

The Impact of the Cult Enquiry Commissions and the Deterioration of Religious Liberty in Contemporary Europe

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In recent years, Europe has been shaken up by a new phenomenon: fear of sects. This fear has been triggered off by the collective suicides, homicides and attacks perpetrated on the initiative of leaders of religious movements or movements claiming to be religious.

Western European states have been concerned about this phenomenon, and rightly so. The question was asked as to whether their policies on unconventional religions should be changed so as to prevent these tragedies taking place in their country. The responses have been varied.

Policies Concerning Sects in the 15 Member States of the European Union

Eleven out of the fifteen European Union member states considered that the “sects” did not harm the individual, the family, society or their democratic institutions to the point of having to create new institutions or organizations to combat their influence. In their view, just as in past years, problems posed by certain religious movements could be resolved by the existing legislative arsenal or where necessary, by resorting to normal legal methods. These countries have not as a result become a refuge for questionable religious movements or are not experiencing an increase in any crimes or harmful activities carried out by them.

However, four other countries decided to take a new course of action. Austria simply created an information and documentation center about sects, placing it under the authority of the Federal Ministry of the Environment, Youth and the Family. A brochure containing information about sects was also widely distributed. This prevention campaign warned principally against eleven guru-led movements of oriental origin, three psychological groups, two groups claiming to spring from new revelations, three religions of Christian origin and four other groups under the category “Various”.

Germany set up a parliamentary commission and published a report. Scientology was placed under surveillance but no legal action is currently being taken against the movement.

France set up a parliamentary inquiry commission which published a report containing a list of 172 dangerous and harmful sects. An observatory of sects was put into action, then later replaced by a more operational instrument: the Interministerial Mission to Fight Sects. A widespread climate of suspicion and fear had already been spawned by the media, leading to new acts of intolerance and religious discrimination unheard of before the setting-up of the anti-sect policy by the French authorities. The all-out war against sects by the Interministerial Mission reinforces this pervading phobia.

Belgium followed closely on France’s heels: creation of a parliamentary inquiry commission, publication of a report annexing a list of 189 movements suspected of being harmful sects, creation of an observatory of sects at the beginning of May along with an administrative co-ordination committee against sects, a sect prevention campaign led by the French community

of Belgium on television and radio along with a massive distribution of an information brochure. The depraved effects noted in France are now spilling over into Belgium.

In France and in the French-speaking part of Belgium, the authorities have chosen to reject any sort of dialogue with minority religions (unlike for example Sweden or Spain), favoring the confrontational method, more often than not with the support of anti-sect associations. Ever since the beginning of the phenomenon, no dialogue has been entered into and there is no sign of a change in course.

The Sect Reports of the European Union and the Council of Europe

Since the European Parliament rejected Mrs. Maria Bergers's report on cults in the European Union on July 13, 1998, no further initiative has been taken at this level.

On June 22, 1999, the Council of Europe's Parliamentary Assembly unanimously adopted a recommendation which gives priority to the prevention of dangerous sects. "Major legislation on sects is undesirable", the Assembly reiterated in a debate organised during its summer session.

The recommendation adopted following the debate, referred to the risk that any legislation passed in this area might well interfere with the freedom of conscience and religion guaranteed by Article 9 of the European Convention on Human Rights. Nonetheless, the serious incidents of recent years did warrant greater control of groups referred to as sects - which the Assembly did not define further. Their activities should be carried out in keeping with the principles underlying democratic societies.

Therefore, it was seen as vital to have access to reliable, objective information on these groups, information which would be directed in particular at teenagers within the school curriculum and at the children of followers of groups of a religious, esoteric or spiritual nature.

Consequently, the Assembly called on the governments of the member States:

- to support the setting up of national or regional independent sect information centres;
- to include information on the history and philosophy of major schools of thought and religion in the general school curriculum;
- to use criminal and civil law procedures against any illegal practices carried out by these groups;
- to encourage the setting up of non-governmental organisations to protect victims; but also
- to take firm steps against any discrimination or marginalisation of minority groups and to encourage a spirit of tolerance and understanding towards religious groups.

The Assembly also requested that the Ministerial Committee of the Council of Europe set up a European Observatory on groups of a religious, esoteric or spiritual nature, to facilitate an exchange of information between different national centres. It added that the Council of Europe should also take action to promote the setting up of information centres in central and eastern European countries.

France's and Belgium's Anti-Sect policies in the light of the Council of Europe's Sect Report

The French and Belgian parliamentary members of the Council of Europe's Assembly have voted this report although it is contradictory to the policies carried out by their own state.

It is indeed noteworthy to compare France and Belgium's anti-sect policies with the recommendations contained in that report.

Among the unanimous condemnations made by the parliamentary assembly were:

- the use of the word "sect";
- any distinction between a "sect" and a religion;
- the government's involvement in the theological debate about whether to label groups "religions" or not;
- the state recognition of only certain religions;
- the state supervision of sect observatories;
- the spreading of information about certain people/groups before those people/groups concerned have had a chance to challenge it;
- the lack of tolerance and dialogue;
- and any form of discrimination, marginalisation and value judgements towards beliefs and minority groups.

Sect or Religion?

Currently, French and Belgian policy in this regard is completely founded on the distinction between "sects" and religions. The parliamentary assembly considers this to be a "pitfall which the authorities must avoid". France has failed to avoid this trap and at the end of a long list of initiatives, finds itself sinking deeper and deeper:

- creation of a parliamentary inquiry commission on sects;
- publication of a list which names "172 Sects";
- setting up of a Sect Observatory, an Interministerial Mission to Fight Sects, an Inquiry Commission into the financial, tax and property situation of sects as well as into their economic activities and their relations with the economic and financial sectors;
- a circular dealing with the control of home schooling and private schools, particularly aimed at children whose parents are members of a "sect".

Belgium too has walked straight into the same pitfall as France.

The warning made by the parliamentary assembly is extremely clear, and calls France's neutrality and secularity into question. The text of the Council of Europe's report sets it out extremely clearly:

"The state could agree to adopt the course suggested by certain groups and distinguish between religions - by definition good - and sects - necessarily dangerous - or even between good and bad sects. Once again we do not think that such an approach is acceptable. Under article 9 of the European Convention on Human Rights, States are prohibited from distinguishing between different beliefs and from creating a scale of beliefs which is, in our view, unacceptable. Merely making such a distinction would constitute a disproportionate violation of the freedom guaranteed by Article 9 of the European Convention of Human Rights because the very basis of this freedom is the absence of distinction between beliefs, which explains the state's duty to maintain neutrality.

Moreover, such an approach is dangerous because if a dispute arose, the debate would focus not on the activities of the groups concerned but on the nature of their beliefs. The first means of defence for some groups is to seek to demonstrate that their beliefs constitute a religion, so that they can then claim to be acting accordingly, even if that entails the commission of illegal acts. In these circumstances, if state authorities agree to enter into an ideological discussion they are obliged to determine the classification of the beliefs concerned and will find themselves in an inextricable situation. Either they will have to accept that the belief concerned is not a religion and will be accused of violating religious freedom and of persecuting the group concerned. Or alternatively, they will have to consider that the beliefs of the group effectively constitute a religion, and the latter will take advantage of state recognition to justify all its actions, even illegal ones. In both cases, the state authorities will take part in a religious controversy and therefore fail in their duty to remain neutral under the terms of Article 9 of the ECHR. This kind of debate is therefore a trap in which some groups systematically try to ensnare the authorities and which the latter must be at pains to avoid."

Faced with the impossible choice between using the term religion or sect (a concept with "extremely pejorative connotations"), the parliamentary assembly unanimously agreed that the diverse facets of beliefs could be encompassed and any negative prejudice could be avoided by the use of a more general formula: *religious, spiritual or esoteric groups*.

The Sect Observatory - For or Against?

"The assembly calls on the governments of member states to set up or support independent national or regional information centres on groups of a religious, esoteric or spiritual nature".

"The assembly recommends the setting up of an European Observatory by the Committee of Ministers to make it easier for national centres to exchange information on religious, esoteric and spiritual groups."

Substantially, these two extracts from the report condemn the state-dependent Sect Observatories set up by France and Belgium whatever the name given to the state agencies charged with observing and learning how better to fight sects. France tried to pass an

amendment that sect information centres be state-controlled to justify its own Sect Observatory and its Interministerial Mission to Fight Sects, but Sweden was opposed and the reporter, Mr Nastase, reminded the assembly that this had already been legally decided against. Austria, Germany and Belgium failed to come to the rescue of a France still smarting from the refusal of its two other amendments.

The position taken by the assembly opens up the way for initiatives previously dismissed by member states and lends stability to those already set up by sociologists and religious historians, such as INFORM in Britain. A European Observatory should co-ordinate all the private state-independent centres and remain free from any political control.

It has to be emphasised that the Belgian Anthrosophical Society took the state of Belgium to court over the law that set up an *Information and Advice Centre* to examine harmful sectarian organisations. They think the administrative co-ordination body is discriminatory against Belgians who are not part of an established religion and contravenes the state's duty to remain secular, as surveillance and collated personal data will be used against individuals without their agreement or control. The case is pending.

Sect Campaigns - Informative or Preventative?

"The assembly simply recommends that the Committee of Ministers take measures to inform and educate young people and the general public."

The assembly however added the following guarantee: the information gathered should be reliable and should emanate "neither exclusively from sects themselves nor from associations set up to defend the victims of sects". In addition the individuals concerned should have the opportunity of expressing themselves "as to the objectivity of such information".

The sect prevention brochure, widely distributed by the French Community in Belgium is therefore contrary to the criteria of the Council of Europe's report. Following the case brought by the Anthrosophical Society, the French Community was ordered to cease its distribution until the information concerning the Anthrosophical Society had been removed. The same criticism can be made towards Austria and a number of German Länder which distribute brochures of prevention sects on a massive scale.

The civic education brochure aimed at high-school students in France, which contains a chapter on sects should also be withdrawn from circulation, so false and error-ridden is the information it contains about certain "sects". The information comes from associations to defend the victims of sects; it was not shown to the individuals and religious groups concerned before publication and it was not checked either by the Ministry of Education.

Moreover, information about prevention is not the universal panacea. The first massacre by the Order of the Solar Temple made front-page news worldwide, but this did not stop followers being drawn into other collective suicide-homicides.

The Final Solution - Ban?

The Council of Europe's report suggests "as a last resort to ban certain groups which are known to shelter the perpetrators of criminal activities".

The conditions of placing a ban are very restrictive and questions arise as to whether such a move would even be effective. Followers cannot be stopped from meeting together either in public or in private, or from communicating by fax, email or Internet.

Besides, this recommendation could have unforeseen implications. One could say that every time the Catholic Church closes its eyes to acts of paedophilia perpetrated by members of its own clergy, it harbours perpetrators of criminal activities. One could also say that its teaching is responsible for such sexual abusing of minors because compulsory celibacy of its priests is contrary to nature. Consequently, the Catholic Church could be seen as a mould producing sexual delinquents, a sufficient reason to ban it.

Conclusion

In conclusion, if France, Belgium, Germany and Austria wish to be consistent with their signatures to the Council of Europe's report on Sects and the European Convention of Human Rights, with their commitments to the OSCE and other international instruments, they should completely reorient their policies towards religious, spiritual and esoteric groups, perhaps taking the lead of other European countries such as Sweden and the Netherlands.

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