

# The Sect Issue in France and in Belgium

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 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 (OST) 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 OST 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 Uganda in March 2000.

The European Union<sup>1</sup>, the Council of Europe<sup>2</sup> and a number of member states<sup>3</sup> 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 them<sup>4</sup>. 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, they did not take any political or legal measures that might have encroached on international

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<sup>1</sup> 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.

<sup>2</sup> Recommendation 1412 (1999), *Illegal activities of sects*, published in the Official Gazette of the Council of Europe, Assembly debate on 22 June 1999 (18<sup>th</sup> 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 (18<sup>th</sup> sitting).

<sup>3</sup> 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.*

<sup>4</sup> 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 . »

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 distributed<sup>5</sup>. 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 France and Belgium as an area for examination here is motivated by the fact that both countries are in part linked by linguistic, cultural and historical characteristics that explain the common traits rapidly displayed by each of them in their perception and analysis of massacres committed by the OST in France and by other religious groups in other countries. However the multilingual and multicultural nature of Belgium has influenced and softened to various degrees the tone set by France. The varying palette of political choices and strategies implemented by these two countries is of great interest to those researching the solutions posed or potentially posed by certain "sects"<sup>6</sup>.

This paper will deal with, analyze and compare the anti-sect policies carried out by France and Belgium and assess the developments, the consequences and the results of such policies.

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<sup>5</sup> 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)

<sup>6</sup> 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 personalities 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 harmful character. France, Belgium and Switzerland have circumvented the definition problem in their own way as can be seen further in this chapter.

## *Development of state antisect policies*

### **France**

As early as 1985, following a request by the Prime Minister's, former member of parliament and minister Alain Vivien wrote a report entitled: *Sects in France: Expression of Moral Freedom or Sources of Manipulation?* This report described the sect phenomenon and made certain recommendations (maintain appropriate surveillance of the sect phenomenon by means of an interministerial structure; warn and inform the public in an impartial way, etc.).

On June 29, 1995, the National Assembly unanimously adopted a resolution creating an inquiry commission "to study the sect phenomenon." The Commission, chaired by the National Assembly representative Alain Gest, carried out its work in strict secrecy (conducting 20 interviews over a total of 21 hours) and published a report entitled *Sects in France*. By listing 173 movements as constituting potentially harmful sects, the Commission gave legitimacy to the investigations carried out by the *Renseignements Généraux*<sup>7</sup> (R.G.) In its report, the Commission advocated increasing information about such groups and administrative repression of sects<sup>8</sup>, including small Evangelical churches.

Notwithstanding these precautions, anti-sect activists have encouraged not only increased administrative and legal repression, but also, since 1996, the consensual and unanimous adoption of a series of political measures against sects.<sup>9</sup>

**Step 1 :** On May 9, 1996, an Interministerial Observatory on Sects was created by means of a decree. Its mandate was to analyse the phenomenon of sects, to inform the Prime Minister of its work and to make recommendations so as to provide better tools to fight sects, the Observatory did not survive the publication of its first report of activities in 1998. It seems that some members, notably Member of Parliament Jean Pierre Brard, wanted to go further than simply studying and "observing" the sect phenomenon.

**Step 2 :** From 1996 to 1998, training and awareness programs for the police, state prosecutors, judges<sup>10</sup> and teachers were initiated with the goal of reinforcing control of sects by government agencies and the state. Academics were not involved in the process.

**Step 3 :** On November 7, 1997, Minister of Interior Chevènement, whose responsibilities include supervision of the police, sent a circular to the police chiefs concerning the "combat against reprehensible actions of sectarian movements." Minister Chevènement appealed to the non-governmental organisations UNADFI<sup>11</sup> and CCMM<sup>12</sup> (two different associations for the

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<sup>7</sup> France's Intelligence Service, the security branch of the police force

<sup>8</sup> Report No. 2648, National Assembly, rapporteur Jacques Guyard. Academics took a position only in 1999 and proposed a group to act as a mediator between the National Assembly and the anti-sect movement

<sup>9</sup> On the militancy and success of so-called anti-sect associations, see Alain Garay, *L'activisme anti-secte: de l'assistance à l'amalgame*, The Edwin Mellen Press, New York, 1999, (in French), 230 pages.

<sup>10</sup> State prosecutors and judges stand for the French term "magistrats", which is not the equivalent of the English term 'magistrate'. In the French system, 'magistrat' refers to representatives of the state empowered to require the administration of justice and to administer justice and have their decisions enforced; this definition includes state prosecutors as well as the members of the bench, whereas the English term 'magistrate' refers strictly to judges. In French, the distinction between state prosecutors and judges is conveyed by the use of 'debout' and 'assis', i.e., the prosecutor is a 'magistrat debout' and the judge, a 'magistrat assis'.

<sup>11</sup> Union Nationale des Associations pour la Défense de la Famille et de l'Individu

<sup>12</sup> Centre Contre les Manipulations Mentales

protection of “victims of sects”) for help in heightening public awareness. However, the government created no mechanism for checking the accuracy of the statements made about sects by these groups, nor was a mechanism provided that would ensure open debate on the information, interpretations and assessments presented. Additionally, the circular called for the mobilisation of all state officials against “sects,” including exchanging information, heightening vigilance, and work, school and health inspections. The circular repeated that “this fight comes within the framework of an activity of national priority.”

**Step 4:** On October 7, 1998, the President of the Republic and the Prime Minister signed a decree creating the *Mission interministérielle de lutte contre les sectes* (MILS - Interministerial Mission to Combat Sects). It was headquartered at the Prime Minister’s offices. This was the result of intense pressure of the Study Group on Sects at the National Assembly and of the effective militancy of UNADFI and CCMM leaders.

**Step 5:** On December 1, 1998, The Ministry of Justice sent to the staff of the public prosecutor’s office a circular to ask prosecutors and judges to make common cause with anti-sect associations such as the UNADFI and the CCMM, “to combat attacks on persons or private property committed by groups of a sectarian nature.”

**Step 6:** On December 15, 1998, the authorities set up a Parliamentary Commission of Inquiry into the finances, property and fiscal standing of sects<sup>13</sup>, as well as their economic activities and their relations with economic and financial circles.<sup>14</sup>

This Commission had six months to broadly investigate and report on the financial dealings, resources and assets of groups it had classified as sects.

**Step 7:** On 30 May 2001, all parliamentary groups of the French National Assembly unanimously adopted on second reading the About and Picard draft law meant « to strengthen prevention and repression of sectarian groups liable to undermine human rights and fundamental freedom ». This draft legislation had been adopted on first reading by the Senate on 16 December 1999 and then by the French National Assembly on 22 June 2000 before being referred to the Senate, where it was amended and approved on 3 May 2001.

This law allows courts to dissolve associations condemned for damages to individuals, illegal practice of medicine or pharmaceuticals, misleading publicity or fraud. It also stipulates that banned groups which re-form under a different name can face prosecution.

A controversial clause making a crime of ‘mental manipulation’, a first in the world, sparked an outcry from several minority religious groups, Catholic and Protestant leaders and academics when it first went before the National Assembly in June 2000. It was eventually dropped after an official consultative human rights body as well as then-justice minister Elisabeth Guigou found it questionable. However, it was replaced by a similar provision that already exists in the criminal code for other purposes and is known as abuse of someone’s weakness. Despite a change in the legal basis of the law, its philosophy remained the same and the result too. The crime of “abuse of a person’s state of weakness” is from now on applicable to activities of so-called cults and can be punished by a possible sentence of up to 3 years in jail and a maximum fine of up to 350,000 USD. A convicted ‘guru’ can be sentenced

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<sup>13</sup> See the text of the report on Cesnur’s website [http://www.cesnur.org/testi/fr99/fr\\_summary.htm](http://www.cesnur.org/testi/fr99/fr_summary.htm)

<sup>14</sup> For the first time, a parliamentary commission has listed individuals as « notorious cultists » although they have not been personally accused of any wrongdoing. This is clear intrusion on their privacy.

to five years in jail and a fine of about 700,000 USD. The law also allows anti-cult groups, state-recognized of public utility, to be civil parties for the victims.

However, a number of personalities in European institutions raised their voices against the law. On October 6, 2000, Mr McNamara, a British socialist, submitted a proposal signed by 14 members of the Parliamentary Assembly of the Council of Europe, of which 11 socialists, to express their concern as regards this law. The proposal regrets that the About-Picard law qualifies 173 religious groups as "sects", which is a term of negative connotation rejected by the Council of Europe Nastase Report. On April 26, 2001, 50 members of the Parliamentary Assembly of the Council of Europe (PACE) signed Declaration nr 321 whereby they expressed their concern as regards this law and demanded the vote suspension until the appointed rapporteur of the Parliamentary Assembly of the Council of Europe submitted a report on the law assessment. Unfortunately, they were not heard and the law was voted.

## Belgium

On January 10, 1996, the Justice Commission of the House of Representatives started examining a proposal from Antoine Duquesne and several of his colleagues<sup>15</sup> who wished to set up a parliamentary enquiry commission<sup>16</sup> which would work out a policy against sects<sup>17</sup> and the dangers they pose to people, particularly to minors<sup>18</sup>.

This enquiry commission which comprised 11 members was created on March 28, 1996. It started its work on April 25, 1996, held 58 meetings and heard 136 witnesses, making no distinction between public and private spheres. Among those duly invited to take part in the public hearings were three members of the government, four magistrates, three police or intelligence officers, three administration officers, six academics, six journalists and writers, six representatives of associations defending victims of sects, eight former members of sects and relatives of former members. All the other witnesses were heard behind closed doors, sometimes by only a few members of the Commission and without the others' knowledge.

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<sup>15</sup> Mr Duquesne (Liberal Party PRL) was then in the opposition. After the June 1999 parliamentary elections, he was appointed Minister of Interior. The sect issue partly falls under his responsibility.

<sup>16</sup> The first title of the proposal was *Commission d'enquête parlementaire chargée d'élaborer une politique en vue de lutter contre les sectes et les dangers que représentent ces sectes pour les personnes et particulièrement les mineurs d'âge (Parliamentary enquiry commission in charge of working out a policy in order to fight against sects and the dangers that these sects pose to persons and particularly to minors)*. At the final stage, the Justice Commission renamed the proposal as follows *Commission d'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 (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, to persons and particularly to minors)*.

<sup>17</sup> Belgian definition of « sect » : At the 55<sup>th</sup> session of the UN Commission on Human Rights, Mr Abdelfattah Amor, Special Rapporteur on religious intolerance and discrimination, submitted a report entitled « Civil and Political Rights, Including Religious Tolerance » (E/CN.4/1999/58, 11 January 1999) {hereinafter *1999 Amor Report*} in which he summed up as follows Belgium's reply to a communication he had previously sent to Belgian authorities : « The Parliamentary Commission provided definitions of the terms « secte » (« organised group of individuals espousing the same doctrine within a religion » - the Commission considers sects in this sense to be respectable and to reflect the normal exercise of the freedom of religion and assembly guaranteed by fundamental rights) and « organisation sectaire nuisible » (harmful sectarian organisation) (« group having or claiming to have a philosophical or religious purpose whose organisation or practice involves illegal or injurious activities, harms individuals or society or impairs human dignity »).

<sup>18</sup> Sexual abuses of children, denial of medical treatments by the parents, isolation from society, sectarian religious education under cover of home-schooling, and so on.

Sociologists of religions were not consulted. Associations suspected of being dangerous or harmful sects, including some small Evangelical churches, were not invited to participate in the hearings, but the commission sent a letter to 71 of the associations mentioned by various state agencies as potentially harmful to society or to the individual. The letter<sup>19</sup> asked the groups to describe their objectives and to refute their possibly sectarian character, but they were not informed of the accusations raised against them during the public and non-public hearings. They could therefore not defend themselves. The other 118 movements that were listed did not get such an invitation and were consequently not able to present a summary of their activities or to contest any accusations.

On April 28, 1997, the parliamentary commission issued its 670-page report<sup>20</sup>. A list of 189 movements was attached. In the introduction to the list, the drafters admitted that they had not been able to control the collected data. Nevertheless, unilateral accusations made against the movements were reproduced in the report without any further investigation, - or any cross-examination and sometimes despite strong evidence presented by the incriminated movements (i.e. the Anthroposophic Society) that criticisms voiced under oath were false. The parliament failed to adopt the report as such and only voted to accept the conclusions and recommendations (19 pages). This reluctance, mainly expressed by the ruling Catholic political parties CVP and PSC, was certainly due to the fact that some Catholic movements such as the Opus Dei, The Work, the Opstal Community and the Charismatic Renewal were included on the list. Despite this disavowal, the government did not find inappropriate to publish the whole report, including the controversial list !<sup>21</sup>

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<sup>19</sup> Translation into English of such a letter dated 29 July 1996 and addressed in Dutch to the Anthroposophic Society :

*Concerns* : Parliamentary commission of enquiry in charge of the policy of fight against the illegal practices of sects and against the dangers they pose to society and to the individual, especially to minors.

In the framework of the activities of the commission of enquiry, some official agencies stated that your association (on the basis of the conclusions of the French commission of investigation) could be considered as a sect that carries out some activities that are dangerous to society or to the individual.

If you wish, you can send us a memorandum (maximum 2 pages) in which you expose the goals of your organization and , in case, refute its so-called sectarian and dangerous nature.

Yours faithfully

Mr Serge Moureaux, chairman of the enquiry commission

<sup>20</sup> The official title of the report is *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).*

<sup>21</sup> The strongest opposition to the report came from the christian-democrat parties CVP and PSC. See ALAIN LALLEMAND, *Sectes : Va-t-on réactiver la « cellule Bulthé » ? (Will the « Bulthé cell » be revived ?)* in *Le Soir*, May 6, 1997, p 23. In a letter dated 21 May 1997 and addressed to the Anthroposophic Society, Dr. Jan Van Erps, a CVP member of the House of Representatives, was writing : « I have read your letter about the Sect Report very carefully. The Commission has indeed been very negligent and biased in its work. That is why I and a substantial majority of my colleagues at the CVP have refused to adopt the report of activities, have rejected the famous list and have only adopted the general lines of the recommendations. (...)

As you certainly know, the report was not even proposed to the vote. (...) »

Note of the author Willy Fautré : At that time, the CVP, the most powerful party in Belgium for more than 50 years, was in power with other parties.

In the aftermath of this report, a draft law proposing the creation of a *Federal Observatory of Sects* under the authority of the Ministry of Justice was introduced<sup>22</sup>. Amendments were proposed. At the April 15, 1998 ordinary session of the House of Representatives, two important changes were brought to the draft law: the *Federal Observatory of Sects* was renamed *Information and Advice Center on harmful sectarian organizations* and a chapter called *Administrative agency coordinating the fight against harmful sectarian organizations* was added to it. Both changes expressed a will to dissociate the independent examination of the phenomenon from the interministerial agency created to combat it. The law, however, provided for close collaboration of both agencies<sup>23</sup>.

On June 2, 1998, the Parliament adopted the *Law regarding the establishment of an Information and Advice Center and an Administrative Coordination Agency*. This law was published in the *Moniteur Belge* – the Official Gazette - on November 25, 1998. On March 6, 1999, the Council of Ministers drew up the list of candidates and deputy candidates for the *Information and Advice Center*. On March 16, 1999, this list was presented to the House of Representatives.

On April 29, 1999 at its last session before its dissolution, the House of Representatives appointed the 12 members and the 12 deputy members of the *Information and Advice Center on Harmful sectarian organisations* for a period of four years. The members were chosen « from eminent personalities that are known for their knowledge, experience and interest in the problems of the harmful sectarian movements » (Article 4 of the Law).

On October 12, 1999, five months after the parliamentary elections, the new House of Representatives adopted the « Internal Regulation » of the *Information and Advice Center*.

As to the *Administrative Coordination Agency for the Fight against Harmful Sectarian Organizations*, a royal decree dated November 8, 1998 determines its composition, its operation and its structure<sup>24</sup>. The members of this agency were appointed by the Ministry of Justice on May 3, 2000<sup>25</sup>.

Both agencies only began to become operational in fall 2000<sup>26</sup>.

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<sup>22</sup> The proposed law was presented by Mr Antoine Duquesne on September 22, 1997 under the name *Proposition de loi créant un Observatoire fédéral des sectes* ( Proposed law for the creation of a federal observatory on sects).

<sup>23</sup> See article 6, § 1, 5° of the June 2, 1998 Law.

<sup>24</sup> According to that royal decree published in the *Moniteur Belge* on December 9, 1998, the Administrative Coordination Agency is composed of 14 members : a representative of the College of public prosecutors, a magistrate and representatives of the Gendarmerie, the Criminal Investigation Department, the police of the Ministry of Interior, the State Security, the Ministry of Public Service, the General Directorate of the Ministry of Justice for Civil Legislation and Religions, the General Directorate of the Ministry of Justice for Criminal Legislation and Human Rights, the Criminal Police Service of the Ministry of Justice, the Ministry of Interior, the Ministry of Finances, the Ministry of Employment. Fourteen deputy representatives were also appointed. Both categories of representatives were appointed by the Minister of Justice on proposal of the ministers they depended on.

<sup>25</sup> Publication in the *Moniteur Belge* on May 30, 2000.

<sup>26</sup> The first report of the *Information and Advice Center on Harmful Sectarian Organizations* is expected in the first semester of 2001. The *Administrative Coordination Agency* gathers at least once every second month and reports to the Center every sixth month. The meetings are chaired by the Minister of Justice or his representative.

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

As members of the United Nations, the Organisation for Security and Cooperation in Europe and the Council of Europe, France and Belgium 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 »).

The state anti-sect policies developed in France and in Belgium as described are not consistent with the provisions of these international instruments to which both countries are committed.

Following publication of the parliamentary reports and the “lists of sects,” many cases of intolerance and discrimination in the public and private sectors<sup>27</sup> were reported in France and in Belgium. Complaints from French and Belgian individuals belonging to one of the

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<sup>27</sup> 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 victimised 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 which disagreed with its classification as a sect and with accusations of fatal practice of medicine. The decision was however reversed by the Appeal Court of Brussels on January 20, 2000 and the French Community was allowed to resume the distribution of the brochure but in the meantime, they had run out. The case was pleaded on the ground on April 17, 2001: the court ruled out that the request of the Anthroposophic Society was not founded and that the French Community of Belgium was in no way responsible for possible mistakes made about this group in data collected by the parliamentary commission.

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, recognised by the parliamentary commission.» See « Discrimination and Violations of Freedom of 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.

blacklisted sects have steadily increased: libel,<sup>28</sup> and slander,<sup>29</sup> victimisation in the neighbourhood, at the workplace and at school,<sup>30</sup> damage to individuals' reputation,<sup>31</sup> loss of jobs or promotions,<sup>32</sup> dismissals,<sup>33</sup> loss of visitation rights or child custody in divorce settlements,<sup>34</sup> inability to rent facilities for religious ceremonies or for meetings,<sup>35</sup> unilateral

<sup>28</sup> 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.

<sup>29</sup> 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.

<sup>30</sup> 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.

<sup>31</sup> 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 anti-sect 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.

<sup>32</sup> 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).

<sup>33</sup> 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.

<sup>34</sup> 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).

<sup>35</sup> 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

and unfounded closure of bank accounts of “sects” or of individuals affiliated with them,<sup>36</sup> humanitarian agencies’ refusal to accept donations from “sects,”<sup>37</sup> denial of access to public display boards,<sup>38</sup> and police surveillance.<sup>39</sup>

## *Conclusions and Recommendations*

Anti-sect policies in France and in Belgium 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 also reveals a political will to stand out, to affirm its cultural identity, difference and leadership within its zone of influence so that the “sect issue” has moved out of the sphere of a social phenomenon scrutinised by sociologists of religions and has become a public, political and diplomatic issue.

A number of human rights organisations and states have criticised 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 to 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” and in May 2001, *Le Monde Diplomatique* published a very long report entitled « Sects, U.S. Trojan

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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.

<sup>36</sup> Unpublished material collected during interviews of members of the Raelian religion by *Human Rights Without Frontiers* in 1999.

<sup>37</sup> Unpublished material collected during interviews of members of the Raelian religion by *Human Rights Without Frontiers* in 1999.

<sup>38</sup> Unpublished material collected during interviews of members of Sahaja Yoga by *Human Rights Without Frontiers* in 1999.

<sup>39</sup> 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.

Horse in Europe ». This was in response to some widely publicised 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 anti-sect 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 (Canton of Geneva), have also been stigmatised by the international community 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 raises some basic questions: “Are France and Belgium 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 », 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 its territory by other entities or phenomena (the European Union, the United States or “globalisation”). 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.<sup>40</sup>

Willy Fautré

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<sup>40</sup> See the strange alliance between Alain Vivien and the Cypriot Orthodox Church in their fight against « sects » : <http://www.hrwf.net/france99e.html>