

LEGAL STATUS OF RBMS

EXPLANATION OF SCORES

CLUSTER A contains information about the ratification of international treaties.

CLUSTER B concerns constitutional provisions on religions/beliefs and on RBMs.

CLUSTER C is about laws on Freedom of Religion or Belief (FoRB) and religious/belief associations, and on statutory provisions on RBMs.

CLUSTER D contains information about bilateral agreements: note that for scoring purposes, only agreements of a general nature have been taken into consideration; agreements on specific topics or agreements between the state and umbrella organizations of religious/beliefs groups, such as those concluded in Estonia and Sweden, have not been considered.

CLUSTER E concerns the different systems to obtain legal personality.

A coefficient of 0.50 is applied to QUESTIONS 3, 4, 5, 7, 7.1 and a coefficient of 0.25 to the QUESTIONS from 12 to 13.2.

Additional information about how scores are awarded, and detailed indications of the applicable international standards are provided in the sections GUIDE TO READING DATA and WHAT ARE WE TALKING ABOUT of the page POLICY AREAS: LEGAL STATUS OF RBMS.

P-INDEX

CLUSTER A: INTERNATIONAL LAW

QUESTION 1 *Did your country ratify the ICCPR without reservations concerning art. 27?*

If the international convention is ratified, score 1; if not, score 0 (if the ICCPR is ratified with a reservation concerning art. 27, score 0).

QUESTION 2 *Did your country ratify the Framework Convention for the Protection of National Minorities?*

If the international convention is ratified, score 1; if not, score 0.

CLUSTER B: CONSTITUTIONAL LAW

QUESTION 3 *Does the Constitution contain provisions that specifically mention the majority religion, its rights, role, significance in the country history and/or prescribe how its relations with the State should be determined?*

Score 0 in any case (this indicator is relevant only for the G-INDEX, see below).

QUESTION 4 *Does the Constitution contain provisions that recognize the role played by RBMs in the history of the country and/or protect or promote their rights?*

Yes, score 0.50; no, score 0.

QUESTION 5 *Does the Constitution contain provisions that recognize the role played by one or more specific RBMs in the history of the country and/or protect or promote its rights?*

Depending on the number of RBMs that are mentioned, the following scores are given: score 0, no RBM; score 0.33, one RBM up to 1/3 of all RBMs; score 0.66, from 1/3 to 2/3 of RBMs; score 1, more than 2/3 of RBMs.

CLUSTER C: STATUTE LAW

QUESTION 6 *Is a law on Freedom of Religion or Belief (FoRB) or on religious/belief associations in force in your country?*

Yes, score 1; no, score 0.

States have no obligation to enact a law on FoRB or belief/religion associations, but these laws usually strengthen RBM rights.

QUESTION 6.1 *Does this law contain provisions concerning one or more specific RBMs?*

Depending on the number of RBMs that are concerned, the following scores are given: score 0, no RBM; score 0.33, one RBM up to 1/3 of all RBMs; score 0.66, from 1/3 to 2/3 of RBMs; score 1, more than 2/3 of RBMs.

CLUSTER D: AGREEMENTS

QUESTION 7 *Can the state enter into legal agreements with RBMs?*

Yes, score 1; no, score 0.

The conclusion of agreements promotes RBM participation in the definition of matters that concern them.

QUESTION 7.1 *Which RBMs have concluded these agreements?*

Depending on the number of RBMs that have concluded an agreement, the following scores are given: score 0, no RBM; score 0.33, one RBM up to 1/3 of all RBMs; score 0.66, from 1/3 to 2/3 of RBMs; score 1, more than 2/3 of RBMs.

CLUSTER E: LEGAL PERSONALITY AND STATUS

For more detailed information on the criteria followed in assigning scores, see the paragraph devoted to CLUSTER E in the section GUIDE TO READING DATA in the page POLICY AREAS: LEGAL STATUS OF RBMs.

QUESTIONS 8 *In your country, have RBMs the right to be registered/recognized as civil law organizations, i.e. associations, non-profit organizations, etc.?*

Yes, score 0; no, score -1.

QUESTION 8.1 *Which RBMs are registered/recognized as civil law organizations?*

Score 0, independently from the number of RBMs which are registered/recognized (registration/recognition as civil law associations does not promote RBM rights).

QUESTION 9 *Is legal personality and/or general regulation of an RBM provided by a specific law that applies only to the RBM in question?*

Yes, score 0; no, N/A.

QUESTION 9.1 *Which RBMs are concerned by specific laws?*

Depending on the number of RBMs which are concerned, the following scores are given: score 0, no RBM; score 0.33, one RBM up to 1/3 of all RBMs; score 0.66, from 1/3 to 2/3 of RBMs; score 1, more than 2/3 of RBMs.

When this is the highest level of legal personality/status attainable in a country, the score is multiplied by 1.

QUESTION 10 *Have RBMs the right to be registered/recognized as religious/belief organizations? [the question concerns only the countries where there is just one category of registration/recognition of religious or belief organization]*

Yes, score 0; no, N/A.

QUESTION 10.1 *Which RBMs are registered/recognized as religious/belief organizations? [the question concerns only the countries where there is just one category of registration/recognition of religious or belief organizations]*

Depending on the number of RBMs which are concerned, the following scores are given: score 0, no RBM; score 0.33, one RBM up to 1/3 of all RBMs; score 0.66, from 1/3 to 2/3 of RBMs; score 1, more than 2/3 of RBMs.

If this is the highest level of legal personality/status attainable in a country, the score is multiplied by 1; if it is an intermediate level, the score is multiplied by 0.50.

QUESTION 11 *Have RBMs the right to be registered/recognized as religious/belief organizations? [the question concerns only countries where there are two or more categories of registered/recognized religious/belief organizations]*

Yes, score 0; no, N/A.

QUESTION 11.1 *Which RBM are registered/recognized as religious/belief organizations at the highest level? [the question concerns only countries where there are two or more categories of registration/recognition of religious or belief organizations]*

Depending on the number of RBMs which are concerned, the following scores are given: score 0, no RBM; score 0.33, one RBM up to 1/3 of all RBMs; score 0.66, from 1/3 to 2/3 of RBMs; score 1, more than 2/3 of RBMs.

If this is the highest level of legal personality/status attainable in a country, the score is multiplied by 1; if it is an intermediate level, the score is multiplied by 0.75.

QUESTION 11.2 *Which RBMs are registered/recognized as religious/belief organizations at the lowest level? [the question concerns only countries where there are two or more categories of registration/recognition of religious/belief organizations]*

Depending on the number of RBMs which are concerned, the following scores are given: score 0, no RBM; score 0.33, one RBM up to 1/3 of all RBMs; score 0.66, from 1/3 to 2/3 of RBMs; score 1, more than 2/3 of RBMs.

The score is multiplied by 0.25.

QUESTIONS 12 *For countries where there is just one category of RBM registration/recognition: is it necessary that the relevant RBM has been active in the country for a minimum number of years to obtain registration/recognition?*

Yes, score 0, if the requirements are consistent with the international standards; no, score 1; yes, score -1, if the requirements are not consistent with the international standards; score N/A, if the legal system provides for two or more categories of registration/recognition.

QUESTION 12.1 *For countries where there is just one category of RBM registration/recognition: is it necessary that the relevant RBM has a minimum number of members to obtain registration/recognition?*

Yes, score 0, if the requirements are consistent with international standards; no, score 1; yes, score -1, if the requirements are not consistent with the international standards; score N/A, if the legal system provides for two or more categories of registration/recognition.

QUESTIONS 13 *For countries where there are two or more categories of RBM registration/recognition: is it necessary that the relevant RBM has been active in the country for a minimum number of years to obtain registration/recognition at the lowest level?*

Yes, score 0, if the requirements are consistent with the international standards; no, score 0.50; yes, score -0.50, if the requirements are not consistent with the international standards; score N/A, if the legal system provides for just one category of registration/recognition.

QUESTION 13.1 *For countries where there are two or more categories of RBM registration/recognition: is it necessary that the relevant RBM has been active in the country for a minimum number of years to obtain registration/recognition at the highest level?*

Yes, score 0, if the requirements are consistent with the international standards; no, score 0.50; yes, score -0.50, if the requirements are not consistent with the international standards; score N/A, if the legal system provides for one category of registration/recognition.

QUESTION 13.2 *For countries where there are two or more categories of RBM registration/recognition: is it necessary that the relevant RBM has a minimum number of members to obtain registration/recognition at the lowest level?*

Yes, score 0, if the requirements are consistent with the international standards; no, score 0.50; yes, score -0.50, if the requirements are not consistent with the international standards; score N/A, if the legal system provides for just one category of registration/recognition.

QUESTION 13.3 *For countries where there are two or more categories of RBM registration/recognition: is it necessary that the relevant RBM has a minimum number of members to obtain registration/recognition at the highest level?*

Yes, score 0, if the requirements are consistent with the international standards; no, score 0.50; yes, score -0.50, if the requirements are not consistent with the international standards; score N/A, if the legal system provides for just one category of registration/recognition.

E-INDEX AND G-INDEX

Only the questions that receive a score different from that given in the P-INDEX are listed.

CLUSTER A: INTERNATIONAL LAW

QUESTION 1 *Did your country ratify the ICCPR without reservations concerning art. 27?*

Yes, score 1 to each RBM; no (or ratification with a reservation to art. 27), score -1 to each RBM.

QUESTION 2 *Did your country ratify the Framework Convention for the Protection of National Minorities?*

Yes, score 1 to each RBM; no, score -1 to each RBM; majority religious organizations, score N/A.

The same score has been given to the majority religious organizations.

CLUSTER B: CONSTITUTIONAL LAW

QUESTION 3 *Does the constitution contain provisions that specifically mention the majority religion, its rights, role, significance in the country history and/or prescribe how its relations with the State should be determined?*

Yes, score 0.50 to the majority religious organization; no, score -0,5. N/A to each RBM.

QUESTION 5 *Does the Constitution contain provisions that recognize the role played by one or more specific RBMs in the history of the country and/or protect or promote its rights?*

Score 0.50 to each RBM which is mentioned; score -0.50 to each RBM which is not mentioned; majority religious organization, score N/A.

CLUSTER C: STATUTE LAW

QUESTIONS 6.1 *Does this law contain provisions concerning one or more specific RBMs?*

Score 1 for each RBM which is concerned; score -1 for each RBM which is not concerned; score N/A, if there is no law on FoRB or RBOs; majority religious organization, score N/A.

CLUSTER D: AGREEMENTS

QUESTION 7.1 *Which RBMs have concluded these agreements?*

Score 1 to each RBM with agreement; score -1 to each RBM without agreement.

In the G-INDEX the same scores apply to the majority religious organization.

CLUSTER E: LEGAL PERSONALITY AND STATUS

For more detailed information on the criteria followed in assigning scores, see the paragraph devoted to CLUSTER E in the section GUIDE TO READING DATA of the page POLICY AREAS: LEGAL STATUS.

QUESTION 8.1 *Which RBMs are registered/ recognized as civil law organizations?*

Score 0 to each RBM registered/recognized as a civil law organization; all others, N/A.

QUESTION 9.1 *Which RBMs are concerned by specific laws?*

Score 1 to each RBM regulated by a specific law; all others, N/A.

QUESTION 10.1 *Which RBMs are registered/recognized as religious/belief organizations? [the question concerns only the countries where there is just one category of registration/recognition of religious or belief organizations]*

Score 1 to each RBM registered/recognized as religious/belief organization, if this is the highest level of legal personality/status attainable in a country; score 0.50, if this is the intermediate level; all others, N/A.

QUESTION 11.1 *Which RBM are registered/recognized as religious/belief organizations at the highest level? [the question concerns only countries where there are two or more categories of registration/recognition of religious or belief organizations]*

Score 1 to each RBM registered/recognized at the highest level, if this is the highest level of legal personality/status attainable in a country; score 0.75 if this is an intermediate level; all other RBMs, N/A.

QUESTION 11.2 *Which RBMs are registered/recognized as religious/belief organizations at the lowest level? [the question concerns only countries where there are two or more categories of registration/recognition of religious/belief organizations]*

Score 0.25 to each RBM registered/recognized as a religious/belief organization at the lowest level; all other RBMs, N/A.

QUESTION 12 *For countries where there is just one category of RBM registration/recognition: is it necessary that the relevant RBM has been active in the country for a minimum number of years to obtain registration/recognition?*

QUESTION 12.1 *For countries where there is just one category of RBM registration/recognition: is it necessary that the relevant RBM has a minimum number of members to obtain registration/recognition?*

Score 1 to each RBM which does not need to meet number or time requirements; score 0 to each RBM which needs to meet number or time requirements that comply with international standards; score -1 to each RBM which needs to meet number or time requirements which not comply with international standards; countries with two or more categories of registration/recognition, score N/A.

QUESTION 13 *For countries where there are two or more categories of RBM registration/recognition: is it necessary that the relevant RBM has been active in the country for a minimum number of years to obtain registration/recognition at the lowest level?*

QUESTION 13.2 *For countries where there are two or more categories of RBM registration/recognition: is it necessary that the relevant RBM has a minimum number of members to obtain registration/recognition at the lowest level?*

Score 0.33 to each RBM which does not need to meet number or time requirements that comply with international standards to be recognized/registered at the lowest level; score 0, to each RBM which needs to meet number or time requirements that comply with international standards; score -0.33 to each RBM which needs to meet these requirements; countries with just one category of registration/recognition, score N/A.

QUESTION 13.1 *For countries where there are two or more categories of RBM registration/recognition: is it necessary that the relevant RBM has been active in the country for a minimum number of years to obtain registration/recognition at the highest level?*

QUESTION 13.3 *For countries where there are two or more categories of RBM registration/recognition: is it necessary that the relevant RBM has a minimum number of members to obtain registration/recognition at the highest level?*

Score 0.66 to each RBM which does not need to meet number or time requirements; score 0, to each RBM which needs to meet number or time requirements that comply with international standards; score -0.66 to each RBM which needs to meet requirements which do not comply with international standards to be recognized/registered at the highest level; countries with just one category of registration/recognition, score N/A.