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Subject: Council of Europe Part 2 of 2
TO: blind.ccopy.receiver @ compuserve.com (cc: jeremy.gunn/ARRB) FROM: WRIGHTMAN <101340.51 @ compuserve.com> @ INTERNET @ INTERLIANT Date: 06/24/98 02:20:20 PM GMTSubject: Council of Europe Part 2 of 2Here is our response to the draft memorandum and recommendations.Please make your own statement to the Council of Europe Assembly.Comments on The Council of Europe Assembly Draft Explanatory Memorandum onIllegal Activities of Sects by Mr. NastaseAlthough the Council of Europe Assembly Report and Recommendations on SectsDraft Explanatory Memorandum by Mr. Nastase contains a constructive anduseful analysis of issues relating to religious freedom in Europe in itsintroductory sections, the Report is fatally flawed because it relies uponincomplete and inaccurate information in subsequent sections to makeincorrect assumptions and reach erroneous and insupportable conclusions.Section C and D of this report provide a thoughtful analysis of theproblems concerning the definition of the word "sect", notes its pejorativeconnotation in the public mind today, and provides a constructive frameworkto deal with this problem without offending religious freedom or governmentneutrality. The report notes that, pursuant to Article 9 of the ECHR,states are prohibited from distinguishing between different beliefs andfrom creating a scale of beliefs in order to fulfill the state's duty tomaintain neutrality. The report further notes that freedom of thought,conscience and religion are rights guaranteed to every human being andthese rights cannot be restricted other than for the reasons stated in thesecond paragraph of article 9 of the Convention.Based upon this analysis, the report recommends that state authoritiesshould not engage in classifying or regulating a system of beliefs.Instead, in conformance with the second paragraph of article 9, the reportnotes that state authorities may restrict certain activities related to areligion or belief if such restrictive measures are necessary in ademocratic society in the interests of public safety, for the protection ofpublic order, health or morals, or for the protection of the rights andfreedoms of others. These recommendations, presented in the framework ofthe human rights principles embodied in article 9 of the ECHR, providehelpful guidance by evidencing tolerance for diverse beliefs and minorityreligious rights whilst ensuring that the state has the authority and powerto restrict questionable activities which may flow from a religion orbelief.Unfortunately, other sections of the report do not contain suchconstructive guidance. Instead, the remainder of the report containscertain serious factual inaccuracies and omissions which lead toassumptions and conclusions which are otherwise unsupportable and which donot evidence tolerance for minority religious rights.The report makes the assumption that various governments consider that theissue of so called "sects" is a major problem. Indeed at a meeting held bythe European Parliament's Civil Liberties Committee on 21st November 1996,most
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