

# Contents

Chapter 1 – Introduction: Protection of freedom of religion or belief in European democracies ..... 9

1.1. Freedom of religion in international documents and national constitutions in Europe: An overview ..... 10

1.2. Secularity, tolerance and pluralism in European democracies ..... 15

Chapter 2 – Freedom of religion as an individual right ..... 23

2.1. What amounts to religion or protected belief?..... 24

2.2. The scope of *forum internum* and protected manifestations of freedom of religion..... 29

*Interference with the forum internum?*

*Revealing convictions: registration of religious affiliation..... 34*

*Refusing to take an oath: A decision within the forum internum or a proper manifestation of religious freedom? ..... 38*

*Religious holiday, Sunday laws and faith-based days of rest..... 42*



<i>Manifestations of religious freedom: facially neutral limitations and the problem of ritual slaughter .....</i>	49
<i>Manifestations of religious freedom: refusing blood transfusion on grounds of conscience .....</i>	53
2.3. Proselytism .....	55
2.4. Conscientious objection to military service .....	66
 Chapter 3 – Rights of religious communities and associations.....	85
3.1. The basis of church–state relations: Registering religious associations .....	87
<i>Fundamental premises of religious association law .....</i>	91
<i>An overview of problems with conditions applicable to recognising religious organisations .....</i>	94
<i>Registration as a precondition of collective religious exercise .....</i>	97
<i>Proving social acceptance: membership criteria .....</i>	100
<i>Mandatory waiting periods .....</i>	102
<i>Further limitations of religious freedom stemming from legal definitions in regulations on religious association .....</i>	104
<i>Church autonomy: The role of religious perspectives in registration processes .....</i>	105
3.2. Education and religious instruction .....	109
<i>Introduction: parental rights and state duties.....</i>	112
<i>Denominational private schools .....</i>	115
<i>Religious education in public schools .....</i>	117
<i>Control over the educational environment and the prohibition of indoctrination.....</i>	119
<i>The right to be exempted from religious activities .....</i>	122



<i>Religious symbols in school: The limits of religious tolerance and pluralism.....</i>	124
<b>3.3. Accommodation in prisons and military establishments.....</b>	<b>132</b>
<i>Basic theoretical and practical problems with accommodation in restricted environments .....</i>	<i>135</i>
<i>Limitations of religious freedom in prisons and the military .....</i>	<i>140</i>
<i>Prohibition of taking advantage of a restricted environment .....</i>	<i>144</i>
<b>Chapter 4 – Contemporary problems and challenges .....</b>	<b>147</b>
<b>4.1. The prohibition of blasphemy: Between freedom of expression and religious freedom .....</b>	<b>148</b>
<b>4.2. On the governmental obligation to protect against dangerous religions.....</b>	<b>164</b>
<i>New religious movements and the label of brainwashing.....</i>	<i>167</i>
<i>Enquete commissions and sect observatories .....</i>	<i>170</i>
<b>Select bibliography and suggested further reading .....</b>	<b>179</b>