

The Sect Issue in the European Francophone Sphere

In the first half of the nineties, the world was shaken up and horrified by a series of collective suicides-homicides and attacks perpetrated in America, Europe and Asia at the initiative of leaders of religious movements or movements claiming to be religious.

On April 19, 1993, eighty-eight Davidians committed mass suicide or died from confrontations with the police in Waco (Texas). On October 4, 1994, a mass suicide-homicide cost the lives of fifty-three members of the Order of the Solar Temple in Switzerland and Canada. On March 5, 1995, about five thousand people were injured and eleven killed in a gas attack perpetrated by Aum in Tokyo's subway. In December 1995, another suicide-homicide of sixteen members of the OTS took place in the Vercors in France. Since then, one more homicide-suicide claiming almost a thousand lives took place in the African state of Kenya in March 2000.

The European Union¹, the Council of Europe² and a number of member states³ have expressed their concern about that phenomenon in various ways. The issue is whether a specific policy should be designed and carried out with regard to unconventional religions in order to prevent the repetition of such tragedies. The responses have been varied.

The position of eleven member states of the European Union was that "sects" do not harm the individual, the family, society or their democratic institutions to the point of necessitating to create new institutions or organizations to combat them⁴. In their view, just as in past years, problems posed by certain religious movements could be resolved using the existing legislative arsenal or where necessary, by resorting to normal legal methods. Consequently,

¹ In 1997, the Committee on Civil Liberties and Internal Affairs appointed a rapporteur, Mrs Maria Berger (Austria, Socialist Party), to draft a *Report on cults in the European Union* (11 December 1997, A4-0408/97). A majority could never be found in the European Parliament to adopt the draft report. It was finally sent back to the Committee on July 14, 1998 where it died a natural death.

² Recommendation 1412 (1999), *Illegal activities of sects*, published in the Official Gazette of the Council of Europe, Assembly debate on 22 June 1999 (18th sitting) (See Doc. 8373, *Report of the Committee on Legal Affairs and Human Rights, Rapporteur : Mr Nastase ; Doc 8379 : Opinion of Social, Health and Family Affairs Committee, Rapporteur : Mr Hegyi ; and Doc. 8383, Opinion of the Committee on Culture and Education, Rapporteur : Mr de Puig*). Text adopted by the Assembly on 22 June 1999 (18th sitting).

³ For France : See *Rapport fait au nom de la commission d'enquête sur les sectes, Assemblée nationale, Commission d'enquête, Rapport n° 2468 (Report drafted on behalf on the enquiry commission on sects, National Assembly, Enquiry Commission, Report nr 2468), December 20, 1995.*

For Belgium : See *Enquête parlementaire visant à élaborer une politique en vue de lutter contre les pratiques illégales des sectes et le danger qu'elles représentent pour la société et pour les personnes, particulièrement les mineurs d'âge. Rapport fait au nom de la commission d'enquête par MM Duquesne et Willems (Parliamentary enquiry commission aiming at working out a policy in order to fight against the illegal practices of sects and the danger that they pose to society, persons and particularly to minors. Report drafted on behalf of the enquiry commission by Mssrs Duquesne and Willems), April 28, 1997.*

For Germany : See *Endbericht der Enquete-Kommission « Sogenannte Sekten und Psychogruppen » (Final Report of the Enquete Commission on « So-called Sects and Psychogroups »), June 9, 1998.*

⁴ In the Netherlands, the 1996 Annual Report of the Internal Security Service published in 1997 says in § 2.8.3, under the heading « Religious sects » : « Because of incidents in foreign countries where religious sects were involved, it has been looked into how far these sects in The Netherlands are a serious threat. Sofar, it has not appeared that in The Netherlands religious movements are a serious threat for the security of the state, the democratic order or other important interests of the state. » This was only a confirmation of the stand taken by the Dutch government in 1984 (Dutch Government Report on New Religious Movements) : « In general, new religious movements are no real threat to mental public health . »

they did not take any political or legal measures that might have encroached on international human rights norms pertaining to freedom of religion or belief, such as the provisions of ICCPR art. 18.3 specifying the extent and ground of permissible limitations and ICCPR art. 4.2 making freedom of religion or belief a non-derogable right.

However, four EU member states decided to take a new course of action: two German-speaking countries (Austria and Germany), a French-speaking country (France), and a linguistically and culturally mixed country (Belgium).

Austria 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 distributed⁵. 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. Various *Länder* published and distributed information brochures warning against sects.

The choice of the French-speaking European countries as an area for examination is motivated by the fact that several Order of the Solar Temple massacres took place in Switzerland and France; that Belgian citizens were also implicated and lost their life during these tragedies. These three European states are in part linked by linguistic, cultural and historical characteristics that explain the common traits rapidly displayed by each country in their perception and analysis of these tragedies. However the multilinguistic and multicultural nature of Belgium and Switzerland has influenced and softened to various degrees the tone set by France. The varying palette of political choices and strategies implemented by these countries is of great interest to those researching the solutions posed or potentially posed by certain "sects"⁶.

This chapter which has been drafted by three observers of the sect issue in France, Belgium and Switzerland, analyzes and assesses the developments, the consequences and the results of the anti-sect policies implemented by these states, as well as how they conform to international human rights standards. The authors also draw conclusions from the political, ideological and strategical choices made by their own countries and make some recommendations.

⁵ Sekten : Wissen schützt. Eine Information des Bundesministeriums für Umwelt, Jugend und Familie, Stubenbastei 5, 1010 Wien, 1996 (Sects : Knowledge protects. Information from the Federal Ministry of the Environment, Youth and the Family, Stubenbastei 5, 1010 Wien, 1996)

⁶ The distinction between « sect » and « cult » does not exist in French. The word « secte » is used in parliamentary documents on this issue, by the media and in society in general in the European francophone sphere. Scholars prefer to use the term « new religious movement » rather than « sect » because of the latter's pejorative connotation. Political personages involved in anti-sect state policies have tried to reach a consensus on an operational definition of the concept of « sect » but have failed in their attempt whether the approach is etymological, sociological, legal or based on their dangerousness. France, Belgium and Switzerland have circumvented the definition problem in their own way as can be seen further in this chapter.

Deviations of state antisect policies from international human rights norms for freedom of religion and belief

As members of the United Nations, the Organization for Security and Cooperation in Europe and the Council of Europe, France, Belgium and Switzerland have committed themselves to numerous international and European treaties and covenants that protect religious freedom.

The two most relevant international instruments to which the three countries are a party are the International Covenant on Civil and Political Rights (« ICCPR ») and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (« 1981 Declaration »).

Article 18 § 1 and 3 of the ICCPR reads :

§ 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

§ 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.

Articles 2 and 26 of the ICCPR prohibit any form of discrimination based on religion and state that all persons shall be guaranteed the « equal and effective » protection of the law. This is particularly important for members of new or newly established religious movements, to which governments often deny the same guarantees as the so-called historical religions. Addressing this precise issue, the United Nations Human Rights Committee interpreted Article 18 in its General Comments No. 22(48) by stating :

The terms belief and religion are to be broadly construed. 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 the subject of hostility by a predominant religious community⁷.

The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief is one of the most complete statements of international religious freedoms. It reads in

Article 2 : 1. No one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.

2. For the purpose of the present Declaration, the expression « intolerance and discrimination based on religion or belief » means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

⁷ U.N. Hum. Rts. Comm. General Comment No. 22, Basic Documents.

- Article 4 : 1. All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.
2. All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

Two major European instruments also protect religious freedom : the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Concluding Document of the Vienna Meeting of Representatives of the Participating States of the OSCE.

Article 9 of the European Convention explicitly protects freedom of religion and belief. Article 11 ensures the rights to assemble peacefully and to form minority associations. Article 14 prevents discrimination based on religion.

The Vienna Concluding Document elaborates specific principles regarding the freedom to profess and to practice religion or belief :

16. In order to ensure the freedom of the individual to profess and practice religion or belief, the participating States will, *inter alia*,
- 16.1 take effective measures to *prevent and eliminate discrimination* against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life and *ensure the effective equality* between believers and non-believers;
- 16.2 *foster a climate of mutual tolerance and respect* between believers of different communities as well as between believers and non-believers;
17. The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief *may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments*. They will ensure in their laws and regulations and in their application the full and effective implementation of the freedom of thought, conscience, religion or belief.

The developments of the state antisect policies in France, Belgium and Switzerland as described at the beginning of the chapter must be read in the light of the provisions of these international instruments to which the three countries are committed.

The numerous deviations caused by parliamentary inquiry commissions and reports on sects, lists of sects and sect observatories must also be analyzed in the same perspective.

Parliamentary reports and lists of groups

A number of leading academics, especially sociologists of religions,⁸ have decried the methodology and results of the French and Belgian parliamentary commission reports.

⁸ For a critique of the French report, see Massimo Introvigne and J. Gordon Melton (ed.), *Pour en finir avec les sectes. Le débat sur le rapport de commissions parlementaires*, Cesnur-Di Giovanni: Paris, Milan, 1996. See also the book edited by Françoise Champion and Martine Cohen, *Sectes et démocratie*, Seuil : Paris, 1993, 392 pages. For a detailed analysis of the failings of the Gest-Guyard report, see the paper by Jean Baubérot entitled "Le rapport de la commission parlementaire sur les sectes : entre neutralité et dangerosité sociale" in Massimo Introvigne and J. Gordon Melton, *supra*, pp. 63-72.

However, such analyses were easily overlooked in the nearly unanimous call by politicians and the media for even stronger measures to fight sects.

Criticism has mainly focused on the lack of a rigorous study by qualified researchers in the fields in question, the refusal to take into account the expertise of sociologists of religion, the biased, unrepresentative choice of witnesses heard by the commissions, the non-consultation of representatives of the groups under consideration, the inclusion of accusations unsupported by cross-evidence from other sources, the indiscriminate lumping together of groups across the spectrum of belief and practice, numerous errors of fact, and the publication of a list labelling sects or pseudo-sect groups as dangerous.⁹

The criticism on the merits was well summarized by Professor Johan Goethals¹⁰, an expert called by the Belgian commission: “My limited experience showed me clearly that a parliamentary inquiry commission was not appropriate to conduct scientific research successfully because it does not have the scientific training to do so, because deontological and ethical principles were too often made to serve political or personal goals, and because a number of other requirements were not fulfilled, such as compliance with copyright restrictions over the material collected, publication as scheduled, clear distribution of the tasks and clear definition of the mission of the experts.” His analysis is as valid for the French parliamentary commission.

Following publication of the parliamentary reports and the “lists of sects,” many cases of intolerance and discrimination in the public and private sectors¹¹ were reported in France, Belgium and Switzerland¹².

⁹ In Belgium, the opposition to the list mainly came from the movements listed therein, but also from the Christian Democrat parties CVP and PSC which were in power at that time. See Alain Lallemand, “Sectes : Vaut-on réactiver la 'cellule Bulthé' ?” (Will the « Bulthé cell » be revived ?) in *Le Soir*, May 6, 1997, p 23.

¹⁰ Johan Goethals, *De sektencommissie. Het verhaal van een expert* (The sect commission. The story of an expert), Leuven, Uitgeverij van Halewijck, 1998. See Conclusions, p. 161.

¹¹ In Belgium, the tax department denied the group Sukhyo Mahikari an exemption from property taxes on its place of worship on the grounds that it is on the so-called list of sects. This group is officially registered as a religious association in Spain. Unpublished material collected during an interview of the leader of Sukyo Mahikari by *Human Rights Without Frontiers* in 2001.

In *Conscience et Liberté*, No. 58/ 1999, Louis-Léon Christians, lecturer at the Catholic University of Louvain and member of the Belgian ‘Observatory on sects’, wrote an article entitled *Liberté d’opinion en droit européen : observations belges (II) – Les limitations*. On p. 10, footnote 1, he wrote: “« Certaines communes belges ont fait de l’obligation de prêter serment de non-appartenance à une ‘organisation sectaire nuisible’ une condition d’accès à un poste de fonctionnaire.” (Some Belgian municipalities have made it a requirement for candidates for positions as civil servants to swear a statement that they do not belong to a ‘harmful sectarian organization’.)

In March 1999, the French Community of Belgium (one of the federated entities of the Belgian state) launched a campaign against "sects". This consisted of fliers, radio and TV spots warning people against sects and gurus and promoting the 38-page richly illustrated brochure "Gourou gare à toi !" (Guru, you'd better watch out !) and directing people to anti-sect groups. About thirty religious movements from the synoptic table of 189 groups listed in the Belgian Parliamentary Commission's Report were targeted as dangerous sects. This campaign was unanimously supported by the francophone media. The brochure was and is still widely in schools. Several belief groups complain that they and their members were and are still victimized because of that campaign, especially children in schools. On April 24, 1999 the Court of First Instance at Brussels ordered, in an emergency procedure, the French Community of Belgium to stop distributing the 60,000 copies of its brochure. The temporary injunction had been entered on a complaint filed several weeks before by the Anthroposophic Society. On appeal, the French Community was allowed to resume the distribution of the brochure but they had run out. The case has still to be pleaded on the ground.

In France, prisoners were denied the reception of magazines published by Jehovah's Witnesses. In a letter dated November 15, 1999 to Mr René Schneerberger, a JW minister, the director of the Bapaume prison, D. Laurent stated that he had decided to have the magazine delivery suspended « because of the sectarian character of the congregation, recognized by the parliamentary commission.» See « Discrimination and Violations of Freedom of

Complaints from French and Belgian individuals belonging to one of the blacklisted sects have steadily increased: libel,¹³ and slander,¹⁴ victimization in the neighbourhood, at the workplace and at school,¹⁵ damage to individuals' reputation,¹⁶ loss of jobs or promotions,¹⁷ dismissals,¹⁸ loss of visitation rights or child custody in divorce settlements,¹⁹ inability to rent facilities for religious ceremonies or for meetings,²⁰ unilateral and

Conscience of Prisoners in France », by Alain Garay in Religion-Staat-Gesellschaft, Journal for the Study of Beliefs and Worldviews, ed. Gerhard Besier and Hubert Seiwert, 1. Jahrgang 2000, Heft 2, Duncker & Humblot, Berlin.

¹² Wrongly “denounced” as Scientologist, a high-ranking official of the Geneva Department of Public Education, Mrs Perrin, was heavily targeted by the press. Although this case is not isolated in Switzerland, it is an excellent example of the collateral damages caused by the anti-sect war.

¹³ Brussels judge Damien Vandermeersch was accused of being a member of the Opus Dei, listed in the Belgian parliamentary report. See his denial in the newspaper *Le Soir*, October 31, 1998, in an article entitled *Je ne suis pas membre de l'Opus Dei* by Frédéric Delepierre.

¹⁴ Since 1998, Baptist pastor Louis Demeo, who is also the director of the *Institut Théologique de Nîmes (ITN)*, has been accused in the media of being a guru. See the article *L'ITN, une inquiétante organisation tentaculaire* (The ITN, a disturbing tentacular organisation), in the newspaper *Le Midi Libre*, October 28, 1998.

¹⁵ In October 1998, the principal of a school in Chomerac (Ardèche, France) came under fire because he was a member of the *Mandarom*, a blacklisted sect. The rumor of sect involvement was sufficient for a number of parents to withdraw their children from his school and to draw the attention of antisect movements and of the Ministry of Education to this “danger” There was an official inquiry but no professional negligence or proselytism could be established. It was sufficient that he was perceived as a potential danger. Source: French TV Channel FR3, Evening News, October 28, 1998.

¹⁶ See the reply to a reader by journalist Eddy Daniëls in *Intermediaire* No. 39, p. 2, September 22, 1998: “Even a prominent sociologist of religions such as Karel Dobbelaere, Professor at the Catholic University of Leuven, was accused of colluding with dangerous sects because he heard members of sects to learn what they were doing and what motivated them.”

See also the case of psychotherapist Bernard Lempert in *L'honneur perdu du psy de Landerneau* (The lost honor of the psychotherapist of Landerneau) in the newspaper *Libération* of April 1, 1996 and in *Deux ans pour éteindre le bûcher. La justice a blanchi Bernard Lempert, accusé d'être un gourou* (Two years to put out the fire. A court clears Bernard Lempert accused to be a guru), in *Libération*, October 25, 1998. In 1996, a small association called « *L'arbre du milieu* », which was helping physically and sexually abused children was included in the list of 173 sects published by the French parliamentary commission on sects. The commission relied on information from the French Intelligence Service. But the source of the accusation against this group was an influential, former patient of Bernard Lempert (the founder of *L'arbre du milieu*) who used an antisect group to help settle a personal score. Bernard Lempert, a well-known psychologist, lost his reputation, his patients and his sources of financing. Yet, in October 1998, the Court of Rennes found Mr. Lempert « not guilty » of the charge of being the guru of a sect. Jacques Guyard acknowledged that the movement « *L'arbre du milieu* » should not have been included in the list of sects, but there is no procedure to remove a group from that list.

¹⁷ In mid-December 1998, an engineer working in a nuclear plant for the French national electricity company, was refused a key position and was transferred to another non-nuclear department because of belonging to the *Church of Scientology*. Although the engineer had not committed any professional mistake nor had ever tried to disseminate his beliefs, he was suspected of being used by the Church of Scientology to infiltrate the nuclear plant. The engineer had been denounced by several anonymous letters just when he was about to be given responsibility over a dozen workers.

See the newspaper *Le Journal du Dimanche*, December 31, 1998, *Gravelines : Malaise à la centrale nucléaire. Un scientologue devait piloter deux réacteurs. Il sera muté.* (Disquiet at the nuclear power plant. A scientologist was destined to pilot two reactors. He will be transferred). See the newspaper *Le Parisien*, December 14, 1998 *Le spécialiste du nucléaire était scientologue. Il devait s'occuper des réacteurs de la centrale de Gravelines* (The specialist in nuclear power was a Scientologist. He was to have been in charge of the reactors at the power plant in Gravelines).

¹⁸ See *Rapport sur la discrimination à l'encontre des minorités spirituelles et thérapeutiques en France*, p. 14, published by *Omnium des Libertés* (40 Rue du Paradis, 76530 Grand-Couronne, France), October 2000.

¹⁹ Such cases are numerous for all religious groups in France and in Belgium listed in the parliamentary reports. In Belgium, Lieve Van Roy's case has received regular coverage in the media. See a full page report in the newspaper *De Standaard* August 14, 15, 16, 1998, p. 31, *Ik wil en mijn kind en mijn geloof behouden* (I want to keep both my child and my faith).

unfounded closure of bank accounts of “sects” or of individuals affiliated with them,²¹ humanitarian agencies’ refusal to accept donations from “sects,”²² denial of access to public display boards,²³ and police surveillance.²⁴

State “observatories” and agencies to fight against sects

In France, Prime Minister Alain Juppé created an Interministerial Observatory in 1996. Its mission was to analyze the phenomenon of sects and to make recommendations so as to improve the means to combat sects. The Observatory did not survive the publication of its first report of activities in 1998 and was replaced by a tool supposed to be more “effective”, the Interministerial Mission to Fight Sects (MILS). This change of policy marked a turning point at which the government undertook efforts to penalize and repress the 173 groups listed in the Gest-Guyard Parliamentary Report. To make the MILS truly “operational,” a ministerial order on November 23, 1998 officially assigned senior civil servants responsible for financial inspections, tax audits, social and labor law inspections, and customs inspections to the MILS. Unlike the Observatory, the MILS then had real power to implement administrative verification procedures and apply penalties. Thus, based only on the list drawn up unilaterally by the internal intelligence and police force and published in the Gest-Guyard parliamentary report, the MILS can now take the initiative to implement official and legal action against the 173 groups listed. In early 2001, that is how things stand.

²⁰ On November 2, 2000, Human Rights Without Frontiers emailed a following press release entitled « Three hours after it had begun, a public meeting of the new religious movement Sahaja Yoga was banned by order of the mayor. A dozen police officers accompanied by a bailiff turned up to make sure the ban was respected. » Text of the press release : « On Thursday October 26, 2000 at 4.30pm, the organisers of the meeting, scheduled for later that evening, were informed that it had been banned, following orders from state security. The auditorium of the cultural center in Woluwe St Pierre (Brussels) had been hired several months in advance for a presentation of the Sahaja Yoga movement, and the meeting had been advertised by radio, posters, and leaflets. At 6.30pm barricades were erected in front of the entrance to the cultural center and a dozen uniformed and plain clothed policemen were in attendance. Some stated that they belonged to the public relations department of the gendarmerie, others that they were part of the state security services and others to the Belgian Brigade of Surveillance and Research (BSR). An affidavit was also presented by a bailiff. The organisers were informed that all meetings of any kind were forbidden and that any discussion of Sahaja Yoga would result in arrest. The individual responsible for hiring out the hall claimed that the sect’s dangerous nature had only been discovered at the last minute. He added that the presence of the gendarmerie and the state security services was justified by the sect’s attempt to infiltrate the town’s dance center(!). Allegedly, the group had hired the hall to stage a dance display, but in reality it turned out they wanted to talk about their ‘guru’, Shri mataji NIRMALA DEVI. He claimed also that this sect was extremely dangerous because it kidnapped children.

²¹ Unpublished material collected during interviews of members of the Raelian religion by *Human Rights Without Frontiers* in 1999.

²² Unpublished material collected during interviews of members of the Raelian religion by *Human Rights Without Frontiers* in 1999.

²³ Unpublished material collected during interviews of members of Sahaja Yoga by *Human Rights Without Frontiers* in 1999.

²⁴ In 1999, the Surveillance and Research Brigade visited parents of former students of the only Steiner School in French-speaking Belgium (not in the Flemish-speaking part of Belgium, where there are about fifteen, all financed by the Flemish parliament) and collected statements and value judgements about the school. The Steiner Schools are linked to the Anthroposophic Society which is on the French and Belgian parliamentary report lists of sects. Unpublished material collected during interviews of members of the Anthroposophic Society by *Human Rights Without Frontiers* in 1999.

In spring 1999, a Flemish family practicing *Sahaja Yoga* received a visit from the BSR who had heard that the child was with his grandmother at an ashram in Rome. At the time of the visit, the child was on his way back home. The parents made and signed a positive statement about the movement. A member of *Sahaja Yoga* in Mechelen, who had advertised courses, was visited by BSR officers from Leuven. Unpublished material collected during interviews of members of Sahaja yoga by *Human Rights Without Frontiers* in 1999.

In Belgium, the Sect Observatory was named the Information and Advice Center the missions of which are described in Article 6 of the June 2, 1998 Law.

Article 6

§ 1. The Center is charged with the following tasks:

1° to study the phenomenon of harmful sectarian organizations in Belgium and their international relations;

2° to organize a documentation center which is accessible to the public;

3° to ensure that members of the public may visit the center and receive answers to their questions and to inform all those who submit a request to the Center about their rights and obligations and how they can ensure that their rights are respected;

4° to publish, whether on its own initiative or at the request of any public authority, advice and recommendations about the phenomenon of harmful sectarian organizations and especially on the policy regarding the fight against these organizations;

§2. In order to fulfil its tasks the Center is empowered to:

1° collect all relevant information;

2° conduct any studies or scientific research required to be able to perform its tasks in practice;

3° to have access to files in any archive or documentation foundation whose subject corresponds to that of its tasks.

4° to give support and guidance to institutions, organizations and legal consultants.

5° to consult or invite professionals and associations to its meetings if their participation is useful.

In the performance of its tasks, the Center will work together with the administrative coordination agency.

At the time of writing, the Center had not yet published its first report. However, during a meeting between one of the co-authors of this chapter, Willy Fautré, and the president of the Center, Professor Adelbert Denaux, and his co-workers, clarification of the following points related to Article 6 was requested: the Center's degree of political independence, the nature of the Center's relationship with the administrative coordination agency for fight against harmful sectarian organizations, the drafting and the distribution of advices on such organizations, the structure and the functioning of the Center's information service.

This meeting formed the basis for the information that follows. The Center states that it operates with full independence and is not subject to any political interference.²⁵ It does not have capacity to bring proceedings before the courts. While cooperating with the coordinating administrative agency, the Center will not share personal information it has obtained.²⁶ The

²⁵ The Center's operating budget comes from the Ministry of Justice and amounts to 640,000 Euros (about \$ 640,000) for the year 2001. Staff is provided by the Ministry of Justice upon a prior opinion from the Center (Article 12 of the law).

²⁶ See Law of June 2, 1998, article 6, §3. « For the tasks mentioned in §1,1° and 3° the Center is empowered to deal with data of a personal nature relating to opinions and religious and philosophical activities as mentioned in Article 6 of the law of 8 December 1992 for the protection of private life in relation to the treatment of personal data. The King determines, by order, which is deliberated in the Council of Ministers, the guarantees concerning confidentiality and security of personal data, the status and duties of an appointee for the protection of data

advice issued by the Center on the dangerous nature or the illegal activities of harmful sectarian organizations will be forwarded only to the public authorities (the executive branch) following a request by the authorities or on the Center's own initiative. Opinions on specific religious groups will not be shared with other organizations, journalists, reporters, lawyers, private individuals and so forth. The Center is currently in the process of setting up a specialized library. It will have several clearly identified sections: academic reference works, publications by religious movements, those by anti-sect groups and individuals and those by the media. A video library is also planned. The Center will also respond to requests for information made by letter ²⁷ or telephone. The Center will not publish any "list of sects".²⁸ Like the House of Representatives, it will not publish the transcript or minutes by the stenographer of public hearings held by the parliamentary commission of inquiry into sects.

What is Behind Anti-sect McCarthyism ?

A number of countries are fighting against "sects" while others have chosen to stay neutral. This split cannot be explained by the policy of some governments to separate religion and state. France and the Netherlands, to name only two countries, have radically different policies in this regard although there is such a separation. Also Sweden has taken a very liberal attitude although the Lutheran Church is closely linked to the state. In the light of events of previous years, it would seem however that certain conditions favor the emergence of anti-sect state policies:

- a historical monopoly of one or two religions;
- society's increasing secularism in the wake of the progress of laicism²⁹ and the regression of established religions;
- the presence of conduits for the established religions and/or laicism to Parliament, governmental or social institutions and the media;
- a historical tradition of centralism, a reluctance to accept diversity whether cultural, linguistic, religious or ethnic;
- converging interests between different dominant belief systems despite their divergences or even their conflicting history;
- the existence of anti-sect movements.

Just one of these conditions can sometimes be sufficient to set off a wave of anti-sect McCarthy-like behavior, but normally it takes a combination of several conditions along with their cumulated effects.

within the Center and the way in which the Center must report to the Commission for the protection of private life concerning processing of personal data . »

²⁷ On February 22, 2001, the president of Sahaja Yoga, Mr. Bernard Cuvelier, sent a protest letter to the director of the Center in which he complained that only negative reports on his movements had been sent on January 5, 2001 and February 12, 2001 to people who had asked the Center for information about Sahaja Yoga.

²⁸ See Law of June 2, 1998, article 6, §4. « The information which the Center supplies at the request of the public is based on the information which the Center has available and may not be presented in the form of lists or systematic statements about harmful sectarian organizations. »

²⁹ Laicism (« laïcité » in French).

Conclusions and Recommendations

Anti-sect policies in France, Belgium and Switzerland have triggered an up to now unknown wave of discrimination and intolerance against non-conventional religious and belief groups. They also contravene with the obligations to freedom of religion and belief that are enshrined in international and European treaties and covenants to which these countries are committed.

France's choice to combat sects stands in sharp contrast to the majority of the member states of the European Union. Part of the explanation for this is certainly to be found in its history, the Age of Enlightenment, and the philosophical movements that have shaped the French mentality through the centuries. But the stance taken by France reveals a political will to stand out, to affirm its cultural identity, difference and leadership within its zone of influence. The "sect issue" has moved out of the sphere of a social phenomenon scrutinized by sociologists of religions and has become a public, political and diplomatic issue.

In the escalating war against "sects," France has certainly taken the most initiatives and has been the most ingenious. Neighboring French-speaking territories, for their part, have to various degrees followed the French policy in this matter. With its recent and worldwide criticized « Law proposal aimed at reinforcing the prevention and the repression against groups with a sectarian character », also known as the About-Picard law, France has opted for a unique solution to concerns raised by the phenomenon of unpopular or minority new religious movements.

A number of human rights organizations and states have criticized the French government's position, especially at the Implementation Meetings on Human Dimension Issues of the OSCE in 1998, 1999 and 2000. Up to now, French political decision-makers have failed to take those criticisms into account and to adapt their policy the international human rights standards. For example, during the debates on the About-Picard law proposal, French Socialist Senator Dynah Dericke praised France's determination in its fight against "sects." Last summer, France denounced the United States' "attempts at intimidation." This was in response to some widely publicized American reports on religious freedom around the world that had targeted France because of its all-out war against "sects." Moreover, the Interministerial Mission for Fight Against Sects tries to export the French antisect model to other countries, especially in Central and Eastern Europe, and to make common cause with states and mainstream churches which have chosen to combat sects.

Other countries, like Belgium and Switzerland, are now being stigmatized in the international community for this situation because they have made the same choice as France : to fight against sects instead of opening a dialogue. The confrontation policy practised in the European francophone sphere also raises some basic questions: "Are France, Belgium and and the Swiss francophone canton of Geneva different from other Western European states when it comes to their relations with non-mainstream religious movements? Do they have specific characteristics that must be taken into account in their dealings with such movements?" Although these questions remain unsettled and require further investigation, there does seem to be a strong cultural convergence around France, which has taken the lead in the fight against "sects" within French-speaking Europe.

In the « sect issue », it can be said that France is practising cultural protectionism and is trying to preserve its domestic policy, just as it fights to protect its position in areas such as film industry, or agriculture and food products from the uniform standards it perceives as being

imposed on it by other entities or phenomena (the European Union, the United States or “globalization”). Its crusade against a federal European Union or European homogenisation and against “foreign sects” is one and the same war. In this respect, the attitude of the French secular republic is in the end no different from dominant Orthodox and Catholic Churches in Central and Eastern Europe. They all act as watchdogs over their own sphere of influence and serve as a bulwark against the invasion of cultural and ideological pluralism.³⁰

As the economies and politics of countries become increasingly interwoven, it is probably time to create a forum for discussion, study, proposal and decision-making on a continental level to ensure the quality of the information about such groups that is used. Currently, each country develops its own response with its own historical and cultural background but without really considering the international dimension of the phenomenon.

Given the scope of activities by such groups, Adrian Nastase and nine other delegates to the Parliamentary Assembly of the Council of Europe have proposed acting at this level by creating a “European observatory of activities by sects.”³¹ This would be a forum for expert opinion and study that could guide countries in their action with reference to the national and international character of activity by such groups. Such an observatory would enable member states to compare and harmonize their practices by promoting not only better knowledge of the phenomenon, but also an exchange of information. It could serve as a tool for the development of a common legal approach. Its purpose would be to study and provide expert opinion on the practical effects of the propagation and spread of philosophical, ideological and religious beliefs across Europe. The drafting of documented reports based on research by a pluridisciplinary, multicultural group would help promote the emergence of a common approach to the realities of the situation.³²

A European observatory for research and study of beliefs, under the auspices of the Council of Europe, for example, which now has 43 member states, would constitute a practical, functional and adequate tool for the democratic aspirations of European countries and public opinion.

Willy Fautré

³⁰ See the strange alliance between Alain Vivien and the Cypriot Orthodox Church in their fight against « sects » : <http://www.hrwf.net/france99e.html>

³¹ See the Proposal for a recommendation dated May 2, 1997 (Doc. 7826, Parliamentary Assembly of the Council of Europe).

³² On the need for an intermediate authority providing a forum for debate and dialogue, see “La liberté religieuse en Europe – restriction et protection”, Alain Garay, Conscience et Liberté, Berne (Switzerland), 2000, No. 59, pp.81-99.