

Human Dimension Implementation Meeting

7 October 2008: Freedom of religion and belief

Freedom of religion and belief, as defined by European^{1 2} and international^{3 4} documents, is essentially a freedom of the individual. This includes also the freedom to change religion. It is not defined as a freedom of the leaders of a group that claims to be a religion, whether this is justifiable or not, to do with their adherents what they want.

Most groups which we call “cults”, or in some European languages “sects”, put huge psychological and social pressure on those of their adherents who want to leave the group (according to them “those who want to change their religion”). This obviously is a violation of freedom to manifest one's religion or beliefs

The Council of Europe adopted on 29 June 2007 a Recommendation 1804: **State, religion, secularity and human rights.**⁵ It states that

16. Freedom of religion or belief is protected by Article 9 of the European Convention on Human Rights and Article 18 of the Universal Declaration on Human Rights. **Such freedom is not unlimited, however: a religion whose doctrine or practice ran counter to other fundamental rights would be unacceptable.***) In any case, the restrictions that can be placed on such freedom are those that "are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others" (Article 9.2 of the Convention).

17. **Nor may states allow the dissemination of religious principles which, if put into practice, would violate human rights.** *) If doubts exist in this respect, states must require religious leaders to take an unambiguous stand in favour of the precedence of human rights, as set forth in the European Convention on Human Rights, over any religious principle.

*) emphasized by the author.

In a comment of 25 September 2008 to the above mentioned document on “State, religion, secularity and human rights”⁶, the Committee of Ministers appreciate the “*major potential of religious communities for contributing to the expansion of the values defended by the Council of Europe*” and the “*building a democratic society*”. It is quite clear that this appreciation cannot include those groups that act against the values defended by the Council of Europe and want to replace democracy by theocracy. It further states that “*the right to freedom of expression enshrined therein is applicable not only to information or ideas that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb*”.

The Steering Committee for Culture (CDCULT) stresses in its comment that “*each individual's religion or option of having no religion is a strictly personal matter*”

The Steering Committee on the Media and the New Communication Services (CDMC) “*agrees that in some instances, it may be necessary to place restrictions on these freedoms*”

¹ The European Convention on Human Rights, <http://www.hri.org/docs/ECHR50.html>

² The Charter of Fundamental Rights of the Union,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2004:310:0041:0054:EN:PDF>

³ Universal Declaration of Human Rights, <http://www.un.org/Overview/rights.html>

⁴ Conventions on the Rights of the Child, <http://www.unhcr.ch/html/menu3/b/k2crc.htm>

⁵ <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta07/erec1804.htm>

⁶ <http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc08/edoc11717.htm>

but that, under the European Convention of Human Rights, any such restrictions must be prescribed by law, necessary in a democratic society and proportionate to the legitimate aims pursued. In this context, states enjoy a margin of appreciation given that national authorities may need to adopt different solutions taking account of the specific features of each society; this margin is subject to the supervision of the European Court of Human Rights.” In this context, the Court pointed out “that those who choose to exercise the freedom to manifest their religion, irrespective of whether they do so as members of a religious majority or a minority, cannot reasonably expect to be exempt from all criticism.”

Most of those comments stress the importance of higher education. It should be noted that some of the groups we call “cults” deny the value of higher education, arguing that this will lead to *arrogance* and to *independent thinking* which they abhor.

The comments also stress the importance of religious diversity, while some of the groups we call “cults” intend to subjugate the whole of mankind to their own creeds and practices.

The activity of FECRIS and its adherent associations is not directed against any group and its beliefs as such, whether these groups regard themselves as a religion or not, and whether they belong to traditional or non-traditional religions, but against actual practices and future plans of some groups, that violate both the human rights of their own followers as those of people outside their group, and thus are incompatible with the international and European conventions as stated above.

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