2 and SRV, along with my analysis of registration issues by splitting them into three stages, have built on the insights from my interview series. In particular, the SRR-1, SRR-2 and SRV visualise the scale of impacts of recognition and registration and bridge the gap between recognition and registration issues and the conditions of FoRB overall.

My thesis contributes six case studies on how recognition and registration issues differ in severity between authoritarian and democratic nations, showing how the SRR-1 and SRR-2 can work to categorise countries according to their recognition and registration policies and practices. Additionally, my analyses of ECtHR and UN Human Rights Committee rulings involving recognition and registration convey legal opinions on whether these issues amount to violations of FoRB and other fundamental rights. The interviews with human rights professionals contribute first-hand insight from experts on how the international human rights system reacts to recognition and registration issues. Meanwhile, the interviews I conducted with members of unrecognised or unregistered religions contributed personal experience of what it is

like dealing with discriminatory recognition policies and onerous registration laws. Building on this body of personal experience are the accounts of several religious prisoners of conscience whose persecution for being members of unrecognised or unregistered religions demonstrates how severe the impacts of recognition and registration issues can become. My study contributes to the discourse on human rights with its comprehensive examination of recognition and registration issues which I expect will inform stakeholders on how to approach recognition and registration.

My study has addressed a range of contemporary restrictions on religious activity stemming from how states implement recognition and registration. By shedding light on numerous issues, my study has challenged any assumption that recognition and registration are merely abstract and formal, having minimal impact on conditions of FoRB. After addressing recognition and registration issues in authoritarian and democratic states in diverse cultural and religious settings, my study discussed many ongoing challenges in the discourse on FoRB, including appropriate margins of appreciation, backlash against pluralism and multiculturalism, anti-cult movements targeting NRMs and cultural relativism used as a rebuff to reform. Discussing these topics has often produced insight into how recognition and registration issues intersect with broader catalysts of social change, including immigration, globalisation, religious diversification and secularisation. After analysing the evidence, my study came to address these challenges and social processes from the standpoint that state recognition and registration are central to the provision of FoRB, given the necessity of having a mechanism in place to govern state interactions with religious communities. My study has highlighted the reality on the ground that gaining some degree of recognition or registration in most societies is essential to the free and full exercise of FoRB. Although several international and regional human rights instruments enshrine FoRB as universal, attempts by states to erode its protection appear commonplace, with recognition and registration playing a key role. My study has addressed this issue and others head-on through a comprehensive analysis and discussion of recognition and registration, with the aim of inciting reform.

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Appendix 1 – List of Interview Participants

Category One participants

Interviewee 1 – Salah Ali (General Coordinator of the Iraq Religious Freedom and Anti-Discrimination Roundtable)

> A Fellow with the Middle East Action Team of the Religious Freedom Institute, Dr Salah Ali has extensive experience in projects of peacebuilding, social cohesion and protection. Ali has served as an advisor to the Minister of Endowment and Religious Affairs in the Kurdistan Region of Iraq. He is active in public advocacy: e.g. he has given written testimony in U.S. congressional hearings (via USCIRF) about religious minorities and governance in Iraq.
>
> The Iraq Religious Freedom and Anti-Discrimination Roundtable aims to bring together civil society organisations, religious leaders and government bodies in Iraq to promote and protect the right to religious freedom and to counter anti-religious discrimination. It is one of many gatherings hosted by the International Religious Freedom Secretariat, which is part of the international nonprofit organisation Global Peace Foundation. The Global Peace Foundation, with its headquarters in the U.S., is funded by a combination of private donations, government grants, and other sources, including the UN Multi-Partner Trust Fund.

Interviewee 2 – Andrew Copson (Chief Executive of Humanists UK)

> Andrew Copson began working for Humanists UK in 2005, becoming the youngest Chief Executive of the charity in 2010 at 29 years old. As Chief Executive, he leads the organisation's day-to-day management, sets strategy, and is a public voice for humanism in the UK. He has frequently written and spoken on issues such as secularism, human rights, education, and the rights of non-religious people (in media outlets, policy forums, etc.).
>
> Humanists UK is a UK registered charitable organisation (legal name British Humanist Association) promoting secular humanism. Over its history, it has engaged in campaigns (e.g. for secular education, against blasphemy laws), offered ethical or moral education alternatives, and provided services to non-religious people (e.g. counselling, ceremonies).

Interviewee 3 – Heiner Bielefeldt (Former United Nations Special Rapporteur on Freedom of Religion or Belief 2010–2016)

Born in Opherten, Germany, Professor Heiner Bielefeldt served as Director of the German Institute for Human Rights from 2003 to 2009 and was later appointed to the Chair of Human Rights and Human Rights Policy at the University of Erlangen–Nuremberg. In June 2010, Bielefeldt was appointed UN Special Rapporteur on Freedom of Religion or Belief, a post he held until 31st October 2016. During his term, he produced thematic and country reports on challenges, emerging obstacles, and best practices for protecting the freedom of religion or belief. One of his notable outputs is *Freedom of Religion or Belief: An International Law Commentary* (co-edited with Michael Wiener and Nazila Ghanea) which is a widely referenced work in the field. After his mandate, he remained active in human rights scholarship and public discussion, especially on religion, pluralism, secularism, and the intersection of human rights and belief.

Initially established in 1986, the position "Special Rapporteur on Freedom of Religion or Belief" is one of the "Special Procedures" under the United Nations human rights mechanism. The position is an independent expert appointed by the Human Rights Council (the mandate holder is not to be a UN staff member, is not to be paid and is to be supported by OHCHR staff and resources). The mandate holder reports to the Human Rights Council (in Geneva) and the General Assembly (in New York). Core functions of the Special Rapporteur include monitoring and reporting on global trends, country situations, emerging threats to FoRB; conducting fact-finding missions (with state consent) to investigate conditions on the ground; receiving and acting on complaints of FoRB violations; issuing urgent appeals or allegation letters to governments; producing annual reports exploring cross-cutting issues (e.g. conversion, blasphemy laws, minorities, gender, religious dress, etc.); and engaging with governments, religious communities, NGOs, and other UN bodies to promote compliance with FoRB standards.

Interviewee 4 – Elizabeth Clark (Associate Director for the International Center for Law and Religion Studies)

Professor Elizabeth Clark is Associate Director of the International Center for Law and Religion Studies and serves in a separate capacity as the Center's Regional Advisor for Europe. Clark has participated in drafting commentaries and legal analyses for legislation affecting religious freedom and has combined research, writing, law reform, and engagement with governments and civil society. Clark is deeply involved in the annual International Law and Religion Symposium hosted by ICLRS. She has been a primary organiser from its early days.

The International Center for Law and Religion Studies is a research and educational centre housed within the J. Reuben Clark Law School at Brigham Young University (BYU). Its mission is to mission is to help secure religious liberty for all people—that is, to promote freedom of religion or belief globally through scholarship, education, capacity building, law reform, and networking. It was formally established in 2000 (as a distinct center) though BYU had been hosting symposiums and engaging in law & religion work before that. The Center receives institutional support from BYU and support from private donors.

Interviewee 5 – Russell Sandberg (Lawyer, Specialist on Law and Religion in England and Wales and Professor of Law at Cardiff University)

Professor Russell Sandberg has served in leadership roles within the law faculty at Cardiff for several years, including being the Head of the Law Department between 2016 and 2019. Professor Sandberg's scholarship is interdisciplinary and bridges law, history, religion and the humanities.

Interviewee 6 – Stanley Carlson-Thies (Founder and Senior Director of the Institutional Religious Freedom Alliance)

Dr Stanley Carlson-Thies has long worked at the intersection of faith-based service organizations, public policy and religious freedom. He has been deeply involved in faith-based policy advocacy in the U.S., having served on the staff of the White House Office of Faith-Based & Community Initiatives during the early Bush administration (2001–2002). He was also part of President Obama's Advisory Council on Faith-Based & Neighborhood Partnerships (specifically a church-state task force) in 2009–2010. He has consulted with U.S. federal agencies (e.g. Departments of Labor, Health & Human Services), and with several states, focusing on removing barriers to religious organisations' participation in public programmes. He founded and convenes the Coalition to Preserve Religious Freedom, a monthly multi-faith gathering of religious freedom advocates, which monitors federal policy and advocates to Congress and the executive branch for laws that respect institutional religious freedom.

The Institutional Religious Freedom Alliance is a programme or division of the Center for Public Justice, a non-governmental organisation that relies on donations from private supporters, corporate sponsors and philanthropic organisations. IRFA's stated purpose is to protect and promote the freedom needed by faith-based organisations so that they can make their distinctive contributions to the common good. Because IRFA is housed under the Center

for Public Justice, it is connected to that think tank's overall Christian public policy orientation.

Interviewee 7 – Susan Kerr (Senior Advisor on Freedom of Religion or Belief at the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights)

Dr Susan Kerr has served as Senior Advisor on FoRB at the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw since 2021. In this position, Kerr works to elevate awareness of the human right to freedom of thought, conscience, religion or belief across the OSCE area, assist OSCE participating States in implementing their FoRB-related commitments and oversee the Office's Panel of Experts on Freedom of Religion or Belief. Kerr is a co-author / contributor to OSCE / ODIHR thematic documents — e.g. she is one of the experts credited in the OSCE "Freedom of Religion or Belief and Security Policy Guidance" document.

The Office for Democratic Institutions and Human Rights is a key institution of the OSCE dedicated to what it calls the "human dimension" of security. It is headquartered in Warsaw, Poland. ODIHR was originally founded (in the early 1990s) under the Paris Charter process; its predecessor was the "Office for Free Elections," later expanded and renamed to incorporate broader human rights, democracy, and tolerance mandates. ODIHR's core purpose is assisting OSCE participating States to fulfil their commitments in the fields of human rights, democracy, rule of law, tolerance, and non-discrimination. It acts as a resource and advisor to governments, civil society, and institutions to improve legislation, practices, institutions and oversight mechanisms.

Interviewee 8 – Mine Yıldırım (Founder of the Freedom of Belief Initiative and Specialist on Freedom of Religion or Belief in Türkiye)

Dr Mine Yıldırım is a Turkish human rights scholar and activist, widely regarded as one of Turkey's leading voices on FoRB. She founded the Freedom of Belief Initiative in 2011, the first human rights–based Turkish organisation dedicated to monitoring, reporting, and advocating for the right to belief (including non-belief) in Turkey. Her academic work encompasses issues such as conscientious objection to military service, religious accommodation in workplaces and restitution of religious minority property. In recognition of her efforts, she was awarded the Stefanus Prize in 2016 for her contributions to religious freedom.

The Freedom of Belief Initiative is a human rights–focused project based in Türkiye that monitors and advocates for the protection of freedom of thought,

conscience, religion or belief in line with international human rights standards. Established in 2011 by scholar and activist Mine Yıldırım, it was the first initiative of its kind in the country to take a rights-based approach to issues of belief and non-belief. The Initiative documents violations, prepares monitoring reports and policy briefs and engages in dialogue with government institutions, international organisations and civil society to advance legal and social reforms. Its work covers areas such as the status of religious and belief communities, conscientious objection, property rights and discrimination. Through research, advocacy and awareness-raising, the Freedom of Belief Initiative has become an important voice in promoting pluralism, tolerance and compliance with international human rights commitments in Türkiye.

Interviewee 9 – Ed Brown (Secretary General of Stefanus Alliance International)

Ed Brown is the Secretary General of Stefanus Alliance International. Under his leadership, the organisation works broadly to support persecuted believers and to advocate for rights enshrined in Article 18 of the Universal Declaration of Human Rights. Brown has previously served as a human rights advisor and director within the organisation and elsewhere in the FoRB field. Before joining Stefanus Alliance, he worked with the Norwegian Helsinki Committee, helping to coordinate the International Panel of Parliamentarians for Freedom of Religion or Belief (IPPFoRB). He engages in advocacy, teaching, workshops, and speaking tours (for example, visiting U.S. congregations) to raise awareness of religious freedom challenges globally.

Stefanus Alliance International is a Norwegian Christian mission and human rights organisation, committed to defending freedom of belief and religion in line with international standards (especially Article 18). Its motto is “Together for the persecuted.” The organisation traces its roots back to 1967, when it was founded as *Mission Behind the Iron Curtain*, originally to support Christians under communist regimes. Stefanus works through partnerships around the world—in Eastern Europe, Central Asia, Asia, the Middle East and North Africa—supporting persecuted religious communities, providing practical aid and engaging in advocacy. Its work includes monitoring religious freedom violations, lobbying governments, supporting local churches and organisations in restrictive contexts, and mobilising supporters (e.g. letter writing, awareness campaigns). Funding for Stefanus primarily comes from private donors, church congregations and groups. Some projects also receive support from Norwegian governmental sources or development cooperation agencies (e.g. NORAD, the Norwegian Ministry of Foreign Affairs) and ecumenical networks.

Interviewee 10 – Marco Ventura (Former President of European Consortium for Church and State Research and expert on Freedom of Religion or Belief in Vietnam)

> Professor Marco Ventura is a leading Italian scholar specialising in the intersection of law, religion and church-state relations. Professor Ventura holds a PhD in law and religion from the University of Strasbourg, and over the years has held visiting positions at universities such as UCL, Oxford, Strasbourg, Brussels, the Indian Law Institute and others. Professor Ventura has published on how European legal systems adapt to religious diversity, and on the dynamics of law and religion in changing social contexts. Ventura is active in international scholarly networks: he is a member of the European Consortium for Church and State Research, and he formerly held the position of annual President of the Consortium in 2019. He also participates in the OSCE / ODIHR Panel of Experts on Freedom of Religion or Belief. Outside Italy, he has worked as an expert in EU–Vietnam religious dialogues, among other engagements.
>
> The European Consortium for Church and State Research is a scholarly association of academics from across Europe who share interest in the legal, historical, and political dimensions of the relationship between states and religious denominations. It was founded on 12th December 1989 with the purpose of fostering research, dialogue and collaboration on ecclesiastical law and church-state relations. The Consortium organises an annual meeting of its members and guests, with themes rotating around relevant and emerging issues (e.g. religious minorities, secularism, religious adjudication, law and religion in the workplace).

Interviewee 11 – Roger Finke (Co-Director of the Association of Religion Data Archives)

> Professor Roger Finke is a distinguished American sociologist of religion, currently a professor (and in emeritus status) of Sociology and Religious Studies at Pennsylvania State University. He is the founding director and ongoing leader of the Association of Religion Data Archives, the online data repository for religion-related statistics. Throughout his career, he has published widely in the sociology of religion—often engaging quantitative and comparative methods—and co-authored books (notably with Rodney Stark) such as *The Churching of America, 1776-1990* and *Acts of Faith*. His work has often been concerned with religious pluralism, the "religious economy" model, religious regulation, and the relationship between religious freedom and conflict.

The Association of Religion Data Archives (ARDA) is a free, online repository and platform providing access to a wide range of quantitative data on religion—both in the United States and internationally. It archives hundreds (now over 400 or more) local, national, and cross-national data files, including surveys, polls, church membership counts, denominational statistics, and more. The platform provides tools such as mapping, community profile builders, customisable reports, and data previews to help users explore, compare, and visualise religious data. ARDA aims to "democratise access" to high-quality religion data—making it freely available without cost to scholars, educators, journalists, congregations and the public. Its funding and support come from philanthropic and institutional sources (e.g. the Lilly Endowment, John Templeton Foundation, universities) to maintain open access and data integrity.

Interviewee 12 – Silvio Ferrari (Life Honorary President of the International Consortium for Law and Religion Studies)

Professor Silvio Ferrari is a distinguished Italian scholar of law and religion. He is Emeritus Professor of Canon Law at the University of Milan and has held a professorship in Church-State relations at the University of Leuven (Belgium). Ferrari has been active as an advisor to international bodies (including EU and OSCE committees) and engaged in comparative research on religious pluralism, Islam in Europe, canonical law and inter-religious legal regimes. Ferrari's work is notable for bridging doctrinal, comparative and constitutional perspectives on religion and public life. His research explores how legal systems grapple with religious diversity, how canonical, Islamic, and Jewish legal traditions intersect with secular law and how states should regulate religion without undermining pluralism or freedom of belief.

The International Consortium for Law and Religion Studies (ICLARS) is a global network of scholars, legal experts, and researchers devoted to advancing the academic study of the intersection of law and religion. It was founded in 2007. The Consortium provides a platform for the exchange of information, data and scholarly opinions among its members, who now come from over 40 countries. It aims to make these materials available to the broader scientific community. ICLARS organises regular conferences (approximately biennial) in different parts of the world; past conferences have been held in Milan, Santiago, Virginia, Oxford, and others. The proceedings of these conferences are published, forming part of a Law and Religion series with academic publishers such as Routledge.

Interviewee 13 – Jonathan Fox (Director of the Religion and State Project)

Professor Jonathan Fox is a leading scholar in the field of religion and politics, and currently holds the Yehuda Avner Chair in Religion and Politics at Bar-Ilan University in Ramat Gan, Israel. Over his career, Fox has published extensively on the ways in which states interact with religion—both in terms of regulation, favoritism, discrimination and broader policy dynamics. As director of the Religion and State Project, he oversees a major comparative dataset that tracks government–religion relations across states and over time. His research often combines quantitative coding of state policies with qualitative analysis of factors influencing religious freedom, regulation, discrimination and the balance between secularism and religion's public roles.

The Religion and State Project (RAS) is a research initiative based at Bar-Ilan University that systematically measures how governments interact with religion, with the goal of codifying and comparing religious policies across countries and over time. The project compiles annual data on a range of government practices—such as whether a state has an official religion, whether some religions are given preferential legal status, regulation of religious activity, discrimination against religious minorities and religious legislation. Its dataset (often cited as RAS Round 3) covers up to 183 states for the period 1990 to 2014. The RAS project aims to provide tools for scholars and policymakers to understand the patterns, causes, and consequences of religion–state interaction, enabling comparative analysis across diverse political, cultural and institutional contexts.

Interviewee 14 – Malcolm Brown (Former Director of Faith and Public Life at The Church of England)

The Reverend Dr Malcolm Brown served for many years as the Director of Faith and Public Life (also known as Director of Mission and Public Affairs) for the Church of England, where he led the team responsible for shaping the Church's engagement with social ethics, public policy and the interface between faith and the wider world. He has a background in political economy and Christian ethics, and under his stewardship the Church addressed complex issues such as technology ethics (AI, big tech), public morality, interfaith relations and social justice. Brown's career in the Church also includes roles in education, mission, and theological formation, and he has supplemented his practical work with writing, speaking and visiting academic posts. As of late 2024, he is stepping down from the director role after 17 years of service.

Interviewee 15 – Elizabeth Prodromou (Faculty Director of the Fletcher Initiative on Religion, Law and Diplomacy)

Professor Elizabeth Prodromou is a scholar, policy practitioner, and educator whose work lies at the intersection of religion, geopolitics and human rights. Over the years, she has held roles in both academic and policy arenas: she served on the U.S. Commission on International Religious Freedom (2004–2012) and participated in the U.S. Secretary of State's Religion & Foreign Policy Working Group (2011–2015). At Fletcher, she founded and served as Faculty Director of the Initiative on Religion, Law & Diplomacy, helping to embed religious literacy, dialogue and legal–diplomatic frameworks into international affairs education. Her research focuses on topics such as democratisation, religious pluralism, cultural heritage and institutional religious freedom, especially in the Eastern Mediterranean and Middle East.

The Fletcher Initiative on Religion, Law & Diplomacy is a scholarly and student-led programme at The Fletcher School of Law and Diplomacy (Tufts University). Its mission is to promote religious literacy and to integrate understanding of religion, legal principles and diplomacy into the training of future international policy makers. The Initiative organises annual conferences, speaker series, workshops and debates on issues where religion, law, and diplomacy converge—ranging from cultural heritage conflicts to religious rights, security and interfaith diplomacy. As a platform, it engages students, faculty and practitioners in critical reflection on how religious dynamics shape international law and diplomatic practice, encouraging cross-disciplinary dialogue and the development of policy-relevant scholarship.

Interviewee 16 – James Patton (President and CEO of the International Center for Religion and Diplomacy)

Over more than two decades, James Patton has worked in international development, conflict transformation and reconciliation, especially in settings where identity, faith and political tensions intersect. Patton has led initiatives in diverse conflict zones—training religious actors, coordinating security and development programmes, mediating among rival communities and advising governments and international partners on how to integrate religious dynamics into peacebuilding efforts. He also serves as a Senior Visiting Fellow at BYU's Wheatley Institution and is active in networks linking religion, conflict, and diplomacy.

The International Center for Religion & Diplomacy is a Washington, D.C.–based non-governmental organisation whose mission is to bridge religious considerations with international politics in support of peacebuilding. The Center was founded in 1998 to transform religious drivers of conflict into instruments of reconciliation and to bring religious actors into diplomatic and policy conversations where faith matters. The Center operates through

programme development, conflict resolution services, partnerships and strategic consultation. It works in fragile or identity-based conflict zones where traditional diplomacy may be insufficient, deploying "interreligious action teams" and facilitating local religious and civil actors to transform tensions. The organisation focuses on embedding religious insight into policy, promoting social cohesion, reconciliation, countering violent extremism and supporting interfaith engagement.

Interviewee 17 – Katharine Thane (Peacebuilding and Religious Freedom Policy Coordinator at Tearfund's Joint Initiative for Strategic Religious Action)

Katharine Thane serves as Peacebuilding and Religious Freedom Policy Coordinator within Tearfund's Joint Initiative for Strategic Religious Action (JISRA). As part of her role, she helps shape Tearfund's global strategies at the intersection of conflict, peace and freedom of religion or belief. In her previous work, she has led Tearfund's policy thinking on security, peacebuilding and religious freedom in collaboration with governmental actors, such as the UK Foreign, Commonwealth & Development Office and ministerial decision makers. Thane brings to her work a perspective that emphasises both structural change (through policy, advocacy, institutional engagement) and grassroots transformation (through local faith actors, dialogue and conflict analysis). In published contributions, she has reflected on blind spots in how freedom of thought, conscience, religion or belief is integrated into development work and peacebuilding approaches.

The Joint Initiative for Strategic Religious Action (JISRA) is a five-year peacebuilding programme (2021–2025) that seeks to reduce religious violence, discrimination, and division by fostering more inclusive and peaceful societies grounded in freedom of religion or belief. The programme works "across faith community lines" by engaging local faith actors, challenging harmful norms and narratives, strengthening bridges between religious communities, and promoting the inclusion of women and youth in peacebuilding and religious freedom efforts. Its financial support comes primarily from the Dutch Ministry of Foreign Affairs under the "Power of Voices" framework.

Category Two participants

Interviewee 18 – Coptic Christian living in Egypt

Member of Egypt's largest Christian minority, the Coptic Orthodox Church, an Oriental Orthodox Christian institution traditionally recognised by the state but often subject to restrictions on worship and church building.

Interviewee 19 – Member of a new religious movement living in Germany

> This participant is a prominent member of a very small new religious group. Although a U.S. citizen, the participant lived in Germany when they participated in the study. The decision was made not to identify the religious group to protect the participant's anonymity because the group's small size meant their identity could easily be revealed.

Interviewee 20 – Buddhist-Taoist living in China

> This participant follows syncretic practices combining Buddhism and Taoism, a common practice among the Chinese; this participant's religious life occurs in a context of close state monitoring of all officially tolerated religions.

Interviewee 21 – Armenian Orthodox seminarian living in Israel

> This participant, a native Armenian, is a member of the Armenian Apostolic Church who trained as a seminarian in Israel under the Armenian Patriarchate of Jerusalem, which is one of ten formally recognised Christian churches under Israel's confessional system.

Interviewee 22 – Muslim who lived with a Christian missionary living in Jordan

> This participant is a native Jordanian who self-identifies as a Muslim but who voluntarily housed a friend while he served in a Christian mission in Jordan, where Christians face restrictions in proselytising.

Interviewee 23 – U.S. citizen and Latter-day Saint missionary active in Mongolia

> This participant, U.S. citizen, is a member of the Church of Jesus Christ of Latter-day Saints, who served 18 months as a missionary, a standard practice in that church. The participant served the majority of their mission in Ulaanbaatar, Mongolia, where the LDS Church is registered but its activities are still closely scrutinised by the local authorities. The participant also spent part of their mission in the U.S.

Interviewee 24 – Lutheran Christian living in Taiwan

> This participant, a Taiwanese citizen, is a member of the Taiwan Lutheran Church which is legally registered in Taiwan and sends missionaries elsewhere in Asia and to West Africa.

Interviewee 25 – Leader of a new religious movement living in Hungary

For the same reason as Interviewee 19, this participant's exact religious affiliation was not disclosed during the study to protect anonymity. Although they reside in Hungary permanently, they are an Italian citizen.

Interviewee 26 – Seventh-day Adventist living in Haiti

This participant, a Haitian national, is a member of the Seventh-day Adventist Church which is registered in Haiti but it faces state interference and its members endure social stigma.

Interviewee 27 – Pentecostal Christian belonging to the 8th Community of Pentecostal Churches in Central Africa living in Democratic Republic of the Congo

This participant is a citizen of the Democratic Republic of the Congo and a member of the 8th Community of Pentecostal Churches in Central Africa, a registered religious network and Christian institution that originated from the Community of Pentecostal Churches in Zaire. However, its parishes sometimes face violent (such as a bomb attack in North Kivu province in 2023) and intermittent government scrutiny of its activities.

Interviewee 28 – Presbyterian Christian living in India

This participant, an Indian citizen, is a member of the Presbyterian Church of India whose members are concentrated in Northeast India, where it is one of the largest Christian churches.

Interviewee 29 – Oneness Pentecostal Christian living in the Philippines

This participant is a citizen of the Philippines and a member of the United Pentecostal Church Philippines. Although the church is registered in the Philippines, its members continue to face discrimination as a member of a non-Trinitarian Christian community in a predominantly Catholic country.

Interviewee 30 – Russian Jehovah's Witness living in exile in Denmark

This participant is a Russian citizen who is a member of the Jehovah's Witnesses. They escaped Russia following the federal ban on Jehovah's Witnesses in 2017 and found refuge in Denmark, where they continue to practise their faith.

Interviewee 31 – Pentecostal Christian living in Pakistan

This participant is a Pakistani national who works as a journalist. They are an active member of The Church of Pentecost in Lahore which, while registered with the Pakistani authorities, still faces systematic discrimination and barriers to accessing benefits and enjoying religious freedom.

Appendix 2 – List of Cases cited in the thesis

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