



## OSCE Human Dimension Implementation Meeting

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### Working Session 10: Tolerance and Non-discrimination

## RELIGIOUS INTOLERANCE IN THE OSCE SPACE

### SOME REFLECTIONS ABOUT THE SCOPE OF RELIGIOUS INTOLERANCE

*Human Rights Without Frontiers International* (HRWF Int'l) is a non-governmental organization with an objective to promote democracy, the rule of law and human rights in a global perspective. HRWF Int'l has branches in Belgium, China, Nepal, Bhutan and the US. and cooperates with associate member organizations in Armenia, Bulgaria, Georgia, Iraq, Japan, Russia, etc.

Human Rights Without Frontiers International  
Avenue Winston Churchill 11/33  
1180 Brussels, Belgium  
Tel: +32-2-3456145 - Fax: +32 2 3437491  
Email: [international.secretariat.brussels@hrwf.net](mailto:international.secretariat.brussels@hrwf.net)  
Website: <http://www.hrwf.net>

## Foreword

### Some Reflections About The Scope of Religious Intolerance

In recent years, the participating states of the Organization for Security and Cooperation in Europe (OSCE) have expressed increasing concern over the rising number of hate crimes and violent acts of intolerance throughout the OSCE region. An excellent report, "Hate Crimes in the OSCE Region: Incidents and Responses," was presented by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) at its last annual Human Dimension Implementation Meeting (HDIM) held in Warsaw from 24 September to 5 October 2007.

In this report, the hate crime incidents are structured on the basis of the motivation underpinning hate crimes such as racism and xenophobia. The report documents numerous violent manifestations of hatred toward migrants and other foreign nationals, refugees and asylum-seekers, ethnic minorities, Roma and Sinti, Jews and Muslims, and so on. The section devoted to religiously-motivated intolerance deserves some scrutiny. While singling out hate-motivated crimes against two ethno-religious groups – the Jews and the Muslims – the report has difficulty in defining the whole 'remaining' religious spectrum in a neutral and coherent way. This category named "Christians and other religious groups, including religious minorities and so-called non-traditional or new religious movements" appears a jumble. By naming and highlighting one or more specific denominations as targets of hate crimes, the report contributes to the unnecessary, incessant, and counter-productive fragmentation of the issue. It creates a questionable hierarchy of religions. It reveals a privileged Europe-centered, biased approach to the conceptual framework. It also fails to address interreligious intolerance, including intolerance between sub-groups of the same denomination, as well as intolerance by non-state actors, such as the media and cult-watching groups.

*Human Rights Without Frontiers* thinks that the coverage of religious intolerance in the future reports on hate crimes by the OSCE/ODIHR can be improved in various realms.

#### **Recommendations to the OSCE/ODIHR**

*Human Rights Without Frontiers* recommends to the OSCE/ODIHR

- to adopt a comprehensive and consistent approach to the various facets of religious intolerance;
- to include some clarification about the terminology to be used in order to identify the target-groups;
- to establish a typology of concrete acts through which this religious intolerance is manifested.

Concerning the victims of religious intolerance, *Human Rights Without Frontiers* recommends to use the terms "ethno-religious groups" on one hand and "communities of faith or belief" on the other hand. While this approach would cover the whole spectrum of religious intolerance, one could avoid the sometimes artificial and unconvincing distinctions between racist, religiously-motivated and ethnically-motivated hate crimes committed against individuals and communities with mixed identities such as the Jews, the Muslims, the Sikhs, and so on. The neutral term "communities of faith or belief" used in UN documents also allows to avoid the never-ending and fruitless discussions about "historical" or "non-historical" religions, about so-called "cults" or "sects" to which some stakeholders deny the protection guaranteed by international standards on freedom of religion. The UN terminology also includes a number of groups whose religious nature is contested by some governments and cult-watching groups but who are based on a specific set of beliefs and should therefore enjoy the freedom of belief and all other human rights.

*Human Rights Without Frontiers* recommends to the OSCE/ ODIHR to structure the section on religious intolerance of its future reports and to articulate the collected data around a typology of concrete acts of intolerance such as violence against individuals, vandalism and attacks on property, desecration of burial places as *Human Rights First* did in its report "2008 Hate Crime Survey."

*Human Rights Without Frontiers* recommends to the OSCE/ ODIHR

- to achieve a balanced coverage of religious intolerance throughout the OSCE space so as to avoid complaints by some states about real or perceived double standards;
- to collect data throughout the whole spectrum of ethno-religious groups and communities of faith or belief affected by hate crimes;
- to post on its website a standardized complaint form aiming at collecting data according to its typology of hate crime incidents such as verbal harassment, threats, intolerance in the workplace, cases of defamation in public services and in the private sector, defamation in the media, physical attacks, vandalism and attacks on property, desecration of cemeteries, etc.;
- to collect court decisions on defamation of individuals motivated by their religious affiliation and of religious communities in the OSCE participating states.

### ***The 'sect' issue***

In most international reports, there is a huge deficit concerning the monitoring of religious intolerance and discrimination outside the so-called "historical religions." In the last ten years, France, Belgium and Austria have been identified and repeatedly criticized as the main state actors fostering religious intolerance and discrimination in the European Union. Many complaints have been publicly expressed against these three Western European democracies, all related to actions by their governments, by state-financed public and private cult-watching agencies numerous leaders of which have been repeatedly sentenced by courts on the grounds of defamation. It is therefore not "by chance" that since January 2006, there have been 239 acts of vandalism against places of worship of Jehovah's Witnesses, including attacks with Molotov cocktails, an attempted arson, an act of vandalism in a cemetery, tire slashings during a religious service and numerous acts of hate language spray-painted on places of worship, according to the latest report of the US Department of State on freedom of religion or belief published on 19 September 2008.

It is noteworthy to recall that in a 1997 report, UN Special Rapporteur on Freedom of Religion or Belief, Mr. Abdelfattah Amor, said about breaches of public order and crimes committed by certain groups and communities: "(...) there are many legal courses open and they afford plenty of scope for action against false pretences and misdirection. Beyond that however, it is not the business of the State or any other group or community to act as the guardian of people's consciences and encourage, impose or censure any religious belief or conviction."

In her report dated 8 March 2006 on her mission to France, UN Special Rapporteur Asma Jahangir urged the French Government to remember "that no one can be judged for his actions other than through the appropriate judicial channels." She also urged "judicial and conflict resolution mechanisms to no longer refer to, or use, the list published by Parliament in 1996."

In line with the UN report, sixteen scholars from nine EU countries co-signed a letter addressed by *Human Rights Without Frontiers* to the Belgian Government, all the senators and members of the House of Representatives:

- to declare the list of 189 movements without any juridical value, to monitor and sanction any misuse of it by state and other public authorities;
- to ban the use of the word "secte/ sekt" in any of their statements and reports;
- to use the terms communities of faith or belief to designate any religious or philosophical group whatever their historicity and their membership;
- to transform the CIAOSN/ IACSSO into an independent "Inter-university Information and Advisory Center on communities of faith and belief" at the service of the social and governmental bodies, and the general public.

There was no reaction to this letter...

## Religious Intolerance Fostered and Financed by States

In the last ten years, France, Belgium and Austria have been identified and repeatedly criticized as the main state actors fostering religious intolerance and discrimination in the European Union. Many complaints have been publicly expressed against these three Western European democracies, all related to actions by government authorized and funded entities engaged in the denigration of a number of communities of faith or belief primarily through innuendoes and allegations in public seminars, workshops for state employees and teachers, and declarations to the media.

### I. The example of France

#### *France and the U.N. Special Rapporteur on Freedom of Religion or Belief*

France's religious policy alerted U.N. Special Rapporteur on Freedom of Religion or Belief Mrs. Asma Jahangir, who decided in 2005 to carry out an official fact-finding mission in France. In her report she recommended **"[avoiding] the stigmatization of members of certain religious groups or communities, including those whose members have never committed any criminal offence under French law."** She also expressed her hope that **"future actions of MIVILUDES will be in line with the right to freedom of religion and belief and avoid past mistakes."** She also said in her report that she would closely monitor the activities of MIVILUDES.<sup>i</sup>

In a report dated 8 March 2007<sup>ii</sup>, Mrs. Asma Jahangir sent a communication to the French government to ask questions about the way they were dealing with the Plymouth Brethren. In her observations to the French government, she noted that the concepts of "religion" and "belief" must be understood in a broad sense. **"The Special Rapporteur urges the government to make sure that the mechanisms in charge of the management of these religious groups or belief communities deliver a message based on tolerance, freedom of religion or belief, and the principle according to which people's actions can only be judged through appropriate judicial proceeding."** Moreover, **"she recommends to the government to monitor more closely the prevention actions and campaigns which are carried out all over the country by private entities or organizations sponsored by the state, especially in the school education system, to avoid any suffering of the children of members of such groups."**<sup>iii</sup>

#### *Court proceedings in progress and court decisions related to defamation of religious groups and communities of belief by French State agencies and officials*

In 1998, **France** established a top level agency, MILS (Interministerial Mission to Battle against Sects) which was renamed MIVILUDES (Interministerial Mission for Vigilance and Battle against Sectarian Deviations) in 2002. Under the guise of hunting so-called sectarian deviations, these state entities mainly fought and go on fighting against specific communities of faith and belief of foreign origin like Jehovah's Witnesses, the Unification Church, Sahaja Yoga or Scientology, just to name a few. In the last ten years, several anti-sect parliamentary commissions have been set up, reports stigmatizing small religious groups have been published and laws targeting them specifically have been adopted<sup>iv</sup>. However, other more pressing issues such as acts of terrorism committed by separatists in Corse and in Baskland which were accurately and extensively documented by a European report<sup>v</sup> did not lead to similar parliamentary initiatives. This policy has generated a climate of intolerance and discrimination towards such groups and their members.

The court cases listed below highlight the osmosis between state institutions and officials on the one hand and state-sponsored private organizations and their leaders on the other hand.

1. On 17 October 2007, **Jean-Michel Roulet, the president of MIVILUDES**, announced to a gathering of high officials that he had been charged with libel after stating in a televised report that the sums collected by the organization "Tradition, Family and Property" (TFP), a group of Catholic laymen<sup>vi</sup>, could be used fraudulently. <sup>vii</sup> Judicial proceedings against him are in process. According to the annual report of MIVILUDES published in 2007, TFP constitutes a "risk of being a cult characterized by its opaque functioning and the vagueness of its objectives".

2. **Jean-Pierre Brard, a member of the National Assembly** associated with the French Communist Party, was accused several times and charged once for libel against Jehovah's Witnesses. In 2007, Mr. Brard, who had also been the vice-president of the study group for cults at the National Assembly, was once more sued by the Jehovah's Witnesses for calling them "absolute delinquents." Mr. Brard has even attempted to invoke parliamentary immunity to avoid being held to judicial standards of evidence and proof in reference to denigrating attacks on minority religious movements. On 6 September 2001, the Court of Appeal of Paris stated that Mr. Brard had made a defamatory statement towards Steiner schools at the TV News of France 2 on 17 June 1999 with regard to the 1999 parliamentary report on sects and money which he was chairing but the court held that he had done it in good faith and was therefore not guilty of public defamation.

3. On 3 April 2007, the Court of Cassation, Civil Chamber 1, annulled the 22 March 2006 decision of the Court of Appeal of Paris which had declared non-guilty **Mrs. Fournier on a mission at the MILS and Mrs. Picard, then member of the National Assembly** in a case where the plaintiff, the AMORC association, had felt defamed by both authors of the book "Sectes, démocratie et mondialisation" (Sects, democracy and globalization) published by the famous *Presses Universitaires de France*. In that book, AMORC had been accused among other things of pursuing personal interests, of supporting racist theories and threatening freedoms, of being structured like a mafia, and of functioning like a criminal organization.

At the Human Dimension Implementation Meeting of the OSCE/ODIHR held in Warsaw in October 2006 French Jehovah's Witnesses complained that in the first nine months of 2006, 67 of their places of worship had been vandalized, including attacks with Molotov cocktail and firearms<sup>viii</sup>. That was more than the Jewish communities had registered during the same period.

In addition to maintaining state entities to fight against 'sectarian deviancies' French public powers have also sub-contracted with private anti-sect groups including UNADFI (National Union of Associations for the Defense of Families and Individuals) and CCMM (The Center Against Mental Manipulation). Not only does the state provide some 90% of their budget, it has granted them the same public charity status as the Red Cross. Under the guise of protecting individuals and families against 'sects' and of 'defending' persons they consider 'victims', these organizations fuel religious intolerance against specific groups and foment fear of minority and little known religious movements in general. Their method makes little use of courts of law where due process and constitutional rights must be respected. Rather they publicize their accusations in the media. They also hold 'sensibilisation training programs' for civil servants in government ministries, for school teachers and school administrators, for students preparing to become teachers, and for parents and students in public schools. They also lobby parliamentarians at national and multilateral levels and hold international conferences to raise fear or as they term it 'awareness'.

***Court proceedings in progress and court decisions related to defamation against religious groups and communities of belief by state-financed private cult-watching organizations***

1. In July 2007, **Catherine Picard, (president of UNADFI)** was condemned by a French court for defamation against Jehovah's Witnesses and had to pay them 6750 EUR<sup>ix</sup>. In an interview, she had stated that the group was "structured as a pyramid, like all criminal organizations."

2. Jehovah's Witnesses had already won several cases against anti-sect activists: **Charline Delporte, President of ADFI Nord; Mrs. Ovigneur-Dewynter, President of ADFI; Jacky Cordonnier, member of UNADFI.**<sup>x</sup>

3. On 9 May 2007, the Appellate Court of Paris (11th Chamber, Section A) condemned **Mr. Bernard Kouchner<sup>xi</sup>, France's Minister of Foreign and European Affairs** since 18 May 2007, and **Marc Tessier, publishing manager of TV Channel France 2**, to pay together 1,500 EUR to Mr. Marcel Terrusse, and 2,000 EUR for the court expenses on the ground of "public insult" (Ref.: File Nr 06/04791). On 6 January 2003, during the TV program "Mots Croisés" devoted to human cloning, Mr. Bernard Kouchner used the words "sales cons" (bloody idiots) to qualify the Raelians and said about Mr. Marcel Terrusse who had been invited as the spokesperson of this community of belief: "Ce type est un dangereux salaud" (this guy is a dangerous bastard). Marc Tessier was sentenced on the ground that he failed to remove these insults from the program which had been recorded several hours before being broadcast.

4. On 7 May 2007, in the case *Law 1901 Association CAP v. Daniel Groscolas*, the First Civil Chamber of the Court of Grand Instance in Marseille<sup>xii</sup> condemned **Daniel Groscolas<sup>xiii</sup>, manager of the website of the CCMM, an anti-cult organization affiliated to FECRIS** and financed by French public powers, to a fine of 1500 EUR for defaming the association CAP which defends freedom of conscience and in particular the rights of religious minority groups labeled as sects and of their members. In an article entitled "The implementation of the methods of Dr Goebbels" and posted on <http://www.cmm.asso.fr>, Mr. Daniel Groscolas was accusing CAP of using Goebbels' methods of manipulation and disinformation.

Despite repeated convictions of various leaders and prominent members of private anti-sect organizations on grounds of defamation and despite the separation between state and religions, various public authorities in France continue to finance groups defaming religious minority groups and creating an atmosphere of religious intolerance leading to commission of hate crimes and vandalism.

In MIVILUDES 2007 annual report published in 2008, its president Jean-Michel Roulet (charged with libel) congratulates FECRIS, a European network of anti-sect movements, for claiming that "totalitarian and harmful sects<sup>xiv</sup> have instrumentalized the OSCE/ODIHR. The report remains silent about the numerous judicial condemnations of the FECRIS president<sup>xv</sup> as well as leaders of French FECRIS member groups." Mr. Roulet was a member of France's Delegation at the annual OSCE/ODIHR meeting in Warsaw in September 2007 where all these matters were clearly set forth before all OSCE participating states, and where FECRIS leaders publicly admitted that 90% of their financing came from the French public powers. Yet in preparing his annual report he failed to mention that the main objective of some FECRIS member groups is to defend a specific Church against competition from other religious movements. This is the case of St Irineus Centre for Religious Studies in Moscow, run by Alexandr Dworkin. Interviewed by China's official press agency in May 2008, the head of this cult-watching organization funded by the Russian Orthodox Church, did not hesitate to accuse Falun Gong, the group heavily persecuted in China, of being a dangerous sect.

One can wonder how MIVILUDES and some French public powers can conciliate President Sarkozy's "positive secularism" with the support to the action of an international network such as FECRIS, with the financing of some of its French member organizations despite the repeated condemnations of their leaders on the grounds of defamation of religions, a hate crime condemned by the OSCE/ODIHR and the U.N.

## **II. The example of Belgium**

### ***Belgium and the U.N. Special Rapporteur on Freedom of Religion or Belief***

Belgium's policy towards small communities of faith or belief is rather similar to France's. That is the reason why a number of recommendations addressed to France by U.N. Special Rapporteur on Freedom of Religion or Belief, Mrs. Asma Jahangir, are also valid for Belgium:

1. “[avoiding] the stigmatization of members of certain religious groups or communities, including those whose members have never committed any criminal offence under French law.” (Source: Recommendation in her report following her fact-finding mission in France in 2005)
2. “(...) the concepts of “religion” and “belief” must be understood in a broad sense.” (Source: Ms. Asma Jahangir’s report to the U.N. General Assembly dated 8 March 2007<sup>xvi</sup>)
3. “The Special Rapporteur urges the government to make sure that the mechanisms in charge of the management of these religious groups or belief communities deliver a message based on tolerance, freedom of religion or belief, and the principle according to which people’s actions can only be judged through appropriate judicial proceeding.” Moreover, “she recommends to the government to monitor more closely the prevention actions and campaigns which are carried out all over the country by private entities or organizations sponsored by the state, especially in the school education system, to avoid any suffering of the children of members of such groups.”<sup>xvii</sup>

***Acts of defamation against religious groups and communities of belief  
by Belgian federal and federated agencies***

### **1. Case of Sahaja Yoga v. the Belgian State**

“By a judgment of the Court of First Instance of Brussels dated 29 February 2008 (xviii), the Belgian State was sentenced for mistakes made in the drafting of the opinion on Sahaja Yoga of 7 March 2005 mentioned below, which was drafted by the Information and Advisory Center on Harmful Sectarian Organizations (CIAOSN), on the ground that it was not established with the necessary accurateness and the fair-play, and it was insufficiently motivated (xix). The full version of this judgment can be consulted on the website of the CIAOSN ([www.ciaosn.be](http://www.ciaosn.be)).” (xx) This is the text that should have been published in two major Belgian newspapers, *De Standaard* and *De Morgen*, if the Belgian State had not appealed the decision.

The court decision also provides that the CIAOSN (xxi) must publish the text of the judgment in French and in Dutch on its website and in its next report of activities. The CIAOSN must also send a copy of the judgment to any person who may have received its 2003-2004 report of activities or has requested information on the non-profit making organization Sahaja Yoga from the CIAOSN since its creation. Last but not least, the Belgian State must pay 1500 EUR to Sahaja Yoga and bear the costs of the proceedings. The implementation of this severe sentence is however suspended until the decision of the Appeal Court.

On 7 March 2005, the CIAOSN, the federal sect observatory, gave a negative opinion on the movement to the City of Ghent which had requested its expertise before deciding to let or not a public hall to Sahaja Yoga<sup>xxii</sup>. This opinion was published on the website of the CIAOSN in August 2005. On 17 October 2005, Sahaja Yoga initiated an emergency procedure against the Belgian State. On 7 December 2005, the judge in charge of the emergency procedure declared the request of Sahaja Yoga admissible but groundless. On 23 December 2005, Sahaja Yoga appealed the decision. On 12 June 2006, the Court of Appeal of Brussels declared its request admissible and well-founded; it also ruled that the CIAOSN did not abide by its legal obligations to motivate its opinion, lacked objectivity and did not respect the defense rights of Sahaja Yoga. The news was published by the Flemish daily newspapers *De Standaard* and *De Morgen*, sometimes on their front page, and reported by the Flemish radio of VRT. On the francophone side, the event was then reported by *Le Soir*.

In its 5-page opinion (xxiii), the CIAOSN was saying among many other things that “Sahaja Yoga was presenting itself to the public and potential candidates in a deceitful way” and that its recruitment campaigns were also deceitful. The CIAOSN was also presenting the movement as dangerous for children.

In 1998, Lieve Van Roy, a believer in Sahaja Yoga, had been deprived of the custody of her child to the benefit of her former companion although he had been a drug addict and had spent five years in prison on the grounds of an attack of a post-office and many other acts of robbery (xxiv). Up to now, the negative image of Sahaja Yoga has been mainly conveyed by "antisect" organizations and "state sect observatories" without any serious control of the rumors concerning this movement as the Belgian court decisions clearly show.

In the legal battles against the Belgian State, minority communities of faith or belief are always in an unfavorable position as they have to bear all the costs of lengthy proceedings while the Belgian state has unlimited financial and human resources and moreover has the power to financially wear out the victims of its discriminatory policy.

## **2. Case of the Universal Church of God v. the Belgian State**

In September 2005, the Belgian State had to publish a decision of the Court of Appeal of Brussels in two major national newspapers which was saying that the parliamentary commission on "sects" had published biased information stigmatizing the Belgian branch of the "The Universal Church of God." (xxv). The judgment was dismissed by the Cassation Court in 2006 on the sole technical basis that a parliamentary commission was protected by parliamentary immunity but the decision was in the meantime published in two daily newspapers.

## **3. Case of the Anthroposophic Society v. French Community of Belgium**

In 2006, unreliable information published by the parliamentary commission was again highlighted in a judgment of the Court of Appeal of Brussels concerning the case *Anthroposophic Society against the French Community of Belgium* (xxvi), one of the federated entities of Belgium. The *Anthroposophic Society* had been wrongly accused of the death of a young girl, a statement made by the spokesperson (xxvii) of a Belgian private anti-sect group during the hearing by the parliamentary commission and reproduced without any control in the parliamentary report. The French Community was sentenced to a symbolic Euro for publishing this false information in a brochure called "Guru, beware of you" (xxviii) widely publicized on television and radio, in newspapers, schools, police stations, and so on. The judgment also provided that the distribution of the brochure had to be stopped but the damage caused to the reputation of the *Anthroposophic Society* was then irreparable.

**In the last ten years, no community of faith or belief has been sentenced as a harmful sectarian organization in Belgium.** Since 1999, proceedings have been in progress against the Church of Scientology but despite several public announcements, there has not been any trial yet. Prosecutions against the leader of Spiritual Human Yoga and US citizen, Master Dang, started in 1999 on the ground of alleged fiscal fraud committed in Belgium but he died in Australia before all the judicial means had been exhausted.

## **III. Conclusions**

### ***France***

Faced with the mutation of the domestic religious landscape and the globalization of religious issues, France has taken a leading position in the development of public policies spreading de facto suspicion towards any non-conformist religious doctrine and group. France's policy of blacklisting, harassment and stigmatization of such groups is however unjustifiably discriminatory and even dangerous. Moreover, the French state has relied on private anti-sect movements and activists as primary sources of information and for the implementation of part of its policy although a number of them have been repeatedly sentenced by French courts on the grounds of defamation of certain religious communities. By creating MILS and then MIVILUDES and by appointing Jean-Michel Roulet, indicted for libel, as president of this agency, the French state has created a climate of intolerance and defamation that has been amplified by the media and has shaped the negative perception of such groups by society.



In short, the whole policy of France based on the work of MIVILUDES and private cult-watching organizations has caused more problems than it has solved. It has damaged its reputation in international fora, such as the United Nations or the OSCE. It has also highlighted the fact that more anti-sect actors, whether in a public position or in a private organization, had been found to violate the laws of the French Republic than leaders of religious groups.

## **Belgium**

By setting up a parliamentary commission of inquiry about sects, by listing and naming 189 suspicious movements, by creating the CIAOSN/ IACSSO, a sort of Sect Observatory, and subsequently parliamentary working groups on sects, the Belgian state has created a climate of intolerance and defamation that has been amplified by the media and has shaped the negative perception of such groups by society.

In short, the whole policy of the Belgian has caused more problems than it has solved. Some small communities of faith or belief have taken several federal and federated institutions of the Belgian state to court because they had been defamed by their reports or their "prevention" campaigns and have won their cases.

While it is the duty of the state to guarantee public order and the security of its population, potential dangers must be assessed by non-biased actors. The main mistake of Belgium has been, as in France, to listen to political, ideological or private groups of interests and to turn a deaf ear to the opinions and warnings of sociologists, historians of religions, and professors of constitutional and human rights law.

Freedom of religion or belief has its limits but laws and mechanisms of exception targeting specific groups or meant to prevent so-called "cultic deviations" are not the right answer to perceived possible dangers.

The advisory mission of the state should better be entrusted to a network of independent experts from university institutions dealing with the psychological, sociological and historical dimensions of the issue in consultation with the Advisory Panel of Experts on Freedom of Religion or Belief of the OSCE/ODIHR, the Venice Commission of the Council of Europe and the U.N. Special Rapporteur on Freedom of Religion or Belief.

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<sup>i</sup> UN. Economic and Social Council. Commission on Human Rights, 62<sup>nd</sup> session. Item 11 (e) of the provisional agenda. Civil and Political Rights, Including the Question of Religious Intolerance. Report submitted by Asma Jahangir, Special Rapporteur on freedom of religion or belief. Addendum 2. Mission to France (18-29 September 2005). E/CN.4/2006/5/Add.4, 8 March 2006

<sup>ii</sup> UN General Assembly A/HRC/4/21/Add.1, Human Rights Council, Fourth Session, Implementation of General Assembly Resolution 60/251 of 15 March 2006 entitled « Human Rights Council ». Report of the Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Addendum 'Summary of cases transmitted to Governments and replies received'. See par. 137-145 on France.

<sup>iii</sup> Translation by HRWF. Official text only in French : « La Rapporteuse spéciale exhorte le gouvernement à faire en sorte que ses mécanismes chargés de la question de ces groupes religieux ou communautés de conviction livrent un message fondé sur la tolérance, la liberté de religion ou de conviction, et le principe selon lequel nul ne peut être jugé pour ses actes autrement que par les voies judiciaires appropriées. » En outre, « elle recommande au gouvernement de suivre de plus près les actions et campagnes de prévention qui sont menées dans tout le pays par des entités privées ou des organisations patronnées par l'Etat, notamment dans le système scolaire, afin d'éviter que les enfants des membres de ces groupes n'en pâtissent. »

<sup>iv</sup> On 15 April 2008, the French newspaper *Le Parisien* revealed that former member of the National Assembly Georges Fenech would be entrusted by the Prime Minister with a study mission on sects. He would be mandated to examine how the courts apply laws pertaining to sectarian deviations. In this regard it is worth mentioning that he is involved with 41 other persons in a criminal proceeding related to the sales of weapons to Angola.

<sup>v</sup> See TE-SAT 2008, EU Terrorism Situation and Trend Report .

<sup>vi</sup> Name of the Catholic Group : Tradition, Famille et Propriété (TFD)/ Tradition, Family and Property (TFP). See the French daily newspaper *Le Monde* dated 23 October 2007 <http://www.europol.europa.eu/index.asp?page=publications&language=>.

<sup>vii</sup> Their lawyer, Gérard Ducrey, said to *Le Monde* (23 October 2007) that the organization had never been convicted.

<sup>viii</sup> See [http://www.osce.org/documents/odihr/2006/10/21346\\_fr.pdf](http://www.osce.org/documents/odihr/2006/10/21346_fr.pdf)

<sup>ix</sup> See AFP press release dated 23 July 2007 "Mme Picard (UNADFI) condamnée pour diffamation envers les Témoins de Jehovah".

<sup>x</sup> Mrs. Ovigneur-Dewynter, President of ADFI Nord, 15 January 1997. The Douai Court of Appeal, 4<sup>th</sup> Chamber, condemned her for defamation regarding the Association of Jehovah's Witnesses in France. Case Nr 96/02832.

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Jacky Cordonnier, member of UNADFI, 29<sup>th</sup> March 2002. Criminal conviction for defamation. The Marseille Country Court condemned him for libel regarding the Association of Jehovah's Witnesses. Decision Nr 2972/02, Number 01207964.

Charline Delporte, president of ADFI, May 5, 2003. The Paris Court of Appeal, 11th Chamber/Section G, condemned Charline Delporte for Defamation regarding the religious association of Jehovah's Witnesses (ACTJF). (Decision of the Douai County Court of June 24, 1999. Case n° 2002/11267)

<sup>xi</sup> Among many other things, Mr. Bernard Kouchner is a co-founder of *Médecins sans Frontières* (Doctors Without Borders) and *Médecins du Monde*. Health Minister (1992-1993, 1997-1999, 2001-2002)

<sup>xii</sup> Judgment Nr 387 (7 May 2007) . Tribunal de Grande Instance de Marseille, Première Chambre Civile.

<sup>xiii</sup> Daniel Groscolas was appointed general inspector at the Ministry of Education in 1990. After the publication of the parliamentary report on sects in France, he was commissioned to carry out a study on sects in the national school education system. After this investigation, he was asked to create and to lead a service for the prevention of sectarian phenomena in the school system. He was appointed a member of the MILS in 1996. From 1998 to 2000, he belonged to the orientation council of the MILS.

<sup>xiv</sup> Miviludes Report 2007, pp 111-112.

<sup>xv</sup> Friedrich Griess, President of FECRIS.

*Court case 17Cg 15/96d* in Vienna Commercial Court in September 1996. Conviction for defamation against the Christian Family Fellowship, Styrian Christian Fellowship and the Life Fellowship (Norwegian Movement).

*Court case 37Cg 77/98x* in Vienna Commercial Court in September 1998. Conviction for defamation against the Christian Family Fellowship, Styrian Christian Fellowship and the Life Fellowship (Norwegian Movement).

*Court case 17 O 85/98* in Stuttgart County Court in Germany in June 1998. Conviction for defamation against the Norwegian Movement"

*Court case 37 Cg 19/00y* in Vienna Commercial Court in March 2000. Conviction for defamation against the Norwegian Movement" on the website of his association

*Court case GZ 8E 3407/00 w* in Klosterneuburg District Court. Violation of a settlement agreement. He failed to pay a fine and was ordered to remove false information from his web page and from search engines.

*Judgment procedure GZ 8F 2687/02 s-3* in Klosterneuburg District Court. Violation of settlement agreement and order to pay a fine.

*Court case Gz 008 E 2687-02*, 6<sup>th</sup> April 2004, Klosterneuburg Court.

<sup>xvi</sup> UN General Assembly A/HRC/4/21/Add.1, Human Rights Council, Fourth Session, Implementation of General Assembly Resolution 60/251 of 15 March 2006 entitled « Human Rights Council ». Report of the Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Addendum 'Summary of cases transmitted to Governments and replies received'. See par. 137-145 on France.

<sup>xvii</sup> Translation by HRWF. Official text only in French : « La Rapporteuse spéciale exhorte le gouvernement à faire en sorte que ses mécanismes chargés de la question de ces groupes religieux ou communautés de conviction livrent un message fondé sur la tolérance, la liberté de religion ou de conviction, et le principe selon lequel nul ne peut être jugé pour ses actes autrement que par les voies judiciaires appropriées. » En outre, « elle recommande au gouvernement de suivre de plus près les actions et campagnes de prévention qui sont menées dans tout le pays par des entités privées ou des organisations patronnées par l'Etat, notamment dans le système scolaire, afin d'éviter que les enfants des membres de ces groupes n'en pâtissent. »

<sup>xviii</sup> Full text of the judgment and press release in Dutch: <http://www.sahajayoga.be/article163.html>

In French, the same press release and a translation of the conclusions of the judgment :

<http://www.sahajayoga.be/article164.html>

<sup>xix</sup> The contested opinion of the CIAOSN on Sahaja Yoga can still be found on their website:

[http://www.ciaosn.be/rapport\\_bisannuel2003-2004.pdf](http://www.ciaosn.be/rapport_bisannuel2003-2004.pdf)

<sup>xx</sup> Court decision Nr 49 (A.R. Nr. 2005/13740/A), 24th Chamber of the Court of First Instance of Brussels. The judgment was in Dutch.

<sup>xxi</sup> Although the CIAOSN works independently from the Ministry of Justice, it does not have an independent juridical status and its staff and logistics are under the authority of the federal Ministry of Justice. Source: page 2 of the judgment under the heading "Facts" (Feiten).

<sup>xxii</sup> This opinion was also used to turn down an application for Belgian citizenship by a lady from India practicing Sahaja Yoga who was married to a Belgian citizen and living in Belgium. However, the Court of Appeal of Ghent finally granted her the Belgian citizenship.

<sup>xxiii</sup> See footnote 5

<sup>xxiv</sup> See a full page (p.31) on this case in De Standaard, 14-15-16 August 1998 under the title "Ik wil mijn kind én mijn geloof behouden" (I want to keep both my child AND my faith).

<sup>xxv</sup> See "Avis judiciaire" published in Le Soir, 3-4 September 2005

<sup>xxvi</sup> Cour d'Appel de Bruxelles, 9e Chambre. Ref. Nr. 2006/2846/ Court of Appeal, 9<sup>th</sup> Chamber, Ref. Nr. 2006/2846

<sup>xxvii</sup> The spokesperson of that anti-sect group, Dr Charles Berliner, was then a deputy member of the board of the CIAOSN.

<sup>xxviii</sup> "Gourou, gare à toi! J'ai ma liberté de penser. Les jeunes et les sectes nuisibles. Campagne de prévention de la Communauté française. Published by « Gouvernement de la Communauté française. Cabinet de la Ministre-Présidente, Place Surlet de Chokier 15-17, 1000 Bruxelles. »



**To the Prime Minister of Belgium**

**To the members of the Federal Government of Belgium**

**To the members of Belgium's House of Representatives**

**To the members of Belgium's Senate**

**CONCERNS: UNIVERSAL DECLARATION OF HUMAN RIGHTS AND FREEDOM OF RELIGION OR BELIEF**

This year is the 60<sup>th</sup> Anniversary of the Universal Declaration of Human Rights. This historical document guarantees a wide range of fundamental rights that generations have aspired to and fought for. The practice of one's religion or beliefs, free from any form of discrimination, is one of them and a major one.

*Human Rights Without Frontiers/ Droits de l'homme sans frontières* and the undersigned are however concerned about a trend limiting the basic rights of a number of communities of faith and belief and of their members that has developed in the last ten years.

In 1996, a Parliamentary Commission of Inquiry<sup>xxviii</sup> investigated groups arbitrarily and derogatorily labeled as "sects" and issued a 670 page report, including a so-called "synoptic table" of 189 movements. Widely publicized, this list *de facto* became a "black list", despite ambiguous attempts to limit its impact. Its misuse by the media and some state bodies has never been officially condemned by the Belgian authorities. Quite to the contrary, it has been repeatedly used in various ways to interfere with or limit a number of rights of those groups, such as their freedom of assembly and their freedom of expression. This misuse has also been detrimental to members of those movements.

On June 2, 1998, the Parliament adopted a law creating an Information and Advisory Center on Harmful Sectarian Organizations, the CIAOSN/IACSSO, to monitor the activities of the 189 listed groups and others that were regarded as "potentially dangerous". Later on, it appeared from the report of activities of the Center that they had been working on more than 600 groups. Directly dependent on the Ministry of Justice, it is staffed and funded by the Ministry. Several members of its board were directly involved with the Parliamentary Enquiry Commission on Sects in 1996.

From the beginning, the CIAOSN/ IACSSO, has raised concerns about its neutrality and independence.<sup>xxviii</sup>

As a follow up, a Parliamentary Working Group<sup>xxviii</sup> was established in 2004 within the House of Representatives. The hearings were not open to the public. Belgian government, covert intelligence, magistracy, law enforcement, and CIAOSN/ IACSSO officials were invited to hearings. Human rights and religious freedom experts, sociologists or historians of religions were not. As a result of the chosen approach it contributed to maintaining a

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climate of suspicion, intolerance and discrimination towards religious groups and belief systems in Belgium.

Apparently encouraged by this climate, a number of draft laws have been proposed and examined. As a common thread, they aim at introducing a new "crime", referred to as "mental manipulation." This concept is not recognized as valid by sociologists of religions. If it were to be included in legislation, it would lead to dangerous deviations not only for religious groups but also for non-religious activities. For this reason, similar attempts have been abandoned or dismissed by other countries, i.e. in Italy.

Clearly, communities of faith and belief are not above the law. However, any legitimate concerns that they might have carried out illegal activities are to be and can be addressed by the enforcement of existing laws.

Laws, rules or exceptions that could be used, openly or covertly, to target certain organizations, would take democracy and respect for human rights down a slippery and dangerous slope, limiting the basic rights and freedoms of citizens. The Belgian state should not be tempted to adopt such a dangerous approach towards ideas and convictions, no matter how unpopular or "strange" these may seem.

In her 2006 Report following a Mission to France, the United Nations Special Rapporteur on freedom of religion or belief, Mrs. Asma Jahangir, stated that *"the policy of the [French] Government may have contributed to a climate of general suspicion and intolerance towards the communities included in a list established further to a parliamentary report, and has negatively affected the right to freedom of religion or belief of some members of these communities or groups."*

*Human Rights Without Frontiers/ Droits de l'homme sans frontières* and the undersigned believe, as exemplified by the issues presented in this letter, the same can be said about Belgium.

## **RECOMMENDATIONS**

*Human Rights Without Frontiers/ Droits de l'homme sans frontières* and the undersigned respectfully urge the Belgian authorities

- to declare the list of 189 movements without any juridical value, to monitor and sanction any misuse of it by state and other public authorities;
- to ban the use of the word "secte/ sekt" in any of their statements and reports;
- to use the terms communities of faith or belief to designate any religious or philosophical group whatever their historicity and their membership;
- to transform the CIAOSN/ IACSSO into an independent "Inter-university Information and Advisory Center on communities of faith and belief" at the service of the social and governmental bodies, and the general public;

Yours sincerely,

Willy Fautré, director  
Human Rights Without Frontiers (Brussels)

## **Austria**

Univ.Prof.Dr. Christian BRÜNNER  
Member of the European Centre for Space Law/ESA/Paris  
University of Graz  
Institute for Austrian, European and Comparative Public Law, Political Sciences and Public Administration  
Department for Administrative Sciences, Environmental Law and Gender Relations Law

O. Univ. Prof. Dr. Walter BERKA

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Fachbereich Öffentliches Recht  
Verfassungs- und Verwaltungsrecht  
Universität Salzburg

Dr. Reinhard KOHLHOFER  
Rechtsanwalt, Wien

### **Belgium**

Prof. Anne MORELLI  
Université Libre de Bruxelles  
Directeur-adjoint du CIERL

Prof. em. Lilliane VOYE  
Université Catholique de Louvain

Prof. Ernie VONCK  
Anthropologie Religieuse  
Faculté pour l'Etude Comparative des Religions, Anvers

### **France**

Prof. Regis DERICQUEBOURG  
University of Lille III

Prof. Jean BAUBEROT  
Président d'honneur de la chaire d'Histoire et de Sociologie de la Laïcité à l'Ecole Pratique  
des Hautes Etudes

### **Germany**

Prof. Gerhard BESIERS  
Sigmund Neumann Institute for the Research of Liberty and Democracy, Dresden.

PD Dr. Marco FRENSCHKOWSKI  
University of Mainz

### **Hungary**

Anton PELINKA  
Professor of Nationalism Studies and Political Science  
Central European University, Budapest

### **Italy**

Dr Massimo INTROVIGNE  
Managing Director of CESNUR (Center for Studies on New Religions), Torino

Alessandro AMICARELLI  
Carlo Bo University, Urbino

### **Poland**

Dr. Agnieszka KOSCIANSKA,  
Anthropology of Religions & Gender Issues  
University of Warsaw

### **Spain**

Dr. Miguel Rodríguez Blanco.  
University of Alcalá

### **Sweden**

Prof. Peter ÅKERBÄCK  
History of Religions,  
University of Stockholm

