



Religious Freedom Report

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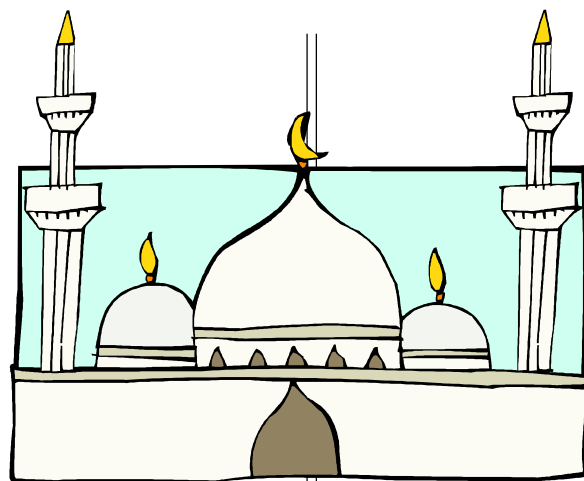
Islam, Religious Freedom and World Peace

By Dan Fefferman

Islamic Law and the western concept of religious freedom have been in serious tension for decades. Today, that tension has come to the fore in the light of the World Trade Center attacks. Can the Islamic world and the western democracies be true to their core values and learn to live in peace with each other?

Generally, America and the western democracies have responded to the terrorist attacks of September 11 with commendable restraint in terms of government policy toward domestic Islamic minorities.

In terms of non-governmental attitudes, however, some troubling signs have emerged. Acts of intolerance have been infrequent, but they are nevertheless serious, especially if they go unchecked. Mosques in the US have been firebombed and desecrated. Men of Arabic appearance have been refused seats on airplanes even after undergoing stringent security checks. American Muslim women report increasing incidents of being harassed by other Americans for wear-



ing veils. Muslim schoolchildren face taunts and suspicion.

While the US government has done a fairly good job of balancing the need for increased security with the need to protect the civil rights of Muslims, in Europe there are moves afoot to use the terrorism issue against religious minorities. The so-called "anti-cult movement" seeks to manipulate fears of terrorism into government repression against religious minorities.

- A legal revision contemplated by Germany would enable the government to ban religious groups if their political views are considered extreme.

- A law passed last year in France empowers the courts to ban so-called "sects" and imprison their members for up to three years if they attempt to rebuild them.
- The Schengen Treaty of 1995, designed to liberalize immigration and at the same time control terrorists and drug smugglers, has been abused to prevent peaceable spiritual leaders such as Reverend and Mrs. Moon from entering Europe.
- France currently enforces a law which prohibits Muslim schoolgirls from such innocent activities as wear-

continued on page 10

What's Inside

<i>Muslims in America</i>	2
<i>Balancing Anti-Terrorism and Religious Freedom</i>	3
<i>Europe's Ban Against Reverend and Mrs. Moon</i>	4

Muslims in America Face Challenges In Exercising their Religious Rights

By Alex Colvin

In the wake of 9-11, one of the greatest challenges that the United States faces is to ensure that the religious freedom of Muslims in America remain inviolate. America is pursuing the war on terrorism in the name of freedom. It wants the support of the world. External support and cooperation is important, but equally important are the respect and the winning of the hearts and minds of the people and leaders of the world. In order to convince governments of the world that it is in their interest to support religious freedom and tolerance, the United States needs to demonstrate that it is serious about these values, even in times of crisis.

While public officials on the federal and local levels have decried incidents of attack or harassment of Muslims and insisted that the war on terrorism is not directed against Islam, there have been a number of complaints of unwarranted harassment based upon religious profiling.

For example, on November 7, 2001, Ms. Samar Kaukab, a citizen of the United States and resident of Columbus, Ohio, was traveling home, after attending a conference in Chicago hosted by Volunteers in Service to America (VISTA). Ms. Kaukab was wearing a "hijab," the traditional head covering for Muslim women. She passed through the metal detector without setting it off, but was then separated from her traveling companions and subjected to a degrading and humiliating search.

A law suit filed against Major General David Harris, Adju-

tant General for the Illinois National Guard, and Argenbright Security, Inc. on January 16, 2002, charges that, in singling out Ms. Kaukab solely on the basis of her religion and ethnicity, security personnel violated the United States Constitution's guarantees of freedom of religion, freedom from unlawful ethnic and religious discrimination and protections against unreasonable search and seizure. The complaint has requested that the federal district court issue an injunction preventing any future unreasonable searches or searches based upon ethnic and religious discrimination.

This is but one case of a number of incidents across the country in which Muslims have been singled out for search solely on the basis of their religious and ethnic identity without any reasonable indication that they presented a security risk. On one occasion, a high school student in Virginia was forced by security personnel to remove her hijab in public resulting in her profound humiliation and shame.

In late January, Nihad Awad, the executive director of the Council on American Islamic Relations (CAIR) testified before a forum at the U.S. House of Representatives sponsored by Rep. John Conyers, Jr. (D-MI). CAIR was founded in 1994 to protect the civil liberties of Muslims in the United States, to provide accurate information on Islam, and to facilitate the adaptation and integration of Muslims into the American workplace and society.

Mr. Awad testified that in the three months following 9-11,



CAIR registered 1658 cases of discrimination, harassment, profiling, physical assault, and inappropriate law enforcement behavior as compared with 640 total cases from the previous year.

Mr. Awad expressed concerns about the U.S. Patriot Act passed in the wake of 9-11 and the practice of profiling Muslim Americans. While expressing his condemnation of the terrorist acts and his support for security, Mr. Awad cautioned that "Security will only come through time-tested investigative work, not by scapegoating and profiling vulnerable minorities. Racial and religious profiling, anti-immigration measures, indefinite detention, and political persecution will not make Americans safe, but provide instead a false sense of security while reinforcing racial prejudice and stereotypes."

Mr. Awad recommended that the Congress hold quarterly civil liberties oversight hearings on the implementation of the U.S. Patriot Act, enact legislation to combat the use of racial and religious profiling, repeal the use of secret evidence, and assure that the most troublesome new laws or regulations issued in connection with

continued on page 11

Balancing Anti-Terrorism and Religious Freedom

By Bruce J. Casino

The passage of the International Religious Freedom Act in 1998 secured religious freedom as an important component of US foreign policy. Since September 11, however, the war on terrorism has been the dominant theme of US policy. In surveying Islamic countries, China, Russia and even Western Europe, two questions come to the fore: First, how does the United States balance its need for support in the war against terrorism with support for religious freedom? Secondly, will some countries use anti-terrorism as a cover for unwarranted religious persecution?

Last November, a broad coalition of religious leaders sent a letter to President Bush expressing concern that the US was growing soft on Sudanese persecution of Christians in exchange for support in the war on terrorism.

Muslim scholars have also expressed concern. In an article entitled "Islam, Academe, and Freedom of the Mind" published in the *Chronicle of Higher Education*, February 8, 2002, authors Akbar Ahmed and Lawrence Rosen caution

While the safety of Western countries may depend on alliances with other regimes, those alliances should not come at the price of abandoning scholars and intellectuals in the Middle East, whose ability to speak out is no less under attack....

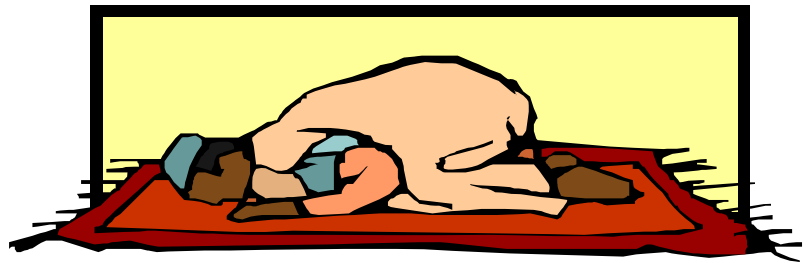
They cite Pakistan as an example. Pakistan has been a major ally for the United States in its efforts to eradicate al Qaeda in Afghanistan, yet the continued enforcement of the blasphemy law

is an egregious affront to religious freedom. On February 16, the Pakistani Supreme Court ordered a hearing on the decision to hang Ayub Masih, a Christian convicted of blasphemy on the testimony of one person for allegedly praising Salman Rushdie's book *the Satanic Verses* in a private conversation.

The United States has also courted Saudi Arabia's support in the war against terrorism. In a report issued in December, the Saudi Institute, a dissident organization, states that the government permits worship for only

Washington Institute for Near East Policy in her testimony before the US Commission on International Religious Freedom on November 27, 2001,

"To win the war against terrorism, the U.S. government will need to pursue with equal vigor the short-term imperative to eradicate terrorist groups and their international support networks and the longer-term objective to advance a positive vision for the peoples of the Middle East that provides an alternative to terrorists' destructive ideology...."



those groups that follow the Wahibi interpretation of Islam. The report claims that there are presently 200 religious prisoners in Saudi Arabia, seventeen of whom face execution. Sharon Burke, the Middle East representative of Amnesty International, says that religious prisoners in Saudi Arabia face torture, forced confessions, grossly unfair trials, and beheadings.

Indeed, similar questions can be raised concerning many of America's allies in the Middle East and Central Asia. The United States needs to cultivate the friendship of these countries. At the same time, it needs to maintain its commitment to open, free and democratic societies in these states.

As expressed by Amy Hawthorne, Soref Fellow at The

Specifically, this means that the United States will need to shed its reluctance to engage local leaders on the highly sensitive issues of political reform, rule of law, and spread of democratic values. The widening of religious freedom must be a cornerstone of this effort. This is not merely a humanitarian objective: it is essential to the promotion of U.S. interests in a stable, productive, peaceful Middle East that is anchored in the global economy of the twenty-first century.

China also presents great challenges to the United States regarding religious freedom. Recent reports show that China has intensified its efforts to suppress unrecognized religions during the past year. Freedom House recently released seven documents

continued on page 11

Europe's Ban against Rev. and Mrs. Moon, or: How a "no borders" policy became a blacklist

By Dan Fefferman

The Reverend and Mrs. Sun Myung Moon, founders of the international Unification Church, are currently listed as "dangerous persons" under the European Schengen Information System. As a result, the Moons are forbidden entry into the twelve Schengen Convention states, including all major continental western European countries.¹

The Schengen Convention emerged from an agreement by several European countries in the town of Schengen, Luxembourg, on June 14, 1985. It provided for the "ultimate abolition of all border controls of persons within this area." The agreement was adopted as a formal convention in June 1990 and "fully implemented" on July 1, 1995.² Original members of the agreement were Belgium, France, Germany, Luxembourg, and the Netherlands. Other signatories now include Spain, Italy, Portugal, Austria, Finland, Sweden, and Norway.

Although the primary purpose of the Schengen agreement is to achieve "the gradual abolition of controls at [the] common frontiers" of the member nations, the agreement naturally provides for measures "to be adopted on security matters and the prevention of illegal immigration." Thus was born the Schengen Information System, and the so-called "Schengen List." Under terms of the Convention, persons considered security risks by any member nation (such as suspected terrorists, drug dealers, smugglers, and other dangerous international criminals) should be placed on the Schengen List to prevent them

from freely traveling among the Schengen countries. Once a person is listed by one member country, he or she is banned from entering any of the other Schengen countries as well.

Origin of the Moon Case

Shortly after the "full implementation" of the Schengen system, in the autumn of 1995, Rev. and Mrs. Moon conducted an international speaking tour that took them to several European countries and Africa to deliver a religious speech entitled "The True Family and I."³ Earlier that year Rev. Moon had delivered this speech in 16 Latin American nations and 16 states of the US. All of the events had been carried out without incident and with no hint of a threat to public order. In November 1995, Rev. Moon delivered his speech in Paris, again with no public order disturbance. The Moons were scheduled to speak in Germany but newspaper reports, later confirmed, alerted them to the fact that they had been banned from entering that country.

Rev. and Mrs. Moon then traveled to Budapest for the next leg of the speaking tour and were scheduled next to speak in Madrid. However, while changing planes in Paris en route to Madrid, they were arrested by French authorities, separated from each other, and held in custody for several hours. Rev. Moon, without benefit of attorney or translator, was pressured unsuccessfully to sign a document in French promising never again to set foot on French soil. The French immigration authorities forbade the

Moons from continuing their itinerary and forced them against their will to return to Budapest. Their European tour was now at an end, and the Moons were forbidden entry to virtually all of Western Europe.

Without warning, Germany and France placed Rev. and Mrs. Moon's names on the Schengen List as "dangerous persons." European members of the Unification Church who longed to see and hear their aging leader (Rev. Moon was then 75; he is now 82.) were deprived of this right. Young couples seeking their leader's blessing on their marriages were forced to travel overseas to participate in the Unification Church's well known large wedding ceremonies.⁴ The founders' blessing of Church sanctuaries and other ceremonies that can only be conducted on site could no longer be performed.

A number of legal and administrative actions have been instituted to rectify this situation. In France, a court action was brought by Rev. and Mrs. Moon to overturn their being listed by France in the Schengen Information System. In Germany, the Unification Church brought a case arguing that the rights of its members had been infringed by the government's action of banning the Moons from Germany. In Holland, the church successfully petitioned the government for an exception to the Schengen ban on the grounds of human rights. (See below.)

The Charges Against the Moons

Since the ban against the Moons is an administrative action related to security issues, it has not



always been easy to clarify the charges against them. France does not allow a listee or his attorney even to see his file or know the precise nature of the charges against him. A case brought in 1996 challenging the listing initially resulted in a judge simply informing the Moons' attorney that he considered the file to be in order. However, the French *Conseil D'Etat* (the highest court of France) has now intervened to take this case out of the lower court's hands. It should also be noted that it is not entirely clear whether France still lists the Moons under the Schengen System or has allowed the listing to lapse.⁵ Despite repeated inquiries by the Moons' French attorneys, even this simple and crucial item of information has been withheld.

The reasons for the German ban against the Moons are clearer than in the French case because the German procedures allow for

the listed party to know the charges against him/her in order to effectively answer them. However, the case has been drawn out for years. First, after hearing the case for approximately three years, the original court abruptly transferred it to a court in a rural jurisdiction. Then the government argued that only the Moons themselves and not the Unification Church could bring such a case. This issue, after another two years, has now been resolved in favor of the church.

The German ban against the Moons was instigated by the German Federal Ministry for Family, Senior Citizens, Women and Youth (hereafter "Family Ministry"). However, the actual Schengen listing was executed by the Ministry of the Interior. The Family Ministry appears to be acting on information supplied by anti-"cult" activists and "sect-watchers" affiliated with the

Luther and Catholic churches⁶. The rationale for the ban is that Rev. and Mrs. Moon constitute a "threat to public order" by the following actions:

- Promoting a worldwide totalitarian theocracy under Korean influence opposed to German democracy
- Undermining the family by causing young adults to leave their parents and devote themselves to the Unification Church
- Creating a bad influence on the nation's youth through "mental manipulation" and "brainwashing."⁷

Not specifically mentioned in legal briefs but certainly influencing the Family Ministry's decision are factors such as a climate of anti-cult fear generated by the apparent Solar Temple suicides in 1995 and German reaction

continued on page 8



RELIGIOUS FREEDOM AROUND THE WORLD

By Rick Hunter

Armenia

An Armenian appeals court upheld a September “not guilty” verdict for Levon Markaryan in the charge of organizing an unregistered religious group involving minors. Both the criminal code statute under which the Jehovah’s Witness was charged and the ability of the prosecution to appeal a “not guilty” verdict are holdovers from the Khrushchev era.

Azerbaijan

Judicial hearings have been postponed concerning the liquidation of the Love Baptist Church as a legal entity in the capital city of Baku. The chairman of the State Committee for Relations with Religious Organizations had accused the pastor of preaching against Islam and thus violating the country’s religion law. The pastor claims the suit is a result of his holding services in Azeri to Azerbaijanis and that the postponement is likely the result of international attention to the case.

Bulgaria

Five Bulgarian Evangelical Church leaders publicly decried rising anti-Semitism and open fascism in Bulgaria noting growing published material extremely critical of Jews and “Roma peoples” (gypsies) who were the first victims of Nazi pogroms. The five clerics wore badges that said “Jew” and cried out, “We are Jews as well!”

China

Despite President Bush’s pushing for religious freedom during his recent visit, China is continuing its repression of religious groups, using the war against terrorism as a justification. Particularly hard hit have been Muslims among the Uighur ethnic minority in Xinjiang and the Falun Gong spiritual group, thousands of whom have reportedly been brutally tortured or imprisoned in forced labor camps for refusing to renounce the group.

Egypt

A Scientologist couple is being held in Cairo and charged with “contempt for monotheistic religions by trying to spread a new religious doctrine, Scientology, that damages the principles of Islam and Christianity.” Contempt of religion is a charge that has been used frequently against non-mainstream religious groups in Egypt, where proselytizing is illegal.

France

The French Church of Scientology has filed an appeal with the United Nations High Commissioner on Human Rights in Geneva requesting UN intervention to halt the repeated violations of France’s international human rights commitments by the French government’s

Interministerial Mission to Fight Against Sects (MILS). Concurrently, a prosecutor has asked a French court to ban the Church of Scientology in the greater Paris area, saying it engages in “mental manipulation”. France considers Scientology a sect as distinct from a religion.

Great Britain

A fashion store in London had to pay £25,000 (\$35,350) to the International Society for Krishna Consciousness (ISKON) that was awarded in a libel suit for a new line of clothing advertisement in fifty store windows and two men’s magazines that “suggested that ISKON was a dangerous and loony religious sect that brainwashed its followers. The store, House of Fraser, apologized for any hurt caused.

Meanwhile, the government has appealed a court decision which would have lifted Britain’s entry ban against Nation Of Islam leader Minister Louis Farrakhan. The court ruled that there Minister Farrakhan’s entry would not pose a significant threat to public order.

Hungary

Suspicious that priests and other clergy are using the pulpit to express political views, Hungary’s Socialist University and College Federation (SzESz) has sent 170 member students to observe and record either on paper or by tape recorder the words spoken at religious services throughout the country. The SzESz has close ties to the remnant of the

communist party that has a faction in the parliament.

India

The worst religious strife between Hindus and Muslims in a decade, in which hundreds have died, was sparked by Muslim resentment over Hindu plans to build a temple at a site where a 16th century Mosque stood until it was destroyed by Hindu militants in 1992. A train carrying Hindus was stopped at the town Godhra in Gujarat and burned by angry Muslims, killing at least 60. Subsequently, Hindu-Muslim riots left over 600 dead, mostly Muslims who were burned or stabbed.

Indonesia

Former Indonesian president Abdurrahman Wahid called for a review by Muslim scholars of Muslim laws, which make it punishable by death to change from Islam to another religion. Speaking at a conference in Seoul sponsored by Rev. Sun Myung Moon's Family Federation for World Peace, Wahid said Islam had to create a "a culture to understand other people" and work toward creating a worldwide "a culture of peace."

Nigeria

The Supreme Council for Sharia in Nigeria has launched a campaign to stop parliament ratification of a number of United Nations conventions covering human rights on the grounds they are contrary to Muslim values. It said under Islamic or Sharia law that punishments such as death for murderers and armed robbers, flogging for drinking of alcohol and fornication, and amputation of limbs for stealing were divinely ordained. Tension due to the introduction of Sharia in the Mus-

lim northern states has resulted in frequent outbreaks of violence between Muslims and Christians in several Nigerian cities in the past two years.

North Korea

A German doctor who spent 18 months inside North Korea says that official persecution against Christians is causing rising numbers to flee across the border to China where they are living in the woods without assistance. Dr. Norbert Vollertsen has worked with and interviewed refugees and defectors on the China-North Korea border and reports that Christians are being tortured and killed for reading bibles. Some Christians are forced to undergo biological warfare experiments, and babies are killed just because the mothers are Christian, Vollersten reported.

Norway

A government-backed religious panel has recommended that Norway end its 465-year-old state church system and give all religions equal footing. The Evangelical Lutheran Church of Norway has been the nation's official religion since 1537. In a past clash, the government, which employs state church staff and clergy, defied the church's guidelines and appointed an openly gay clergyman in Oslo.

Russia

Russia's supreme court overturned rulings banning the Salvation Army from operating as a charity and a religious organization. The Salvation Army was banned from Moscow in September for failing to re-register as a religious organization, but was prevented from doing so by Moscow's justice department,

which claimed the charity was a paramilitary organization. The registration procedure has been encouraged by the Russian Orthodox Church to marginalize religious rivals. The ruling will apply not just to the Salvation Army but also to other church groups, which had been registered before 1997.

Sudan

A class action suit against the Islamic government of Sudan and Talisman Energy Inc. has been filed and amended in the Southern District of New York. It charges violations of the human rights of Christian and other non-Muslim minorities in Southern Sudan by conducting a deliberate campaign of ethnic cleansing to clear the land for oil exploitation.

United States

US "cult"-watchers of late have waxed positively enthusiastic about the prospects of working together with no less a power than the Peoples Republic of China in an effort to control what they call "dangerous cults" such as the Falun Gong and others. Herb Rosedale, president of the American Family Foundation, writes in the January edition of the AFF newsletter: "I recently returned from attendance at the [PRC's] China Anticult Associations' annual conference in Beijing, where I was invited to speak... I found that the experience was an intellectually stimulating one and not rigid, predictable, or boring... Above all, I found a warm sense of comradeship and a concern about how to approach issues that are of mounting importance in our society."

Lest we get the wrong impression, Mr. Rosedale hastens to add that, "this does not mean that I found a perfect world." But, he says, "It is an exciting opportunity."

Europe's Ban Against Reverend and Mrs. Moon

from page 4

against other new religious movements, especially the Church of Scientology.

Are the Charges True?

Of course, the Moons and their church deny the charges. Moreover, a German appeals court, in deciding that the Unification Church (and not only the Moons themselves) could bring an action on this issue, has rejected at several of the charges as a basis for denying the church standing in the case. It stated:

The teachings supported by the plaintiff [Unification Church] constitute a statement on the world in its entirety and on the origin and purpose of mankind based on a transcendental reality. The plaintiff is therefore a religious community within the meaning of Article 4 of the German Constitution. It is of no relevance here that Moon and/or his followers also operate to a considerable extent in political and economic fields... Something different would only apply if the religious teachings of Moon were only to serve him and his followers as a pretext for political and economic activities and if these were merely "embellished" with religious goals. Only in this case could Moon and his followers be accused of abusing the right to cultivate a religion which would lift the protection afforded by Article 4 of the German Constitution (cf. BVerwG, judgement dated 27 March 1992, loc. cit. P. 118). The court division is unable to recognize anything of this kind.⁸

This finding and the related decision that the church had standing to act as plaintiff in the case were sufficiently challenging to the government's position that it appealed the decision to the German High Administrative Court. This court, which is equivalent to the US Supreme

Court for cases of this type, ruled against the government on July 10, 2001. It stated:

The Unification Church is to be regarded as a religious association and is therefore entitled to the fundamental right of religious freedom. The interest of the Unification Church in the entry of its religious leader can be protected by Article 4 par. 1 and 2 of the Basic Law, especially if the presence of its leader is of significant meaning for the religious practice of its community.⁹

The case was remanded to the appeals court to rule on the merits, namely whether or not the government had acted properly by banning the Moons. The appeals court must now balance the established right of the UC members to receive a visit from their religious founders against any demonstrable threat to public order that might arise from such a visit.

The Schengen Ban and International Law

A reading of the Schengen Convention reveals that its security provisions were designed to keep out drug dealers, arms smugglers, terrorists and other dangerous criminals, not leaders of religious groups—even controversial religious groups.¹⁰ This it appears that the ban against the Moon falls outside the scope of the Convention's intent. Moreover, Germany, France, and all members of the Schengen System are also members of the United Nations. Therefore they are adherents to the UN's Universal Declaration on Human Rights, which says in its Article 18:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom

to change his religion or belief, and freedom, alone or in community with others, and, in public or private, to manifest his religion or belief in teaching, practice, worship and observance.¹¹

The UN's Human Rights Committee has specifically stated that this right to freedom of religion applies especially to new religions, not just traditional ones:

Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be subject of hostility by a predominant religious community.¹²

The action of Germany and France to ban Rev. and Mrs. Moon also specifically violates Section 32 of the Vienna Concluding Document of the Organization for Security and Cooperation (the Helsinki Accords), which requires signatory states to:

...allow believers, religious faiths and their representatives, in groups or on an individual basis, to establish and maintain direct personal contacts and communication with each other, in their own and other countries, *inter alia*, through travel, pilgrimages, and participation in assemblies and other religious events.

Thus it is clear that, far from being a measure carried out within the legitimate scope of the Schengen Convention, the black-listing of Rev. and Mrs. Moon is in fact an abuse of that agreement, in violation of fundamental hu-

man rights which the Schengen countries themselves are legally bound to uphold.

The Netherlands

The Schengen Convention provides for member nations to issue an exception to a Schengen ban under certain conditions. The government of the Netherlands has issued such an exception to the Moons, and indeed Mrs. Moon was well received when she visited that nation in 1999 and again in 2000 to give public speeches.

It is interesting to note that neither Germany nor France objected to the exception when consulted by the Netherlands as required in the Convention. This suggests that neither of these nations truly feels a threat to public order from Rev. and Mrs. Moon. Rather, they have attempted to use “public order” as an excuse for their harassment of a small religious community and its leaders.

Current Developments

As mentioned above, the highest German courts have ruled that the Unification Church does have standing in the case because the rights of its members are affected as well as the rights of the Moons themselves. The court also ruled that the UC must be treated as a religion under the German Constitution. This ruling goes to the heart of the government’s position, namely that the UC is not a bona fide religion but a “youth sect” that breaks up families. The case has now been returned to the lower court for a decision on the merits. If the church is successful, the national German ban against Rev. and Mrs. Moon would be lifted, and this would virtually certainly lead to Germany’s removing them from the Schengen List.

The French ban against the

Moons currently stands before the *Conseil D’Etat*, the French Supreme Court. This court took the unusual step of removing the case from a lower court rather than waiting to review the lower court’s decision. As noted above, it is not clear, in the meantime, whether France has renewed its Schengen listing of the Moons. However the national-level ban on their entering France remains intact.

Conclusion

The Schengen ban is a serious violation of the religious freedom of Rev. and Mrs. Moon and the members of their church. It is an abuse of the Schengen Treaty, which was intended to deal with international criminals such as arms smugglers, terrorists and drug dealers, not religious leaders. Furthermore there is no basis for the charges, even if they were relevant to the Schengen agreement, that a visit to Europe by the Moons would harm families, brainwash youth, disrupt public order, or otherwise harm the countries involved. The Schengen ban against the Moons—affecting virtually all of Western Continental Europe—should be lifted immediately, and the governments of France and Germany should also lift their own national bans against them.

Endnotes

1. The Netherlands has granted an exception, as will be discussed later.
2. The text of the convention is available at: <http://www.ifi.uio.no/~hennings/schengen/>
3. Text available at: <http://unification.net/1995/950625.html>
4. The Unification Church traditionally holds large marriage blessing ceremonies presided over jointly by Rev. and Mrs. Moon. To participate in the marriage blessing, officiated by the Moons, is considered an essential element of the a Unification believer’s life of faith. Thus, to prevent the Moons access to their European followers is not only a

violation of the Moons’ right to travel for religious purposes, but also creates a serious spiritual and financial hardship on their followers.

5. A listing must be renewed every three years to remain in effect. It is clear that Germany renewed its listing but not clear whether France has done so.
6. Under the German system of church-state relations, the government collects taxes on behalf of the Catholic and Evangelical (Lutheran) churches, who in turn maintain “sect-watchers.” Some, though not all, of these sect-watchers maintain contacts in the German Congress (*Bundestag*) and the Family Ministry and actively campaign against new religious movements.
7. The German appeals court summarized the government’s rationale as follows: “In the opinion of the German government, the Moon movement is one of the so-called youth sects and psycho groups whose activities could represent possible risks for the social relations and personality development of young people. In addition to this, the aim of all activities of the Moon movement was to establish a world governed by Korea under the leadership of the ‘Moon Family.’ A public appearance of Mr. and Mrs. Moon would encourage the spread of this movement and lead to strong public reaction. It would therefore be detrimental to public order and national security and to significant interests of the Federal Republic of Germany, thus providing sufficient reason to order refusal of entry pursuant to Article 96 para. 2 of the Schengen Convention. (*Unification Church vs. Federal Republic of Germany*, case number 11 A 10349/99.OVG3 K 938/98.KO)
8. *Ibid.*
9. Federal Administrative Court Press Release No. 22/2001 in relation to: BverwG 1 C 35.00 – Judgement of 10 July, 2001.
10. While articles 70-91 deal in detail with firearms, narcotics and the smuggling of these items, nothing in the Schengen Convention mentions sects, cults, mind control, psycho groups, brainwashing, breaking up families, or the spreading of controversial religious or political teachings.
11. Similar language has been incorporated in the European Convention on Human Rights, which has also been signed by every Schengen nation.
12. UN Human Rights Committee, Comment 22 (1993).

Islam and Religious Freedom

from page 1

ing veils or head scarves in school.

- Several European nations maintain official “sect-watching” agencies that not only watch for extremism, but also work with the older, larger religions against the smaller, newer ones.

The western world needs to be true to its ideals of pluralism, tolerance, mutual respect and religious freedom. Unless there is actual evidence of criminal activity or conspiracy to commit criminal activity, we must not allow our understandable fear of terrorism to justify repression of religious minorities, be they Muslim, Buddhist, Jewish, or members of new religions.

Turning to the Muslim world, the question of religious freedom and tolerance is even more problematic. Religious freedom is not doing well in most Muslim countries today. According to Freedom House, the oldest US human rights organization, most of the nations designated as “not free” in the world today are Muslim nations. This contrasts to the days of the Cold War, in which most of these “not free” nations were Communist nations. The reasons are rooted in the Western and Islamic conception of the relation between religion and the State.

To start, it should be recognized that none of the three “Book religions”—Judaism, Christianity and Islam—has a particularly good record on religious freedom if we look at the issue over the broad scope of history. It took Christianity about 1600 years

even to begin to tolerate and protect rival faiths. It was the background of the bloody internecine Christian religious wars during the Protestant Reformation that led to the Edict of Toleration in 1598 and the emergence of writers such as John Locke, whose essays paved the way for the acceptance of tolerance as a positive good rather than merely a way to avoid religious wars.

The idea of religious freedom took hold strongly in the American colonies. The story of the Pilgrims coming to America in search of religious freedom is the founding ideal of this nation. Having been enshrined as America’s “first freedom,” religious freedom, at least in theory, has been the cornerstone for the many nations which followed the US example in liberating themselves from colonialism. If America has been a pioneer of anything, it is a pioneer of religious freedom.

Certainly America’s record on religious freedom is less than perfect too. But there is no other nation in which so many religious traditions live together in close proximity, in such relative harmony, and with so much freedom, as in the United States. In the 19th and early 20th centuries the US established a noble tradition of protecting the rights of previously persecuted minorities such as Catholics, Jews, Unitarians, Seventh Day Adventists, Jehovah’s Witnesses, Latter Day Saints, Hindus, Buddhists, non-believers, and New Age faiths. The struggle against Nazism and Communism and the protection of the rights new religious movements of the 70s and 80s seemed to have cemented the victory of religious freedom as we moved into the 21st century.

Islam and Religious Freedom

Let us turn now to the Islamic conception of the state and religious freedom. While many supposedly Islamic governments have sought to compromise with modernity, a truly Islamic state is thought to have the duty to implement the *Shari’a*, or Islamic law. This is what the current battles between the Islamic fundamentalists on the one hand, and the “moderate” Muslim states on the other, are basically about.

In fairness it should be pointed out that the Shari’a grants tolerance and freedom of worship to people of the other recognized Book religions, including Judaism, Christianity and Zoroastrianism. For Christians, however, this degree of toleration is problematic, for it forbids evangelism, which for them was the Great Commission handed down to them by Christ just before his resurrection. And “apostasy”—that is, for a Muslim to convert to Christianity or another religion—is theoretically punishable by death according to Islamic law. Moreover, the toleration granted by Islamic law to people of the Book is not granted to others, such as Hindus, Buddhists, animists, or other “pagans.”

This uncomfortable reality of Islamic law’s opposition to the western concept of religious freedom—not to mention related human rights such as women’s rights, freedom of speech, press, etc.—lies at the root of the current crisis. Of course, not all Islamic fundamentalists support terrorism. But they do support the state’s enforcement of Islamic law and the expansion of Islamic law

Not all Islamic fundamentalists support terrorism. But they do support the state’s enforcement of Islamic Law.

continued on page 11

Balancing Anti-Terrorism

from page 3

smuggled out of China that reveal the intense anti-religious feeling of the communist regime. China labels unregistered religions as “dangerous cults.” Tibetan Buddhism and Islamic groups in the Northwest provinces they are further attacked as subversive, secessionist organizations. The Chinese government feels threatened by growing religious sentiment in China. Will China begin to incorporate anti-terrorist elements into its anti-cult policies to further suppress religious minorities that are seeking to engage in peaceful (not terrorist) religious expression and dissent?

Religious freedom concerns are not limited to China and the Islamic world. Russia has been supportive of the US in its efforts against terrorism. Yet, since the passage in 1997 of a law stating that religions must prove a 15-year presence or have been previously registered in Russia in order to practice in an organized fashion, there have been numerous complaints raised concerning religious persecution and violation of religious freedom involving Latter Day Saints, Catholics, Jehovah’s Witnesses, Charismatics, Protestants, and new religious movements. Among other things, unregistered religions are unable to rent space, open bank accounts or invite foreign clergy.

Nor is it a fantasy to think that anti-terrorism statutes may be applied to discriminate against unpopular minority religions even in progressive Western countries that endorse human rights. One example is the 1995 listing of Rev. and Mrs. Sun Myung Moon, founders of the Unification Church, as “dangerous persons”

on the Schengen Information System, effectively banning them from entering continental Western Europe. [See related article, page 4.]

In the long run, support for the advancement of democratic freedoms and human rights is the best insurance against violent extremists and the surest path to a peaceful world. It is in the interest of the United States and the world, therefore, to keep the issue of religious freedom on the front burner as it heats up its efforts to eliminate the roots and branches of terrorism around the world.

Islam and Religious Freedom

from page 10

beyond its current borders. Many of them believe a person such as Usama bin Laden stands not for terrorism but for true *jihad*, righteous struggle to implement the law in oneself and throughout the world.

In practical terms, no Islamic state has completely enforced the Shari’a since the days of the caliphs immediately following the Prophet Mohammed. The Taliban regime, in its way, had been attempting to do so. Attempts at reform or modernization of the Shari’a, have met with dubious success. Indeed, the confrontation of Islam and modernity is often

Muslims in America

from page 2

the events of September 11 are narrowly tailored to true terrorism activity and are rescinded when they are no longer needed.

Because the U.S. wants to see the Muslim countries accord more respect and tolerance to minority groups and non-Muslims, it should set the example by assiduously guarding the religious freedom and civil rights of Muslims living in the United States. If Muslims are persecuted in the United States, or if the religious freedom of Muslims is violated, how can Islamic leaders be expected to take the U.S. seriously when it encourages them to create more open societies?

credited for the rise of Islamic fundamentalism in reaction to the westernizing and secularizing influences of the reformers.

Thus, we are left with the disturbing fact that religious freedom and Islamic law are in serious tension. How we as a world work to resolve this tension will shape the work of world peace profoundly in the coming decades.

From a speech presented to the International Leadership Conference, Hyatt Regency Capitol Hill Hotel, Washington DC, October 13, 2001.

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