# Evolution and Current Context of Religion Laws in Southeast Asia: A Comparative Perspective

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*ABSTRACT: The author firstly discusses Asian Culture and the Right to Freedom of Religion or Belief. He then gives insightful ideas on the right of religious associations to legal entity status. Finally, Vietnam is chosen to illustrate his comparative approach on evolution and the current context of religious laws in Southeast Asia.*

## I. Introduction: The Cultural Setting

Southeast Asia is a land of contrast. The landscape making up this region of the world is diverse; rugged mountains line the northern boundaries and form natural borders between nations while lush jungles and great rivers cover the countryside. Rich farmland covers the river deltas and coast line, and beyond the coast, volcanic islands extend this tropical paradise into the Pacific Ocean. The religious and philosophical traditions define the cultural landscape are as diverse - and beautiful - as the landscapes the people inhabit.

All of the major world religions, including Buddhism, Islam, Christianity, are present throughout the region. All of them have a major presence in at least one country, as well as small enclaves and scattered distribution throughout the region.

Buddhism has been influential for over 1500 years, sometimes blending with Daoism and Confucianism, other times mixing with indigenous religions, but always maintaining its own identity, and ultimately becoming dominant in Burma, Laos and Thailand.[1] Christianity first arrived in Asia shortly after Buddhism when the first Christian missionaries arrived in China during the seventh century.[2] While Christianity never flourished in China, it did become the dominant and influential religion in the

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Philippines[3] and has a strong presence in South Korea as well, with smaller populations in Vietnam and Indonesia.[4] Islam arrived at a later period, not showing up until around the thirteenth century, but it quickly became influential and is now the dominant religion in Indonesia, Malaysia, and Brunei, with significant population centers in Thailand and the Philippines.[5] While Indonesia has the most significant Muslim population at 88%,[6] and has the largest Muslim population of any country on earth, it is not an Islamic state. In fact, across Indonesia there are as many different ways of practicing Islam as there are Indonesian sub-cultures.[7] The rugged and isolating nature of the Southeast Asian landscape has allowed each individual civilization to develop on its own, creating traditions and customs that are unique and closely held.[8] Throughout Southeast Asia, the people have held on to their culture and traditional beliefs and have only supplemented them with the outside influences they chose to adopt. By doing so, Southeast Asia has maintained its identity and cultural richness, and has been a significant contributor to the diverse tapestry of global civilization.

## II. Asian Culture and the Right to Freedom of Religion or Belief

Freedom of religion or belief is the oldest of the internationally recognized human rights,[9] and in many respects is the grandparent of all the others, although it has become a somewhat neglected grandparent in our secular times.[10] In recent times, however, many voices have questioned the universality of human rights in general, and of freedom of religion or belief in particular.[11] This has become an important refrain in Asia,[12] where memories of imperialism are strong, and where the antiquity and sophistication of local religious and philosophical traditions provides a particularly strong basis that there can be alternatives to Western viewpoints. My own view is that the answer to the question of whether human rights are universal lies somewhere between the abstract claim that human rights are universal and thus the same for all on the one hand, and the claim that it is vital to defer to local values on the other. In my view, freedom rights have the unique structural feature of being universal precisely in their recognition of particular conscientious difference. That is, freedom norms in general, and religious freedom norms in particular, are legal constructs that assure universal respect for the particular, thereby mediating universal and particular.[13] It is not possible to canvas the rich debate on these issues here. But because the final section of my paper will provide a comparative analysis of laws dealing with religion and religious organizations from the vantage point of the emerging international of freedom of religion or belief, I want to state briefly why I believe that arguments that appeal to "Asian values" as an argument against protecting widely recognized religious rights are unpersuasive. Certainly, as Vietnam seeks to enter the World Trade Organization and to bring its practices in the religion area into harmony with international standards, it needs to be wary of such arguments.

The first point to make is that Asian tradition and Asian voices have long supported the right to freedom of religion or belief, though they have often articulated this idea using the language of "duty" rather than "rights."[14] Every major world religion recognizes a version of the principle that human beings should treat others in the same way they would like to be treated. Whether formulated as a maxim of Christianity,[15] Islam,[16] Buddhism,[17] Confucianism,[18] or secular ethics,[19] this idea is not "Western," but appears on reflection to be a necessary supposition of ethical thinking and ethical life. An obvious implication of this principle is that one should not persecute, discriminate against, or otherwise restrict the freedom of another person or group on grounds of religion or belief except on the basis of principles that one would be willing to apply to oneself or a belief-group to which one adheres. This basic principle lies behind the rule of law, the basic principle of which is that no one should be above the law and everyone should be subject to the same law. The notion of respect for human dignity, either explicitly or implicitly, can be discerned in core teachings of all of the world's great religions and ethical traditions. Significantly, some of the key drafters of the Universal Declaration of Human Rights were from Asia, were steeped in Asian thought and traditions, and brought that perspective to bear in formulating universal human rights principles.[20] Vietnam and all of its immediate neighbors except Laos have ratified the International Covenant on Civil and Political Rights (in short: "ICCPR"),[21] which contains the key international language on freedom of religion or belief.[22] Human rights are consistent with Asian values, and protect its citizens.

All too often, it is "authoritarian and totalitarian regimes who are opposed to the universality of human rights,"[23] not the persons whose rights are being violated. Those who make the argument that "sovereignty is the foundation and basic guarantee of human rights"[24] need to remember the sad experience of our country, in which "states' rights" was the mantra invoked to defend slavery. Of course, "the rights of each country to formulate its own policies on human rights protection in light of its own conditions should be… respected and guaranteed."[25] But this does not mean we cannot talk to each other about ways that human rights problems can and should be solved, even if this involves engaging in constructive criticism from time to time. The nations of the Organization for Security and Cooperation in Europe have institutionalized the process of confronting each other about human rights violations,[26] recognizing that sometimes outside pressure can be healthy in solving such problems. Leaving the problems unsolved can allow bad situations to fester and explode, threatening the security of both the state involved and the region. Moreover, it is important to remember the fact that a state may have the right to resolve its own problems does not imply that it is right to leave the problem unresolved, or the claim to have the problem solved is not a human rights claim.

Another set of arguments justifies compromise of human rights as a necessary trade-off to further some other value. Thus, rights should be sacrificed because they need to be infringed in the interests of rapid development, or for security. Whatever their general status, these arguments seem particularly problematic when it comes to religious rights. Of course, there are a narrowly defined set of situations, contemplated by the international instruments themselves, when it is appropriate to limit the freedom of religion or belief. But sacrificing those rights in other contexts interferes with what are for most citizens the well-springs of good citizenship, the source of altruism, and deep motivation for fulfilling one's ethical duties. When people feel their dignity is respected, they are much more likely to contribute to development, and there is no resource for development greater than a non-alienated citizenry. Recent years have taught us that security measures are sometimes necessary, but they have also taught us that there is no long-range solution to the problem of security that does not include respect for the religious beliefs of a nations citizens. Citizens who believe their religion is under attack are one of the greatest sources of instability and violence that we know.

International protection of religious freedom as we know it today emerged first in response to problems of religious divisiveness that led to warfare, persecution, violence, and social disintegration. It was a technique first applied in the West, but the underlying problem is universal: deep and often unresolvable differences of belief. There are basically two strategies for dealing with this problem: One can attempt to eliminate the differences, by suppressing the divergent beliefs. This leads to pressures for homogeneous societies and to marginalization and persecution of dissenters. Or one can resolve to tolerate and even respect as broad a spectrum of difference as can be harmonized with a stable society. Two centuries ago, no nation state had attempted to operate using the second strategy. When the American framers decided to attempt this approach, it was experimental. But from our vantage point in history, we know that this strategy works. There remain hard cases where state sanctions must be used to restrain those who abuse their liberty to threaten the liberty and peace of everyone else. Implementing the strategy takes wisdom and understanding of local realities. But in general, the experience of a steadily growing number of nations has shown that respecting divergent beliefs does far more for building stability than repressing them ever can.[27] In the last analysis commitment to building harmony through respect coincides with much that is deepest and most universal about Asian culture.

### III. The Right of Religious Associations to Legal Entity Status

The foregoing principles have very practical implications in the domain of laws governing religious associations. A country's law and practice regarding the law governing religious entities constitutes a crucial test of its performance in facilitating

freedom of religion or belief. This may seem surprising, since religious association law is scarcely the most dramatic field in the protection of religious freedom rights. But on closer reflection, the law governing the creation, recognition and registration of appropriate legal entities is vital for the life of most religious communities in a modern legal setting. Most groups desire to register and obtain recognition, because it is only in this way that they can attain juristic personality. And while the precise set of rights that is associated with such status varies from legal system to legal system, and within each system, depending on the particular type of legal entity or status involved. But at a minimum, the contemporary world, it is extremely difficult without entity status for a group to engage in the most rudimentary legal acts - e.g., opening a bank account, renting or acquiring property for a place of worship or for other religious uses, entering into contracts, to sue and be sued, and so forth.[28] Legal entity status is vital because, as a practical matter, a religious organization of any appreciable magnitude cannot operate effectively and efficiently without such status. A contemporary religious community needs to interact with the secular legal order in countless ways in order to carry out its affairs.[29] Countless examples could be provided,[30] but the general point is that it is extremely difficult as a practical matter to carry out the full range of a group's legitimate religious activities without access to legal entity status. Denial of such status constitutes a severe burden and limitation both on a belief community's right to freedom of religion or belief as a collectivity, and on the rights of its individual believers, particularly those of the leaders of a religious group.[31] The fundamental right of a religious community to religious autonomy and self-determination is impaired if entity status is denied or limited.[32]

Not surprisingly then, there is extensive authority to the effect that denial of access to legal entity status constitutes a violation of human rights, including both the right to freedom of association and the right to freedom of religion or belief. It will be helpful to spell this out in some detail to provide a basis for the final section of this paper, which will examine religious association laws of Southeast Asia from the standpoint of compliance with this fundamental right. Significantly, legal systems have substantial flexibility, reflecting their cultural and religious history and their religious demography, in structuring the grant of this status. In OSCE countries, the right has been formulated as follows: "participating states will… grant upon their request to communities of believers, practising or prepared to practise their faith within the constitutional framework of their states, recognition of the status provided for them in their respective countries."[33] The wording is somewhat vague because the large range of legal devices that states can and have used to make this right effective.[34] A major line of decisions of the European Court of Human Rights over the past decade has held that freedom of association and freedom of religion entail a right to acquire legal entity status. As a result of these cases, many of

which have involved Turkey, the right to legal entity status is now firmly entrenched in international human rights law, particularly as interpreted by the European Court of Human Rights in Strasbourg.[35]

In *Sidiropoulos v. Greece*,[36] the Court held that denial of legal entity status to a Macedonian cultural association by a Greek court violated freedom of association rights under article 11 of the ECHR. In explaining its decision, the Court stated categorically:

> That citizens should be able to form a legal entity in order to act collectively in a field of mutual interest is *one of the most important aspects of the right to freedom of association, without which the right would be deprived of any meaning.* The way in which national legislation enshrines this freedom and its practical application by the authorities reveal the state of democracy in the country concerned. Certainly States have a right to satisfy themselves that an association's aim and activities are in conformity with the rules laid down in legislation, *but they must do so in a manner compatible with their obligations under the Convention and subject to review by the Convention institutions*.[37]

Where *Sidiropoulos* involved the right to form an association, *United Communist Party of Turkey v. Turkey*[38] addressed the issue of dissolution of a political party. In that case the party was dissolved almost immediately after it was formed. The Court rejected the argument that association rights did not extend beyond formation, holding that freedom of association.

Would be largely theoretical and illusory if it were limited to the founding of an association, since the national authorities could immediately disband the association without having to comply with the Convention. It follows that the protection afforded by Article 11 lasts for an association's entire life and that dissolution of an association by a country's authorities must accordingly satisfy the requirements of paragraph 2 of that provision.[39]

The Court went on to hold that there was no evidence that the party bore any responsibility for terrorist activity or that either its program or its activities threatened to destroy rights protected by the ECHR.[40] Accordingly, the Court concluded that "a measure as drastic as the immediate and permanent dissolution of [a political party]… is disproportionate to the aim pursued and consequently unnecessary in a democratic society."[41] Thus, a violation of article 11 occurred. The Court reached essentially the same conclusion in *Freedom and Democracy Party v. Turkey*.[42]

This reasoning was extended into the religious domain with the European Court's decision in *Hasan and Chaush v. Bulgaria*.[43] In that case, the Bulgarian department of religious affairs refused to grant official status to a Muslim mufti that led a rival faction to the Muslim group that had been officially registered. The Court analyzed the issue of the right to entity status as follows:

> The Court recalls that religious communities traditionally and universally exist in the form of organised structures. They abide by rules which are often seen by followers as being of a divine origin. Religious ceremonies have their meaning and sacred value for the believers if they have been conducted by ministers empowered for that purpose in compliance with these rules. The personality of the religious ministers is undoubtedly of importance to every member of the community. Participation in the life of the community is thus a manifestation of one's religion, protected by Article 9 of the Convention.

Where the organisation of the religious community is at issue, Article 9 must be interpreted in the light of Article 11 of the Convention which safeguards associative life against unjustified State interference. Seen in this perspective, the believer's right to freedom of religion encompasses the expectation that the community will be allowed to function peacefully free from arbitrary State intervention. Indeed, the autonomous existence of religious communities is indispensable for pluralism in a democratic society and is thus an issue at the very heart of the protection which Article 9 affords. It directly concerns not only the organisation of the community as such but also the effective enjoyment of the right to freedom of religion by all its active members. Were the organisational life of the community not protected by Article 9 of the Convention, all other aspects of the individual's freedom of religion would become vulnerable.[44]

The Court's insistence that "Article 9 must be interpreted in the light of the protection afforded by Article 11"[45] recognizes that the protections that have been worked out in the article 11 context should be carried over to the article 9 context and given full effect, while maintaining sensitivity to the religious context and the substance of religious freedom rights. In the setting of religious organizational issues, associational freedom protection translates into a concern for religious autonomy, which is both "indispensable for pluralism in a democratic society" and "at the very heart of the protection which Article 9 affords."[46] In effect, article 11 concerns are absorbed into and recognized as part of article 9 protections, where they protect both the collective and the individual dimensions of freedom of religion or belief. If the organizational issues were left unprotected, "all other aspects of the individual's freedom of religion would become vulnerable."[47] Thus, the right to entity status initially identified under article 11 applies *a fortiori* in the article 9 setting.

This conclusion was further solidified in *Metropolitan Church of Bessarabia v. Moldova*.[48] There the Court repeated the formula requiring that article 9 be interpreted in light of article 11, but this time did so in the context of directly addressing the right to register and acquire entity status.[49] That case involved a sub-grouping within the Orthodox religious community (the Metropolitan Church of Bessarabia) that preferred to affiliate with the Romanian Orthodox Church instead of the Moscow Patriarchate. The

political authorities in Moldova favored the Metropolitan Church of Moldova, which is subservient to the Moscow Patriarchate, and repeatedly refused to grant entity status to the Bessarabian Church. In reaching the conclusion that the right to entity status initially recognized under article 11 is also an inherent aspect of the right to freedom of religion or belief, the Court reasoned as follows: since religious communities traditionally exist in the form of organised structures, Article 9 must be interpreted in the light of Article 11 of the Convention, which safeguards associative life against unjustified State interference. Seen in that perspective, the right of believers to freedom of religion, which includes the right to manifest one's religion in community with others, encompasses the expectation that believers will be allowed to associate freely, without arbitrary State intervention. Indeed, *the autonomous existence of religious communities is indispensable for pluralism in a democratic society and is thus an issue at the very heart of the protection which Article 9 affords.*[50]

The Court also noted in this connection the importance of legal entity status as a vehicle for defending a religious community's rights in legal proceedings:

> One of the means of exercising the right to manifest one's religion, especially for a religious community, in its collective dimension, is the possibility of ensuring judicial protection of the community, its members and its assets, so that Article 9 must be seen not only in the light of Article 11, but also in the light of Article 6 [access to tribunals].[51]

Since it is well understood that this right to sue and be sued is a typical feature of legal entity status, this passage in effect recognizes the need both for the legal framework through which legal entity status is acquired, and a viable judicial enforcement setting. The Court expanded further on this point in the course of applying these principles to the facts of the *Bessarabian Church* case. Specifically, the Court found that:

> In the absence of recognition the applicant church may neither organise itself nor operate. Lacking legal personality, it cannot bring legal proceedings to protect its assets, which are indispensable for worship, while its members cannot meet to carry on religious activities without contravening the legislation on religious denominations.[52]

In the Court's view, granting of legal entity status was important in the Moldovan case both as a matter of principle, to vindicate freedom of religion and association, and as a practical matter, because the Bessarabian Church had in fact had great difficulty in defending its rights without entity status.[53]

In short, it is now well established that religious communities have a right to legal entity status that is grounded in both freedom of religion and freedom of association norms. In responding to this right, states need to provide a legal framework which will facilitate access to acquiring such status, and to grant the status when requested by religious groups that do not constitute a threat to the constitutional order.[54]

### IV. The Right to Legal Entity Status in Southeast Asia: The case of Vietnam

Do Quang Hung's paper at the conference of "Beginning the conversation: Religion and Rule of Law in Southeast Asia" held in Hanoi, Vietnam September 2006[55] shows how different approaches to structuring registration and recognition of religious organization reflect differing models for structuring the relationship between religion and the state. It notes in particular how Vietnam's recent Ordinance on Belief and Religion promulgated by the President of the Socialist Republic of Vietnam, and Instruction No. 1 of the Prime Minister on some tasks regarding Protestantism of February 4, 2005[56] mark the opening of a new stage in Vietnamese religious legislation. This stage is characterized by the "recognition of the juridical person status of 'minor religious groups,' those 'other religions' that the secular state should 'respect'."[57] One of the very positive things about law in Southeast Asia is that it is an area in which significant reform is possible, as demonstrated by the new developments in Vietnam.

## REFERENCES

[1] Nicholas Knight. *Understanding Australia's neighbors*. Cambridge University Press, 2004: 45-47.
[2] *Id.* at 48.
[3] David Steinberg. *Secularism Neutralized in the Malay World.* Eds. Theodore Friend. *Religion and Religiosity in the Philippines and Indonesia*. 2006: 13, 15.
[4] *Id*.
[5] Knight. *supra* note 1, at 44.
[6] *Id*.
[7] Steinberg. *supra* note 3, at 15.
[8] Bradley K. Hawkins. *Introduction to Asian Religions.* Pearson, Longman 2004: 145.
[9] W. Cole Durham, Jr.. *Perspectives on Religious Librerty: A Comparative Framework.* Eds. Johan D. van der Vyver and John Witte, Jr.. *Religious Human Rights in Global Perspective.* Netherlands: Kluwer Law International, 1996: 1-44.
[10] *Id.*
[11] W. Cole Durham, Jr.. "Religion, Universal Human Rights, and the Ambivalence of the Sacred". Eds. Christopher L. Eisgruber and András Sajó. *Global Justice and the Bulwarks of Localism: Human Rights in Context*. Leiden and Boston: Martinus Nijhoff Publishers, 2005.
[12] See generally Joanne R. Bauer and Daniel A. Bell. *The East Asian Challenge for Human Rights*, Cambridge: Cambridge University Press, 1999; Ann Elizabeth Mayer. *Islam and Human Rights: Tradition and Politics.* Boulder, Colorado: Westview Press, 3rd edition. 1999.
[13] Durham. *supra* note 11, at 201-202.
[14] Lee Mkanwoo. "North Korea and the Weswtern Notion of Human Rights." Ed. Hsiung. *Human Rights in an East Asian Perspective.* New York: Paragon House Publishers, 1985 (in Donnelly at 67).
[15] Matt. 7:12; Luke 6:31. Even before Jesus, Hillel had articulated a similar notion in the Jewish tradition. For a website collecting similar statements in different religious traditions, see http://www.trenton.edu/~gruenfel/goldenrule.html <last visited Sept. 6, 2006).
[16] "Not one of you is a believer until he loves for his brother what he loves for himself." Islamic Proverb, Forty Hadith of an-Nawawi 13.

[17] Comparing oneself to others in such terms as "Just as I am so are they, just as they are so am I," he should neither kill nor cause others to kill." Buddhist Proverb, Sutta Nipata 705.
[18] Try your best to treat others as you would wish to be treated yourself, and you will find that this is the shortest way to benevolence. --Confucian Proverb, Mencius VII.A.4.
[19] This is the gravamen of Kant's "categorical imperative." *See, e.g.*, Immanuel Kant. *Groundwork of the Metaphysic of Morals* [[[universalizability formulations]]]. For other ethical works that emphasize this fundamental idea, see R.M. Hare's *Freedom and Reason* (Oxford 1963); Harry J. Gensler, Formal Ethics (Routledge, 1996).
[20] *See* Mary Ann Glendon. [[[book on Universal Declaration]]].
[21] Adopted and opened for signature by United Nations General Assembly Resolution 2200A (XXI) on 16 December 1966; entered into force 23 March 1976. For ratification history, see [[[ Human Rights Law Journal, 30 October 2005, Vol. 26 No. 1-4]]].
[22] "All the countries of the region are of the region are party to the U.N. Charter. None has rejected the Universal Declaration." Bilahari Kausikan, "Asia's Different Standard," *Foreign Policy* vol. 92 (1993), p. 25 (in Steiner and Alston, *International Human Rights in Context* 539). Myanmar and Singapore have not ratified, presumably because they do not comply with the standards. Brunei, Indonesia, and Malaysia, the predominantly Muslim countries in the region, have not ratified the ICCPR, likely due to concerns that this might obligate them to take on responsibilities inconsistent with Muslim law.
[23] Speech of the Dalai Lama at the Non-Governmental Organizations Conference held in conjunction with the United Nations World Conference on Human Rights, Vienna, Austria, June 15, 1993.
[24] Xie Bohua and Niu Lihua. "Review and Comments on the Issue of Human Rights" (unpublished paper presented at JUST International Conference, "Rethinking Human Rights," Kuala Lumpur, 1994) (in Donnelly at 70).
[25] People's Republic of China. "Statement by H. E. Mr. Liu Hiaqui to the Second World Conference on Human Rights" (unpublished, Vienna, Jun 15, 1993) (in Donnelly at 70).
[26] Among other things, annual Human Dimension meetings are held in which participating states in the OSCE can discuss human rights problems occurring in other countries.
[27] The shift to this approach is what I have elsewhere termed "the Lockean revolution in religious liberty." *See* Durham, *supra* note 9, 7-12.
[28] For more detailed discussion of these issues, see W. Cole Durham, Jr.. "Facilitating Freedom of Religion or Belief Through Religious Association Laws". Eds. Tore Lindholm, W. Cole Durham, Jr. and Bahia Tahzib-Lie. *Facilitating Freedom of Religion or Belief: A Deskbook.* Leyden: Martinus Nijhoff Publishers, 2004: 321, 322-330.
[29] *Id.*, 322-25.
[30] *Id.*
[31] *Id.*, 324-25.
[32] On the importance of the right to religious autonomy, see Tore Lindholm, W. Cole Durham, Jr. and Bahia Tahzib-Lie, with Nazila Ghanea. *Introduction.* Eds. Lindholm, Durham, and Tahzib-Lie. *supra* note 28, at xxxviii-xxxix, and Roland Minnerath. "The Right to Autonomy in Religious Affairs." Eds. Lindholm, Durham, and Tahzib-Lie. *supra* note 28, 291-320.
[33] Principle 16(c), Concluding Document of the Vienna Meeting of Representatives of the Participating States of the Conference on Security and Cooperation in Europe, adopted in Vienna on 17 January 1989.
[34] An overview of these devices is provided in Durham. *supra* note 28, at 330-347.
[35] Freedom and Democracy Party (ÖZDEP) v. Turkey (ECtHR, App. No. 23885/94, 8 December 1999);
United Communist Party of Turkey v. Turkey (ECtHR, App. No. 19392/92, 30 January 1998);

Sidiropoulos & Others v. Greece (ECtHR, 10 July 1998). Canea Catholic Church v. Greece, 27 EHRR
521 (1999) (ECtHR, App. No. 25528/94, 16 December 1997) (legal personality of the Roman Catholic
Church protected); Hasan and Chaush v. Bulgaria (ECtHR, App. No. 30985/96, 26 October 2000); Metropolitan Church of Bessarabia v. Moldova (ECtHR, App. No. 45701/99, 13 December 2001).

[36] ECtHR, App. No. 26695/95, 10 July 1998.

[37] Id., para. 40 (emphasis added). The Court further emphasized the significance of entity status in the recent case of Gorzelik v. Poland (ECtHR, App. No. 44158/98, 12 December 2001), para. 55, noting that "[t]he most important aspect of freedom of association is that citizens should have the right to create a legal entity in order to act collectively in a field of mutual interest. Without this, that right would have no practical meaning." The Court concluded that the right to association was not violated in *Gorzelik*, because the organization in question was free to reregister if it dropped certain nonvital features that would otherwise have created problems in the overall structure of Polish election law, but it clearly emphasized the significance of the right at stake.

[38] ECtHR, App. No. 19392/92, 30 January 1998.

[39] Id., para. 33.

[40] Id., para. 59.

[41] Id., para. 61.

[42] ECtHR, App. No. 23885/94, 8 December 1999.

[43] ECtHR, App. No. 30985/96, 26 October 2000.

[44] Id., para. 62.

[45] Id., para. 65.

[46] Id., para. 62.

[47] Id.

[48] ECtHR, App. No. 45701/99, 13 December 2001.

[49] Id., para. 118.

[50] Id. (emphasis added).

[51] Id.

[52] Id., para. 129.

[53] Id.

[54] Refah Partisi v. Turkey (ECtHR, App. Nos. 41340/98, 41342/98, 41343/98, 41344/98, 2001), the only recent European Court case that has not sustained a right to entity status, is clearly distinguishable in that it involved the dissolution of an entity (a political party) that, in the view of the European Court, posed a serious threat to democratic values. See Lance Lehnhof, "Freedom of Religious Association: The Right of Religious Organizations to Obtain Legal Entity Status Under the European Convention," *BYU Law Review* (2002): 561, 580–88 (demonstrating that the *Refah* decision does not undermine prior European Court holdings and that under normal circumstances articles 9 and 11 of the European Convention support a right of entity status for religious groups).

[55] Do Quang Hung. *Recognition of Religious Organizations—A Comparative Approach: The Case of Vietnam* (unpublished paper in the possession of the author, 2006).

[56] *Id.*, note 19 and accompanying text, citing The Vietnamese Government Committee on Religious Affairs. *Vietnamese Legal Documents on Belief and Religion*. Hanoi: Religion Publishing House, 2005.

[57] On these important developments, Professor Do cites Ngo Yen Thi (the head of the Government Committee for Religious Affairs), Religious Policy in the tenth Vietnamese Communist Party Congress's Documents, Journal of Religious Works, July, 2006).