# 2007 - 2019 NGOs contributions on FECRIS to Organization for Security and Co-operation in Europe OSCE

Two decades dedicated to Freedom of Conscience





### **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.

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### **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 Muslimsthe 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 cultwatching 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.

### 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.

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 antisect parliamentary commissions have been set up, reports stigmatizing small religious groups have been published and laws targeting them specifically have been adopted iv. 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 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. VIII, 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 viii. 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.
- **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** iii, **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 <a href="http://www.ccmm.asso.fr">http://www.ccmm.asso.fr</a>, 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." XVIII

### 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 (<a href="https://www.ciaosn.be">www.ciaosn.be</a>)." (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.

<sup>&</sup>lt;sup>1</sup> UN. Economic and Social Council. Commission on Human Rights, 62<sup>nd</sup> session. Item 11 (e) of the provisional agenda. Cicil 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>2005).</sup> E/CN.4/2006/5/Add.4, 8 March 2006

"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.

iii 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 gouvernment 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>&</sup>lt;sup>1V</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.

 $<sup>^{\</sup>mathrm{v}}$  See TE-SAT 2008, EU Terrorism Situation and Trend Report .

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 <a href="http://www.europol.europa.eu/index.asp?page=publications&language="http://www.europol.europa.eu/index.asp?page=publications&language="http://www.europol.europa.eu/index.asp?page=publications&language="http://www.europol.europa.eu/index.asp?page=publications&language="http://www.europol.europa.eu/index.asp?page=publications&language="http://www.europol.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.euro

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

viii See http://www.osce.org/documents/odihr/2006/10/21346\_fr.pdf

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

<sup>&</sup>lt;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.

Jacky Cordonnier, member of UNADFI, 29<sup>th</sup> March 2002. Criminal conviction for defamation. The Marseille Country Court condemned him fir 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)

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)

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

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.

xiv Miviludes Report 2007, pp 111-112.

xv 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.

xvi 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.

xvii 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 gouvernment 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. »

xviii Full text of the judgment and press release in Dutch: <a href="http://www.sahajayoga.be/article163.html">http://www.sahajayoga.be/article163.html</a> In French, the same press release and a translation of the conclusions of the judgment: <a href="http://www.sahajayoga.be/article164.html">http://www.sahajayoga.be/article164.html</a>

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

http://www.ciaosn.be/rapport bisannuel2003-2004.pdf

xx 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.

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).

xxii 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.

xxiii See footnote 5

xxiv 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).

xxv 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

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

xxviii//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 « Gouvernment 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 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. \*\*xviii\*\*

As a follow up, a Parliamentary Working Group 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

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)

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# Universal Peace Federation – Deutschland e.v.

HDIM.NGO/45/07 25 September 2007 ORIGINAL: English

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## OSCE Human Dimension Implementation Meeting Warsaw, 25 September 2007

Working Session 2:

Combating intolerance and discrimination and promoting mutual respect and understanding

The Case of the Federal Republic of Germany:

The government's continuing failure in taking a balanced view towards religious minorities

### Recommendations:

- 1. The German government through its concerned ministries, such as the Ministry of Family Affairs and the Ministry of Interior, should formulate a new policy towards religious minorities; instead of perceiving them as "destructive cults" and "enemies of the nation", they should be perceived as what they are: minorities of a certain faith and creed.
- 2. The German government should base its knowledge and judgement about religious minorities on first hand interaction with the groups in question and on expert opinions by scientists on comparative religion, not on opinions put forth by church related "sect experts" or biased anti-cult groups, such as FECRIS and its member associations.
- 3. The German government should implement the demands of the interparliamentary Enquete Commission on "So-called Sects and Psychogroups" of 1998, which specifically asks government agencies to avoid using the label "sects" when dealing with religious minorities.
- 4. The German government should restructure and rename the Department "So-called Sects and Psychogroups", which is still part of the Ministry of Family Affairs. The department needs to change its basic approach from the current practice of defaming and ostracizing religious minorities into dealing with its subjects in a respectable, good willed and mutually beneficent manner.

The OSCE Human Dimension Implementation Meeting provides an unique opportunity to NGOs to voice their opinions, face to face with firmly established governments, which are not always ready to listen to the voice of their people. Western countries in particular like to present themselves as exemplary democracies, where all its citizens enjoy equal rights and freedom. And while this is true for maybe the great majority of people, certain minorities are still struggling to be granted their rights and respectability granted by the constitution.

This is the case in terms of how religious minorities are still being treated by German government offices. Here are a few examples:

The Ministry of Interior has the tendency to dwell on the perceived threat by Islamic fundamentalists, thereby putting all Muslims equally under general suspicion; instead of engaging in a meaningful dialogue with moderate Islamic groupings, the Ministry instead discusses the question, whether the army should shoot down a passenger plane with suspected terrorists on board or not.

- The Ministry of Family Affairs still employs a department, called "So-called Sects and Psychogroups". The overriding purpose of the department is to defame and ostracize religious minorities, who are not part of the two mainline churches, the Catholic church and the Lutheran Protestant church. The department staunchly refuses to deal with the religious groups in question in a direct and straight forward manner, but instead relies almost entirely on information coming from church related "sect experts" anti-cult groups. Even the opinions of academicians in the field of comparative religion are not taken seriously by the department. As such the government disregards the findings and recommendations of an interparliamentary Enquete Comission on "So-called Sects and Psychogroups" which in its final report, published as early as 1998, states:
  - a) The state has to respect the decision and confession of each individual in matters of faith in accordance with the neutrality and tolerance requested in article 4 of the Basic Law. (p.148-149)
  - b) Group structure, activities and goals, which were subject to the investigation according to its original intention, are primarily and basically not different from religions, religious movements, ideological groups and other groups of society. (p.149)
  - c) Concerning the blurry concept of a "sect", which is filled with misunderstanding, the Enquete Commission would prefer, if the word "sect" was not used at all during public discussions on religions and ideological communities and psycho groups. The word "sect" should especially be avoided in statements made by governmental organisations, be it in educational booklets, verdicts or laws. (p.154)

While other minorities are recognized as such by the German government and taken care of and engaged in meaningful dialogue, religious minorities are not. Dr. Aaron Rhodes in his keynote address during the opening plenary session just yesterday correctly pointed out: "...religious minority groups appear to be generally perceived as threats on grounds that are difficult to comprehend, while the loyalty of some mainstream religious communities is bought through protecting their traditionally privileged status, their market share of believers."



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### **Preserving Freedom of Faith**

In common with many other countries throughout Europe, the United Kingdom has a small pressure group of self-appointed, fanatical, 'cult watchers' who purport to be able to provide information about new religious movements. Much of that so-called information, however, tends to be disturbing, inaccurate and unreliable and yet its views are sometimes echoed in the media which, perhaps unwittingly, helps keep its cause alive.

Some thirteen years ago such supposed 'sect experts', who actively campaign against most minority religions; joined together to form a European network called the 'Federation of European Centres for Research and Information on Sects' [FECRIS]

Despite the fact that, from its base in France, one of the main aims of FECRIS is to bring about highly discriminatory legislation in as many countries as it can, it was recently granted consultative status to the Council of Europe. That, in itself, is an appalling development insomuch as existing laws are perfectly adequate to deal with any perceived wrong-doing in minority religious groups as they are in dealing with any perceived malpractice in society as a whole and there should be no need whatsoever to apply a different set of rules to adherents of certain selective religious organizations.

Whereas the British Government's position is based on an objective and balanced assessment of new religious movements, that is in stark contrast to the approach of FECRIS and its constituent members who provide only partial and biased information. For example, they neither carry nor distribute the opinions of the world's most reputable academics on the subject, if it goes against their own fixed viewpoint.

Similarly, whilst court cases throughout Europe, over an extended period of time, have exonerated the Family Federation for World Peace and Unification of all the charges commonly made against it, FECRIS and the British-based pressure group, FAIR, simply choose to suppress such inconvenient findings.

It is perhaps unsurprising, therefore, that representatives of several new religious movements, who have become increasingly fed up with seeing their organisations being unfairly portrayed, have got together to openly challenge the role of FECRIS and to question its funding.

Under the umbrella of the Brussels-based, non-governmental, non-religious organization, 'Human Rights without Frontiers', a new 'European Network for Religious Tolerance and Non-Discrimination' was launched in July of this year. It

will draw on the views of the many impartial academics throughout the world that have researched new religious movements and who are able to give well-informed reports that counter the views of FECRIS.

### **Recommendations: -**

The Universal Peace Federation in the United Kingdom would call on the French Government to withdraw its financial support of FECRIS.

It would similarly ask the Council of Europe to reconsider its position on those who seem so hell-bent on destroying the principle of freedom of religion.

**ENGLISH** only

### **FECRIS:**

A Source of Religious Discrimination in the OSCE in Contravention of the Right to Religious Freedom under the Helsinki Accords

### **Submission by Church of Scientology**

OSCE Supplementary Human Dimension Meeting: Freedom of Religion or Belief

Session 1
From Commitments to Implementation: Freedom of Religion or Belief in the OSCE Area

Vienna, 9-10 July 2009

The European Federation of Centres of Research and Information on Sectarianism (FECRIS) portrays itself as a collection of national groups protecting the family, the individual and democratic society and representing associations concerned with "sectarian" characteristics. In reality, this group fosters and fuels discrimination and intolerance directed at minority religious organizations and their members in the OSCE region through the dissemination of false and misleading information about these groups and through actions which interfere with the right of minority members to freedom of religion, freedom of association and freedom from discrimination. These actions violate the principles of non-discrimination and minority religious tolerance at the heart of the Helsinki Accords, the European Convention on Human Rights and the UN Bill of Rights.

FECRIS and its member groups have been instrumental in fostering and fueling animus towards targeted minority faiths throughout Europe. Some individuals associated with such groups have, in the past, engaged in extremist activities such as deprogramming – which entails kidnapping and false imprisonment of individuals based on their personal associations and beliefs.

# Illegal Actions of FECRIS Member Groups in Violation of Human Rights

Examples of civil condemnations and criminal convictions regarding improper and illegal actions in violation of fundamental Council of Europe human rights principles taken by FECRIS member groups or individuals associated with such groups include the following.

- Deprogramming. One of the most reprehensible and illegal activities utilized by certain representatives from FECRIS member groups in the past in violation of fundamental Council principles is the technique of "deprogramming". In a decision rendered by the European Court of Human Rights in 1999 against Spain regarding false imprisonment and deprogramming, the Human Rights Court determined that the FECRIS member group AIS/Pro Juventud had a "direct and immediate responsibility for ... the applicants ... loss of liberty" (37680/97, Ribera Blume and others v. Spain).
- Deprogramming. Cyril Vosper, at the time an executive board member of FAIR, a FECRIS member group from the United Kingdom, was convicted in December 1987 in Germany for false imprisonment and causing bodily harm in a deprogramming case. He was not expelled from FAIR.
- Deprogramming. In 1990, two members of SADK, the FECRIS member group in Switzerland, were sentenced to prison in connection with a violent deprogramming attempt on a member of the Hare Krishna movement. Mr. Rossi, the spokesman for SADK in 1990, spoke out on behalf of SADK in favor of the deprogramming in which the victim had been subdued with tear gas, saying "We support and approve of the deed."
- <u>Deprogramming.</u> Members of Swedish FECRIS member group FRI have been convicted in connection with a deprogramming attempt on a member of a Christian group in Gothenburg Sweden.
- <u>Promotion of "Sect" filters</u>. The German FECRIS member group AGPF has promoted and disseminated so-called "protection clauses" clauses inserted into employment contracts that attest that the applicant is not associated with Scientology to companies in Germany for their use.
- **Defamation**. Mr Friederich Griess is the former President of FECRIS and a Board Member of Austrian FECRIS group GSK. On approximately

six occasions, Austrian Courts have determined that Mr. Griess defamed Norweger, a Christian religious group present in over 60 countries, by disseminating false and derogatory information to the public regarding this religious group.

- Defamation. Courts in France have determined that UNADFI, the French-language FECRIS member group (ADFI founded FECRIS), and individuals and groups associated with UNADFI have engaged in defamation by disseminating false and derogatory information on targeted minority religious groups and individuals associated with such groups in approximately eight cases.
- Defamation. In a final judgement on 19th December 2001 rendered by the Munich State Court (Case Az: 908736/99), Ms. Heide-Marie Cammans, founder of the German FECRIS member group Sect-info Essen, was ordered to stop circulating falsehoods about the religious group Takar Singh. Sect-info Essen was also forbidden from circulating a book it had been distributing about Takar Singh ( Die Neuen Heilsbringer, Auswege oder Wege ins Aus)

### **Discrimination Against Minority Faiths**

Although FECRIS purports to support religious pluralism, its literature makes clear that it is referring to its own narrow definition of religion which excludes religious groups targeted by FECRIS as "sects".

This type of classification has resulted in the stigmatizing and blacklisting of religious groups as "sects" in the OSCE region. There is no rational justification for such classification. It is designed to ensure that the principles of equality and non-discrimination are withheld from groups stigmatized as "sects" in contravention of fundamental human rights.

The United Nations, religious experts, and UN treaty-based bodies have consistently found that the expression "religion or belief," as well as the individual terms "religion" and "belief," must be construed broadly to include non-traditional religions and all forms of belief.

Likewise, the Human Rights Committee has found that freedom of religion is not limited in its application to traditional religions and that any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community, contravenes Article 18 of the International Covenant on Civil and Political Rights.

Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community.

General Comment No. 22 on Art. 18 (Para 2).

The discriminatory approach advocated by FECRIS undermines religious freedom for all and represents a breach of Articles 9 and 14 of the European Convention on Human Rights, Article 18 of the International Covenant on Civil and Political Rights and the objective of the OSCE to achieve unity and harmony throughout Europe by eliminating all forms of discrimination, and ensuring that all citizens have the free right to practice any religion and hold any religious belief.

### Conclusion

These examples of discrimination by FECRIS member groups and illegal and reprehensible actions individuals associated with these groups underscore why FECRIS constitutes an international organization that undermines religious freedom and religious tolerance in the OSCE region in contravention of the principles of non-discrimination, equality and religious freedom for all.



### **OSCE Human Dimension Implementation Meeting**

Warsaw, 6 October 2008

**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.

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### **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 Muslimsthe 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 cultwatching 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.

### 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.

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 antisect parliamentary commissions have been set up, reports stigmatizing small religious groups have been published and laws targeting them specifically have been adopted iv. 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 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. VIII, 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 viii. 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.
- **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** iii, **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 <a href="http://www.ccmm.asso.fr">http://www.ccmm.asso.fr</a>, 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." XVIII

### 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 (<a href="https://www.ciaosn.be">www.ciaosn.be</a>)." (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.

<sup>&</sup>lt;sup>1</sup> UN. Economic and Social Council. Commission on Human Rights, 62<sup>nd</sup> session. Item 11 (e) of the provisional agenda. Cicil 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>2005).</sup> E/CN.4/2006/5/Add.4, 8 March 2006

"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.

iii 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 gouvernment 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>&</sup>lt;sup>1V</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.

 $<sup>^{\</sup>mathrm{v}}$  See TE-SAT 2008, EU Terrorism Situation and Trend Report .

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 <a href="http://www.europol.europa.eu/index.asp?page=publications&language="http://www.europol.europa.eu/index.asp?page=publications&language="http://www.europol.europa.eu/index.asp?page=publications&language="http://www.europol.europa.eu/index.asp?page=publications&language="http://www.europol.europa.eu/index.asp?page=publications&language="http://www.europol.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.eu/index.asp?page=publications.google.europa.euro

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

viii See http://www.osce.org/documents/odihr/2006/10/21346\_fr.pdf

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

<sup>&</sup>lt;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.

Jacky Cordonnier, member of UNADFI, 29<sup>th</sup> March 2002. Criminal conviction for defamation. The Marseille Country Court condemned him fir 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)

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)

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

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.

xiv Miviludes Report 2007, pp 111-112.

xv 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.

xvi 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.

xvii 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 gouvernment 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. »

xviii Full text of the judgment and press release in Dutch: <a href="http://www.sahajayoga.be/article163.html">http://www.sahajayoga.be/article163.html</a> In French, the same press release and a translation of the conclusions of the judgment: <a href="http://www.sahajayoga.be/article164.html">http://www.sahajayoga.be/article164.html</a>

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

http://www.ciaosn.be/rapport bisannuel2003-2004.pdf

xx 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.

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).

xxii 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.

xxiii See footnote 5

xxiv 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).

xxv 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

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

xxviii//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 « Gouvernment 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 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. \*\*xviii\*\*

As a follow up, a Parliamentary Working Group 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

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

Unive rsity of Graz

Institute for Austrian, European and Comparative Public Law, Political Sciences and Public Administration

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### Sweden

Prof. Peter ÅKERBÄCK History of Religions, University of Stockholm

## EUROPEAN HUMAN RIGHTS OFFICE CHURCH OF SCIENTOLOGY INTERNATIONAL

Submission to OSCE Human Dimension Implementation Meeting

Working session 12 and 13: Freedom of religion or belief

7 October 2008

# FECRIS: A Source of Religious Discrimination in the OSCE in Contravention of the Right to Religious Freedom under the Helsinki Accords

The European Federation of Centres of Research and Information on Sectarianism (FECRIS) portrays itself as a collection of national groups protecting the family, the individual and democratic society and representing associations concerned with "sectarian" characteristics. In reality, this group fosters and fuels discrimination and intolerance directed at minority religious organizations and their members in the OSCE region through the dissemination of false and misleading information about these groups and through actions which interfere with the right of minority members to freedom of religion, freedom of association and freedom from discrimination. These actions violate the principles of non-discrimination and minority religious tolerance at the heart of the Helsinki Accords, the European Convention on Human Rights and the UN Bill of Rights.

FECRIS and its member groups have been instrumental in fostering and fueling animus towards targeted minority faiths throughout Europe. Some individuals associated with such groups have, in the past, engaged in extremist activities such as deprogramming – which entails kidnapping and

false imprisonment of individuals based on their personal associations and beliefs.

# Illegal Actions of FECRIS Member Groups in Violation of Human Rights

Examples of civil condemnations and criminal convictions regarding improper and illegal actions in violation of fundamental Council of Europe human rights principles taken by FECRIS member groups or individuals associated with such groups include the following.

- Deprogramming. One of the most reprehensible and illegal activities utilized by certain representatives from FECRIS member groups in the past in violation of fundamental Council principles is the technique of "deprogramming". In a decision rendered by the European Court of Human Rights in 1999 against Spain regarding false imprisonment and deprogramming, the Human Rights Court determined that the FECRIS member group AIS/Pro Juventud had a "direct and immediate responsibility for ... the applicants ... loss of liberty" ( 37680/97, Ribera Blume and others v. Spain).
- Deprogramming. Cyril Vosper, at the time an executive board member of FAIR, a FECRIS member group from the United Kingdom, was convicted in December 1987 in Germany for false imprisonment and causing bodily harm in a deprogramming case. He was not expelled from FAIR.
- <u>Deprogramming</u>. In 1990, two members of SADK, the FECRIS member group in Switzerland, were sentenced to prison in connection with a violent deprogramming attempt on a member of the Hare Krishna movement. Mr. Rossi, the spokesman for SADK in 1990, spoke out on behalf of SADK in favor of the deprogramming in which the victim had been subdued with tear gas, saying "We support and approve of the deed."
- <u>Deprogramming.</u> Members of Swedish FECRIS member group FRI have been convicted in connection with a deprogramming attempt on a member of a Christian group in Gothenburg Sweden.

- Promotion of "Sect" filters. The German FECRIS member group AGPF has promoted and disseminated so-called "protection clauses" clauses inserted into employment contracts that attest that the applicant is not associated with Scientology to companies in Germany for their use.
- Defamation. Mr Friederich Griess is the President of FECRIS and a Board Member of Austrian FECRIS group GSK. On approximately six occasions, Austrian Courts have determined that Mr. Griess defamed Norweger, a Christian religious group present in over 60 countries, by disseminating false and derogatory information to the public regarding this religious group.
- Defamation. Courts in France have determined that UNADFI, the French-language FECRIS member group (ADFI founded FECRIS), and individuals and groups associated with UNADFI have engaged in defamation by disseminating false and derogatory information on targeted minority religious groups and individuals associated with such groups in approximately eight cases.
- Defamation. In a final judgement on 19th December 2001 rendered by the Munich State Court (Case Az: 908736/99), Ms. Heide-Marie Cammans, founder of the German FECRIS member group Sect-info Essen, was ordered to stop circulating falsehoods about the religious group Takar Singh. Sect-info Essen was also forbidden from circulating a book it had been distributing about Takar Singh ( Die Neuen Heilsbringer, Auswege oder Wege ins Aus)

## **Discrimination Against Minority Faiths**

Although FECRIS purports to support religious pluralism, its literature makes clear that it is referring to its own narrow definition of religion which excludes religious groups targeted by FECRIS as "sects".

This type of classification has resulted in the stigmatizing and blacklisting of religious groups as "sects" in the OSCE region. There is no rational justification for such classification. It is designed to ensure that the principles of equality and non-discrimination are withheld from groups stigmatized as "sects" in contravention of fundamental human rights.

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The United Nations, religious experts, and UN treaty-based bodies have consistently found that the expression "religion or belief," as well as the individual terms "religion" and "belief," must be construed broadly to include non-traditional religions and all forms of belief.

Likewise, the Human Rights Committee has found that freedom of religion is not limited in its application to traditional religions and that any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community, contravenes Article 18 of the International Covenant on Civil and Political Rights.

Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community.

General Comment No. 22 on Art. 18 (Para 2).

The discriminatory approach advocated by FECRIS undermines religious freedom for all and represents a breach of Articles 9 and 14 of the European Convention on Human Rights, Article 18 of the International Covenant on Civil and Political Rights and the objective of the OSCE to achieve unity and harmony throughout Europe by eliminating all forms of discrimination, and ensuring that all citizens have the free right to practice any religion and hold any religious belief.

#### Conclusion

These examples of discrimination by FECRIS member groups and illegal and reprehensible actions individuals associated with these groups

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underscore why FECRIS constitutes an international organization that undermines religious freedom and religious tolerance in the OSCE region in contravention of the principles of non-discrimination, equality and religious freedom for all.

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Your Forum for Religious Tolerance & Human Rights

## **OSCE Human Dimension Implementation Meeting**

Warsaw, 29 September 2009

**Working Session 2: Fundamental Freedoms I** 

"State Sanctioned Religious Intolerance in European Countries"

 $\textbf{Website:} \ \underline{www.religionsfreiheit.at,} \ \textbf{Blog:} \ \underline{http://religiousfreedom-europe.blogspot.com/}$ 

## Statement & Recommendations to the OSCE/ODIHR

#### **BACKGROUND:**

In Austria, we have over 70 percent Catholics. Islam, with 400 000 Muslims constitutes the second largest faith community. There are approximately 600 religious minority groups. Only 14 faith communities enjoy special privileges by the state. With a population of 8.2 Million Austria has no less than 34 Anti–Sect offices operating in the country. Proportionally, this marks an unmatched record in Europe and even on a global scale.

- Including the Federal Sect Observatory, there are six (6) state sponsored sect-observation offices
- Nine (9) Catholic Sect Offices
- Seven (7) Protestant Sect Offices
- Four (4) Private Sect Offices
- and eight (8) Family Counselling Offices with special emphasis on "Sectarian issues".

Austria's constitutionally granted freedom of religion and the neutrality of the state in religious matters is torpedoed by the following facts:

## 1. The Federal Sect Office

In 1998, the Austrian Parliament passed the Federal Law for the Establishment of a **Documentation and Information Office for Matters Concerning Sects.** The tasks of this office, whose head was appointed and supervised by the minister for social security and generations, were to collect and distribute information about dangers originating from programs or activities of sects or sect-related activities. **The Federal Sect Office** received in recent years annually over €500 000, - support from the Federal government, that means the taxpayers money.

- 1. "Sects" within the mainstream churches are excluded from observation by this office. The law is not applied to state-recognized churches and confessional communities and is therefore discriminatory (Expert View by Prof. Dr. Christian Brünner Karl-Franzens-University of Graz, Institute for Austrian, European and Comparative Public Law, Political Sciences and Public Administration, President of FOREF Europe).
- 2. The in 1998 appointed **director of the federal sect office** is the former leader of the controversial Vienna based, private Anti-Cult Organisation

- 3. Two key staff members (of 6) in the federal sect office: A Catholic theologian and a pedagogue in Protestant theology.
- 4. The Federal Sect Office is regularly briefing the sect offices of the mainstream **c**hurches on the activities of minority religions.
- 5. Even on its official website the Federal Sect Office is advertizing the sect offices of the mainstream churches according to the motto: "Big fish eats little fish!"
- 6. The federal government is still using the derogatory and stigmatizing term "sects" for minority religions and thus sanctioning the use of this term in the educational system & media. This is clearly violating OSCE standards and the EU standards regarding anti-discrimination.
- 7. Besides, in Austria there is **no legal protection in cases of defamation of religious organizations.**

Teachers repeatedly justified their discriminating behavior towards pupils from minority religions with the mere existence of the Federal Sect Office. Furthermore, the government issued a anti-sect brochure (widely distributed by the Ministry of Family & Youth). The use of anti-sect videos, which are being circulated nationwide in schools for religious education, but occasionally also in social and political education, are violating the religious freedom of pupils (see next paragraph).

## **Recommendation 1:**

We appeal to the OSCE to propose an independent scientific advisory board to accompany & monitor the activities of the Federal Sect Office in Austria. **Or otherwise to follow the German example:** Close the office and thereby set a positive example to promote religious tolerance according to OSCE standards.

## 2. 43 Anti-Sect Videos in Austrian Schools

Most high-school students have to attend lessons on "Sektenaufklärung", which in reality means biased anti-cult lessons in religious- and social education.

The information contained in the materials (Videos disseminated by the "Landesbildstellen") & Pamphlets is not only largely outdated. It is also

discriminating and biased, since it is often produced by the apologetic quarters of the mainstream churches in order to project their view on small religions or so called 'sects'. Especially children, whose parents are members of a targeted religious minority, are suffering under these circumstances.

So far the Ministry of Family & Youth nor the Ministry of Education & Cultural Affairs has not done anything significant to prevent the use of discriminatory & stigmatizing anti-sect teaching materials.

## **Recommendation 2:**

We appeal to the OSCE to propose an **independent scientific board** to the Austrian Ministry of Education i.o.to assess the circulated information materials on religious minority groups with the purpose of eliminating outdated and discriminatory content. Even these materials are used in religious education; the state still holds responsibility to stop the misuse of the educational system for discriminatory purposes.

# 3. Austrian Legislation on Confessional Communities (1998) "reating a religious class society"

The 1998 Act on the Legal Status of Registered Confessional Communities has been criticised by various constitutional experts & human rights organisations to create an atmosphere of spiritual apartheid and a religious three class society in Austria. The unconstitutional nature of this legislation has been highlighted by the European Court of Human Rights in the case of the Jehovah's Witnesses.

## **Recommentation 3:**

We ask the OSCE to recommend less discriminatory models of legislation to the Federal government of Austria.(take examples from the OSCE region).

## 4. Kazakhstan

The Case of Liza Drenicheva – a young missionary woman (Unification Church) sentenced to jail for 2 years for doing missionary work:

Friday, 9. Jan 2009 Mrs. Elizaveta Drenicheva (28) had to go to jail in Almaty, Kazakhstan. The pronounced punishment for the young missionary is no less than two years behind bars in a District prison. According to the prosecutor, E. Drenicheva was sentenced for "having committed heavy crimes against the peace and security of humanity".

## THE "BIG CRIME":

Mrs. Drenicheva gathered 4 people for a seminar and over a course of four days she taught to her audience the Unification Principles, the Theology of the Church of the Rev. Sun Myung Moon.

**Update** (**September 09**): Mrs. Drenicheva has been released from prison after two month and could return to Russia to take care of her sick mother. However, so far she has not been vindicated in court and she is still regarded guilty for "having violated the peace and security of humanity"!"An appeal to reverse this verdict has been filed.

Until Mrs. Drenicheva is totally vindicated, the members of the Unification Church in Kazakhstan fear that they too may be put to jail like Liza, when they simply exercise their religious duty by sharing their faith.

Putting a young missionary woman behind bars - for doing nothing else but practicing her religious duties in proclaiming her faith - is another clear violation of the very principles the OSCE is trying so hard to implement in the Region.

## **RECOMMENTATION 4:**

We therefore ask the OSCE to appeal to the Kazakh government to protect the rights of minorities and grant equal religious freedom to all churches – the large ones and the small ones.

Kazakhstan's challenge for chairing the OSCE in 2010 is to set an example by implementing OSCE standards in the field of religious freedom, which is a fundamental human right.

## **BACKGROUND INFORMATION:**



Your Forum for religious Tolerance & Human Rights

FOREF (Forum for Religious Freedom) -Europe, Office: Seidengasse 28/4, 1070 Vienna, AUSTRIA President: Prof. Dr. Christian Bruenner, Secretary General: Peter Zoehrer, Phone: +43 6645238794, E-mail: <a href="webmaster@religionsfreiheit.at">webmaster@religionsfreiheit.at</a>, & <a href="zoehrer@gmail.com">zoehrer@gmail.com</a>
Website: <a href="www.religionsfreiheit.at">www.religionsfreiheit.at</a>, Blog: <a href="http://religiousfreedom-europe.blogspot.com/">http://religiousfreedom-europe.blogspot.com/</a>

## **Kazakhstan:** Two year jail sentence for church missionary



FOREF-Almaty/Vienna: Friday, 9. Jan 2009 Mrs. Elizaveta Drenicheva (28) had to go to jail in Almaty, Kazakhstan. The pronounced punishment for the young missionary is no less than two years behind bars in a District prison. According to the prosecutor, E. Drenicheva was sentenced for "having committed heavy crimes against the peace and security of humanity".

Mrs. Drenicheva is Russian citizen. She has joined the Unification Church in 1995 and started her missionary work in Kazakhstan only 3 years ago.

Already in April last year the Committee for National Security (KNB - former KGB) of Almaty undertook operations, such as bugging phones and offices. Also they are said to have observed Church members and associates in their activities related to the Unification Church, which has been a registered NGO in the country since 1997.

**According to Mrs. Drenicheva:** "On July  $2^{nd}$ , 2008 at 6 am KGB officers broke into the building of the Peace Embassy as well as into our flats to make a random search. They took away all our literature and computers. I was arrested. Other members where asked not to leave the country. After two days I was released from the pre-trail prison and had to sign a written pledge not to leave the country.

On October 24 legal proceedings got under way in the Almalinskiy District Court of the City of Almaty. I was accused according to the article 164 part 2 of the Criminal Code of Republic of Kazakhstan for "having violated the peace and security of humanity"!"

#### THE "BIG CRIME":

Mrs. Drenicheva gathered 4 people for a seminar and over a course of four days she taught to her audience the Unification Principles, the Theology of the Church of the Rev. Sun Myung Moon.

Mrs. Drenicheva's crime had been to gather a small audience for a seminar to study the theological teachings of the Reverend Dr. Sun Myung Moon. An undercover KNB agent who, under the pseudonym "Medvedev", had infiltrated the audience, claimed the content to be "propaganda that showed signs of harmful effects on the integrity of the state".

However the Chief of Kazakhstan's International Bureau for Human Rights, Mr Eveniy Zhovtis maintained the theological teachings to be biblical interpretations that were not markedly different from those of other religions and questioned whether the trial meant that the government would now similarly start putting priests, monks and nuns into jail.

He summed up the situation by saying, "The fact that such a trial even got under way is truly a disgrace. It's a shame on a country that has suffered so much due to religious persecution. You could hardly imagine a better way to discredit our country."

The expert on human rights has also been referring to Kazakhstan's expected OSCE Presidency in 2010. This has not been confirmed yet, since a proposed new law on religion has caused an outrage of critique from the international human rights community as well as from OSCE itself. The draft of the law is said to fail the OSCE standards of human rights by far. That may well be the main reason, why the passing of the law is still on hold.

In October 2008 at the OSCE Human Dimension Implementation Meeting (Warsaw) Kazakhstan was heavily rebuked by various human rights defenders and NGOs for restrictive measures on religious communities and the proposed law (see attachment). One of the numerous examples for that practice was the tearing down of the only Krishna Temple in the country.

Kazakhstan's challenge for chairing the OSCE in 2010 is to set an example by implementing OSCE standards in the field of religious freedom, which is a fundamental human right.

Putting a young missionary woman behind bars - for doing nothing else but practicing her religious duties in proclaiming her faith - is another clear violation of the very principles the OSCE is trying so hard to implement in the Region.

This report has been written by Peter Zoehrer

**Update** (**September 09**): Mrs. Drenicheva has been released from prison after two month and could return to Russia to take care of her sick mother. However, so far she has not been vindicated in court and she is still regarded guilty for "having violated the peace and security of humanity"!"An appeal to reverse this verdict has been filed.

Until Mrs. Drenicheva is totally vindicated, the members of the Unification Church in Kazakhstan fear that they too may be put to jail like Liza, when they simply exercise their religious duty by sharing their faith.

### **Link to Video of the Trial:**

http://foreignnations.org/sites/frame/ucnews/elizaveta drenicheva trial.html



Your Forum for Religious Tolerance & Human Rights

# The Role of Religion in the Protection of Human Rights and Human Dignity

Statement presented by
Peter Zoehrer
Secretary General, FOREF-Europe









Geneva Conference on Interfaith Cooperation and the Protection of Human Rights and Dignity

September 1-2, 2008, Geneva, Switzerland

# The Role of Religion in the Protection of Human Rights and Human Dignity

#### 1. The power of true religion

Mr. Chairman, your Excellencies, Distinguished guests, Ladies and Gentlemen: in 1948, exactly 60 years ago, the United Nations adopted the Universal Declaration of Human Rights which operates as an authoritative guide in the field of human rights. FOREF Europe seeks to promote the vision of religious freedom found in Article 18 of the Declaration:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, alone or in community with others, and, in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

As his Excellency Ambassador Makarim Wibisono has correctly stated: the Universal Declaration of Human Rights has largely been drafted by experts of religion.

Religion has always played a central role in the protection of human rights and especially in the promotion of human dignity. For example the abandonment of slavery was inspired by the biblical concept of "Imago Dei" (Genesis: All men are created in the image of God).

What makes religion strong in the protection of human rights and human dignity is:

- Its emphasis on man's spiritual and eternal nature and dignity as a child of God.
- Its rejection of hatred and violence
- Its obligation to practice love by living for others
- Its power to forgive and reconcile
- Its vision for a world of peace, harmony and mutual prosperity

#### 2. Abuse of Religion as violation of basic human rights

Sadly, throughout history - even until today, religion has often been misinterpreted, misunderstood and misused for hegemonial interests, discrimination and even violence. (crusades, inquisition, religiously motivated wars until today).

If a particular religion claims to be exclusively assigned by divine providence to be the only one, the human rights of people of other faiths or convictions can be severely endangered.

As Rev. Dr. William McComish stated: Never quote a spiritual source to justify discrimination or violence!

That is the very reason why true religious leaders and defenders of religious freedom always emphasise the importance of religious tolerance.

### 3. Religious Freedom as a fundamental human right

"The right of freedom of conscience and belief ... religious freedom constitutes the very foundation for the other fundamental freedoms of man!" Cardinal Franz KÖNIG (Austria)

For a religious person, can there be any other right more important than the freedom to worship your creator and follow his will in the way your conscience commands you to do? Mr. Chairmen, your Excellencies, the importance of religious freedom has been dismally neglected by political leaders! On the contrary, great human rights defenders have always regarded the freedom of faith and conscience as the "mother of human rights". Therefore, the significance of religious freedom for creating social harmony and world peace cannot be emphasised enough.

## 4. Religious Freedom in Europe under threat

"Each civilisation should be judged by the way it treats her minorities!" Mahatma Gandhi

The escalation of religious intolerance and discrimination throughout the new Europe should be a matter of great concern to our political leaders, the European Union and the United Nations.

- Anti-Semitism is on the rise again.
- Islamophobia is spreading throughout Western and Eastern Europe.
- Sectophobia the irrational fear of so called "sects" or religious minority groups has been rising during the last 40 years in Western Europe and since the fall of the iron curtain is now also manifesting in Eastern-Europe.

This is not just a mere assumption. Even governments and powerful state sponsored organisations are still supporting the agents of intolerance and discrimination (of minor religions and new religious movements).

Mr. Chairmen, your Excellencies, Ladies and Gentlemen: It is exactly this kind of religious discrimination that Article 18 was designed to prevent. This is made clear by the UN Human Rights Committee, which in its Comment 22 states:

Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established or represent religious minorities that may be the subject of hostility by a predominant religious community.

Various European governments have created "black lists" of religious minority groups. Sadly, according to the motto "big fish eats little fish", even main stream Churches are often promoting state sponsored discrimination of so called "sects" or small religions. This has been possible through their powerful constituencies in most European countries.

#### 5. The case of Austria

In Austria, we have over 80 percent Catholics. Islam, with 400 000 Muslims constitutes the second largest faith community. There are approximately 600 religious minority groups. Only 13 faith communities enjoy special privileges by the state. With a population of 8.2 Million Austria has no less than 34 Anti–Sect offices operating in the country. Proportionally, this marks an unmatched record in Europe and even on a global scale.

- Including the Federal Sect Observatory, there are six (6) state sponsored sect-observation offices
- Nine (9) Catholic Sect Offices
- Seven (7) Protestant Sect Offices
- Four (4) Private Sect Offices
- and eight (8) Family Counselling Offices with special emphasis on "Sectarian issues".

Austria's constitutionally granted neutrality of the state in religious matters is torpedoed by these facts. Members of religious minorities from Austria and neighbouring countries report numerous cases of religious discrimination in schools, communities and in their workplace. Even established NGOs with a consultative status at the UN (ECOSOC), who are running peace initiatives or relief projects in line with the UN-Millennium Development Goals reported to FOREF, that their work has been severely hampered by the interventions of the so called "sect experts". Victims especially hold the state responsible for creating an atmosphere of religious intolerance and spiritual apartheid. As a result, in July the European Court of Human Rights has rebuked Austria for its discriminating legislation against non-traditional faith communities.

#### 6. Institutionalised discrimination of religious minorities in Europe

In spite of many objections by faith communities, the Council of Europe granted FECRIS (*Fédération européenne des centres de recherche et d'information sur le sectarisme*) consultative status in 2005. The named organisation - under the banner of human rights - promotes discriminating anti-cult legislation throughout Europe. FECRIS receives substantial funding (over 90% of its annual budget- as quoted by the SG of the organisation) from the French government. Numerous protests of human rights defenders in the OSCE, COE, the UN and other Institutions have yet to bear fruits.

## 7. FOREF recommendations to religious leaders, NGO representatives and human rights defenders

- Appeal to governments to stop funding prejudiced public and private organizations which
  promote and propagate defamatory statements about faith communities and religious
  organisations. Such activities infringe the principles of tolerance and integration
  promoted by the UN, OSCE, COE and the European Union.
- Appeal to religious leaders to promote tolerance toward all religious groups, regardless whether they are weak or strong, large or small.
- Appeal to religious leaders to invoke the great power of religion for reconciliation and peace building. After all, we are one family under God.

"We must learn to live together as brothers and sisters or perish together as fools." Dr. Martin Luther King Jr.

End of statement

## **Brief history of FOREF Europe:**

**1998:** FOREF (Forum for Religious Freedom) & Religious Freedom Website (www.religionsfreiheit.at) was initiated by Peter Zoehrer (Austria) "out of necessity", since the government has just introduced two new laws, severely curtailing the rights of religious minority groups: 1) the establishment of a "federal sect observatory office" (annual budget over €500 000), 2) the introduction of a law for "confessional communities".

**2003:** FOREF regularly reports to the media, OSCE, US-State Department, Human Rights Without Frontiers and various other human rights organisations on religious freedom violations in Austria & other European countries.

**2006:** FOREF-Europe registered as an official Association (NGO). Prof. Dr. Christian Bruenner, a renowned constitutional expert becomes president & Mr. Zoehrer takes on the job of secretary general.

**2007:** FOREF establishes an international scientific board of experts & a religious board. **2008:** The website counts 100 000 to 150 000 hits per month and has become a respected religious freedom monitor and medium-forum for members of religious minority groups, their opponents, public media, legislators, government agencies and Human rights defenders.

During the past 8 years FOREF scored over 30 victories in helping victims of religious intolerance to regain their rights, get vindicated from injustice, discrimination or persecution.

## EUROPEAN HUMAN RIGHTS OFFICE CHURCH OF SCIENTOLOGY INTERNATIONAL

OSCE Supplementary Human Dimension Meeting: Freedom of Religion or Belief

Warsaw 29 September 2009

**Religious Discrimination in France: 2009** 

On 19 September 2008, Prime Minister Fillon appointed Mr. Georges Fenech, former Magistrate and suspended Member of Parliament, as President of MIVILUDES (the Inter-Ministerial Mission of Vigilance to Fight against Sectarian Drifts). MIVILUDES is an inter-ministerial government entity under the Prime Minister tasked to collect information on religious movements and inform the public about the "risks of sectarian deviances". MIVILUDES is composed of a President, a Secretary General with a task force of twelve officials assigned from government ministries, an Executive Committee composed of 18 government officials from nine ministries, and an Advisory Council composed of eight members of Parliament, eight associations, and 14 "experts".

Mr. Fenech assumed his position as President of MIVILUDES on 1 October, 2008. This appointment is of great concern to minority religious organizations in France. Not only is Mr. Fenech unfit for such a high level government appointment due to his controversial background, which includes pending penal proceedings<sup>1</sup> and suspension from Parliament, Mr. Fenech has also exhibited a complete lack of objectivity and neutrality on the issues of religious tolerance and religious freedom. His appointment as President has resulted in policies, statements and activities from MIVILUDES that represent a backward step for religious freedom and a return to religious repression of minorities in France.

## Repressive Recommended Measures Contrary to Fundamental Human Rights

By way of background, a few days after his Parliamentary mandate was cancelled for violating election laws, Mr. Fenech was appointed in April 2008 by the Prime

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<sup>&</sup>lt;sup>1</sup> On 11 February 2009, the Procurator of the Republic demanded a suspended six-month prison term for Mr. Fenech for his alleged role in the "Angola-gate". Mr. Fenech was indicted for accepting a check of 100,000 Francs (15,000 EUR) from the company Brenco whose director, Pierre Falcone, was indicted for illegal sales of weapons to Angola. He was then the President of APM (Association Professionelle des Magistrats). Sentence will be pronounced on 27 October 2009.

Minister to conduct a study and evaluation of the Judiciary to ensure that it is set up to "fight more efficiently" against "sectarian abuses". The Report, presented to the Prime Minister in September 2008, advocates a series of draconian measures to "fight" targeted faiths in the Courts. For example:

- The Report recommends having Guardianship Judges intervene at the request of third parties or families in order to place the "consenting victims" under guardianship and a higher sensitization of Guardianship Judges to "sectarian drifts".
- The Report recommends that, during judicial investigations, a psychiatric
  examination should occur to confirm if the adherence to the religious minority
  group constitutes a state of subjection and that, during custody, a special
  support be organized with a psychologist and anti-sect associations as
  "followers who are not conscious of living in a situation of dependency" are
  "susceptible of strong emotional reactions at the time of their arrest and in
  the following hours"
- The Report recommends the creation of "Cells of mobile intervention on sectarian subjection" (Cellules d'Intervention Mobile sur l'Emprise Sectaire or CIMES) composed of a psychologist expert in "sectarian" matters and antisect associations to carry out these "interventions" during police operations and custody, concluding that "Such a cell which relies to date on the sole initiative of dedicated professionals could be very usefully turned into a permanent institution under either the Ministry of Justice or the MIVILUDES".
- The Report recommends that a program on "sectarian drifts" be included in the training of psychiatrist experts before the Courts to advise Magistrates on identifying the criteria of "sectarian drifts" such as "mental destabilization".

Many of the recommendations in the Report stem from the premise that the doctrines and beliefs of religions derogatorily referred to as "movements of sectarian character" are inherently dangerous and not entitled to be treated like other religions. The Report champions the theory that *all members* of these minority religious movements are victims.

For example, characterizing consenting adults who choose to be members of minority faith communities as "happy slaves" who are "not yet conscious of being victims" (Report at 42) exposes a bias against the beliefs of targeted religions that cannot be countenanced with France's duty to remain neutral, objective and impartial on matters relating to religion.

According to Mr. Fenech's repressive Report, one issue at stake is to "protect" children from their parents' beliefs. Such a backwards approach, and the recommendations that flow from that approach, constitutes a clear violation of the right of parents to educate their children according to their own beliefs guaranteed by international human rights treaties that France has signed and ratified, including

Article 2 of Protocol 1 of the European Convention on Human Rights, which states that:

"The State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions".

These recommendations regarding children who have parents in minority faiths are especially egregious as the United Nations Rapporteur on Freedom of Religion or Belief published a report in March 2006 regarding her visit to France in which she determined that the divisive policies adopted by the government at that time has resulted in " the public condemnation of some of these groups, as well as the stigmatization of their members, which has led to certain forms of discrimination, in particular vis-à-vis their children".

Rather than attempt to repair these human rights shortcomings identified by the UN Religious Freedom Rapporteur, the foremost UN expert on international human rights law and religious freedom, MIVILUDES under Mr. Fenech's leadership, has instead attempted to compound the problem of religious intolerance directed at children of minority faiths by advocating draconian laws and "awareness campaigns" designed to:

- Take custody away from a parent or parents of children of minority faiths simply due to their religious association and belief;
- Stigmatize and marginalize such children in public educational institutions;
- Refuse to respect the fundamental human right of parents to raise their children in accordance with their own religious beliefs;
- Bias court officials against members of minority faiths;
- Stigmatize hundreds of thousands of law abiding French citizens due to their personal religious beliefs and religious association with faiths denigrated as "sects"; and
- Expand the highly controversial and internationally criticized About-Picard law through further repressive legislation.

Despite Mr. Fenech's protests to the contrary, not only purported "sectarian abuses" but *beliefs themselves* are targeted for repression. For example, the Report quotes psychologist Mrs Sonya Jougla with approval:

"Until today, the children who are victims of sects remain the forgotten of society and of professionals of childhood in danger; maybe because it is even more difficult to protect a child from his parents' beliefs than from their beating or their incestuous sexuality; maybe also because the duress that the parents impose on their child by immerging him into a sect is perfectly legal "(Report at 30).

This statement is very clear: the issue at stake is to protect children from their parents' beliefs. Such an approach, and the implementation of recommendations that flow from that approach, constitutes a clear violation of the right of parents to educate their children according to their own beliefs guaranteed by the International Covenant on Civil and Political Rights and the European Convention of Human Rights.

The French State simply has no business intruding into the sphere of religious convictions to "fight against" beliefs it does not approve of, yet that is what Mr. Fenech advocates.

## Renewed Call for a "Sect List" and Implementation of a "Reference List"

In February 2009, Mr. Fenech called on the government to re-institute a so-called official "sect list" in France similar to the infamous blacklist established by a Parliamentary Commission in 1995.

Mr. Fenech publicly lobbied for this blacklist even though the previous "sect-list" had been officially withdrawn in a Circular letter by then Prime Minister Raffarin in May 2005 on the grounds that it operated as a blacklist, because of the overwhelming prejudice it caused to organizations on the list and due to its misuse by MIVILUDES officials to justify harassment and persecution of religious minorities. As reported in Le Parisien on 13 February 2009:

"The policy of Michèle Alliot-Marie in this field is in conformity with the 2005 circular letter released by Jean-Pierre Raffarin (2) which was rejecting lists of movements likely to have cultish misbehaviors and was following another line of thought: to qualify in legal terms facts that could be viewed as criminal offences. In her letter addressed to François Fillon, the Minister of the Interior expresses her "surprise" about the policy change of Miviludes, "without any previous inter-ministerial dialogue" and severely points at the move: infringement of freedom of conscience, weakening of France on the European and international scene, repeated condemnations of its intransigence on religious freedom issues by the annual report of the US Department of State but also by the OSCE (Organization for Security and Cooperation in Europe)".

There is no question that Mr. Fenech's incendiary statements to reinstitute a blacklist are designed to incite religious intolerance in France. The previous religious black list represented dark days for religious freedom in France. Human Rights groups, interfaith groups, NGOs, officials from intergovernmental bodies such as the UN, Council of Europe and OSCE, the United States State Department in its human rights reports and other governments spoke out against religious repression in France and France's reputation as a champion of human rights was undermined. Initiation of another blacklist would constitute a giant step backward for religious freedom in France.

Under the previous blacklist, 173 movements and hundreds of thousands of French citizens were officially transformed into second class citizens who were denied basic human and civil rights and "fought against". Targeted groups were routinely subjected to never-ending investigations, audits and inspections. Municipal authorities refused to rent to blacklisted movements. Custodial rights of parents were challenged in court on the grounds that a parent belonged to a religious group on the blacklist. The government

provided information to the public regarding businesses it identified as employing individuals who associated with religious organizations on the blacklist, falsely accusing these businesses of "infiltrating" the French economy by conducting legitimate business in France. Individuals were fired from jobs or not hired due to their religious associations. Ministries cancelled contracts with reputable business if it was discovered principals or employees were members of a religious organization on the "sect list."

As the UN Rapporteur on Freedom of Religion or Belief noted in her report on her September 2005 Mission to France (E/CN.4/2006/5/Add.4):

"The debate on this matter and the different measures that were taken at the governmental and parliamentary level in the second part of the 1990s undermined the right to freedom of religion or belief and raised serious concerns about religious intolerance. In particular, the establishment of a list, as well as the awareness-raising policies that were carried out, raised serious concerns in terms of freedom of religion or belief".

Mr. Fenech's call for a new blacklist in contravention of fundamental human rights provides further proof that he is unfit to hold high office in France. Instead of promoting religious pluralism and tolerance as required by the Helsinki Accords, Mr. Fenech incites religious intolerance towards hundreds of thousands of French citizens associated with religious groups he denigrates as targeted "sects".

In July 2009, the Prime Minister rejected this call for a new blacklist. However, MIVILUDES determined to go forward with what it refers to as a "reference list" (apparently targeting over 200 religious groups) that it promises not to make "public" yet intends to make available to Judges, lawyers, doctors and other "professionals" –

a draconian weapon designed to bias them against targeted minority faiths.<sup>2</sup>

This system of reference will inevitably impose arbitrary restrictions on an individual's human rights in contravention of the Helsinki Accords and OSCE standards. The fact MIVILUDES will refrain from providing the information to the general public – Mr. Fenech has publicly stated that making the list public would "stigmatize" religious groups - does not make it acceptable. Rather, the potential for

 $<sup>^{2}</sup>$  See, e.g. MIVILUDES will not publish a "reference list" of sects, NOUVELOBS.COM, 30.07.2009

tyranny and oppression is even greater. Keeping the list hidden from public view means there can be no transparency and accountability. Restrictions on human rights will be done in the dark of night, without public knowledge or scrutiny. Moreover, leaking of the list to advance discrimination against targeted faiths is inevitable.

### **Improper State Support and Financing of Religious Hate Groups**

The Union of Associations for the Defense of the Family and Individual (UNADFI) and the Centre Against Mental Manipulation (CCMM) are umbrella organizations for anti-religious extremist groups in France. This deceptively-named UNADFI has a history of defaming minority faiths and breaking families apart, at times by violent means. One of the only reasons UNADFI (whose name is often shortened to ADFI) even exists today is because it performs a propaganda function for France's high level anti-religious extremists.

UNADFI and CCMM receive substantial financial support from the French government to promote religious discrimination in France. A third anti-religious group, FECRIS, receives substantial funds from the French government to promote religious intolerance throughout Europe. National, regional, and local government entities administrations provide more than 90% of the budget for these groups. These organizations use these funds to incite religious hatred and fuel religious intolerance against specific groups through completely biased "awareness sessions," conferences and incendiary statements in the media. France thus funds these groups to systematically defame minority religions and engage in the very activities France is forbidden to do under international human rights law, which mandates religious neutrality and the promotion of religious pluralism. That is why these subsidies violate the law and should cease.

Indeed, these organizations enjoy such abysmal private sector support that they could not *exist at all* without public subsidies. In 2000, for example, ADFI received over 1,000,000 Euros from the Ministry of Justice and 8 other ministries. Yet, it received only approximately 12,000 Euros in membership fees and non-government donations. There obviously is no public support for these organizations (which is further evidenced by the dearth of complaints filed against the religions). ADFI uses this funding to mount propaganda campaigns, to solicit legal complaints against religious minorities, and work with their attorneys to prosecute these complaints in tandem with the office of the prosecutor to a chorus of media derision aimed at the targeted minority.

The close working relationship between the Ministry of Justice and ADFI became even more intimate in 2001, when the Ministry signed an agreement with ADFI. Under Article 3 of that agreement, "UNADFI will receive from the Minister of Justice a subsidy amounting to 200,000 francs." In exchange, ADFI is committed to assisting the Ministry by "implementing all the means necessary to the realization of the objective in Article 1." Article 1 requires that ADFI incite criminal complaints against religious minorities.

ADFI reported in its newsletter that "the importance of this circular for UNADFI and ADFI has to be underlined..." and that "UNADFI is pleased to hear about the nomination in each delegation, direction and department of the Minister of a correspondent in charge of sectarian problems."

The government continues to designate UNADFI as an association of public utility (*Association d'Utilité Publique*) to publicly subsidize ADFI's campaign of religious intolerance through propaganda based on false and derogatory data targeting minority faiths and to provide a means for it to be a civil party against "sects". In 2004, the French government granted 110,000 Euros to ADFI in a letter signed by the Prime Minister. Thus, the government sponsors and subsidizes ADFI's orchestrated campaign against a plethora of minority religions it designates by *fiat* as "sects".

Yet, the very concept of fighting "destructive sects", which constitutes ADFI's mandate, is anathema to international human rights standards as it attempts to make an arbitrary distinction between religions described as "good" and religions described as "bad". Based on the public subsidies and laws allowing it to intervene in trials, ADFI has a vested monetary interest in "fighting" religious groups designated as "sects". Its position is purely biased – as a policy it refuses to meet with targeted groups and instead it specializes in providing one-sided and uniformly negative information. As an executive leader of a branch of UNADFI, Gerard Toussaint, declared on a local radio program in Pau, which was quoted in *La Republique*\_in June 2001, "It is part of ADFI's policy to never enter in direct contact with the groups we are fighting against."

Such discrimination is incompatible with the duty of the state to remain neutral and impartial with respect to religions and with the policy of true religious pluralism.

Conscious of the fact that it may not so blatantly discriminate against certain religions consistent with the UN Bill of Rights, France has instead provided private anti-religious groups with the funds and the authority to discriminate against chosen religious denominations. But what France may not do directly under international human rights law it may not do indirectly through a private group. ADFI is nothing more and nothing less than the government's agent in the "fight against sects", and therefore any acts taken by ADFI must be attributable to the government and fall under the jurisdiction of the International Covenant on Civil and Political Rights and other relevant UN instruments.

It is through ADFI and CCMM that extremists have been able to impose their policies on the government and their propaganda attempting to marginalize minority faiths on the public. Yet without substantial government monetary subsidies, ADFI and CCMM would wither away through lack of interest and support from the public.

In September 2001, an individual who planted a bomb at the Church of Scientology's premises in the town of Anger was convicted and sentenced. Fortunately, the bomb never exploded. The man, who stated that he got his information only from public sources (such as the media and promotion from

these anti-religious groups) stated in court that "I was convinced that the cults ... are a threat for freedom, and I considered that almost any means was justified to fight against these organizations." This underscores the influence that extremist statements made by these anti-religious groups and like-minded politicians can have.

## "Awareness" Sessions for Judges and Prosecutors against the Practices of Targeted Religions

Starting in 1996, training and "awareness" programs for the police, state prosecutors, judges of instruction and sitting judges were initiated<sup>3</sup>.

The 2005 Guide for Public Agents on Sectarian Deviations notes that each year the National School for Magistrates (Ecole Nationale de la Magistrature) organizes a one-week seminar on sects for prosecutors, judges, police officers, and government officials from the youth and sports ministry, national education, judicial protection of youth, general direction of competition and consumer offices. Up to 140 trainees take part in this course. The anti-sect magistrate at DACG<sup>4</sup> runs these seminars together with an official at the Labor Ministry.

Along with the Circulars, these seminars and awareness programs improperly prejudice attendees against targeted faiths by providing biased stereotypes and unscientific information, and thus clearly violate human rights standards. Belgian officials have also lectured and participated in these seminars on "sects."

Based on documents released under the Freedom of Information law, the presentations on the targeted religions have been biased. The seminars delivered to the judges have included specific briefings on Scientology, Jehovah's Witnesses and other targeted groups, with information provided by UNADFI and CCMM, and without any possibility of contradiction, debate or rebuttal by the concerned groups. As part of the documents distributed to the attending judges, press articles hostile to these groups were provided, as evidenced by the list of documents attached to the programs of the seminars.

The positive jurisprudence and official recognitions regarding these groups has been completely ignored. Only a few negative court decisions were provided, and decisions from higher judicial authorities directly contradicting those decisions were also not discussed. Objective and scientific information regarding these groups was not included – neither objective scholars nor experts in the field of religion were

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<sup>&</sup>lt;sup>3</sup> "State prosecutors" and "judges" stand for the French term *magistrats*, which have a different meaning than the English term "magistrate". In the French system, *magistrat* refers to state officials who administer justice and who have their decisions enforced. This term includes both state prosecutors and judges. In France, the distinction between state prosecutors and judges is conveyed by the use of *debout* and *assis* – the prosecutor is a *magistrat debout* and the judge a *magistrat assis*.

<sup>&</sup>lt;sup>4</sup> Direction des Affaires Criminelles et des Grâces: Office of Criminal Affairs and Pardon at the Ministry of Justice

included in the program, exposing the program as an attempt to prejudice the judiciary against minority religious organizations.

Mr Fenech, in his Report to the Prime Minister, recommended that the education of Magistrates on "sectarian drifts" be extended. Recommendation 10 of the Report focused on "develop[ing] the continued education of Magistrates" in this matter.

In particular, The Report recommended that Magistrates in charge of decentralized education at the Appeal Courts should include training on "sectarian drifts".

Asked about its objectives for 2009 on "sectarian drifts", the Ministry of Justice answered that it intended followed this recommendation (letter to Mr. Fenech, 6 March 2009, page 147 of the Report):

## To develop continued education of Magistrates at a decentralized level

This request which you formulated during an executive committee of operational guidance of 26 November 2008 catches up with a project implemented by the Office of Criminal Affairs and Pardon and the National School of Magistrates.

To this end, the National School of Magistrates has proposed training sessions to the Magistrates in charge of the education of Magistrates at the Appeal Courts for the year 2009.

They will complement the continued education session organized at the National School of Magistrates and lead by the person in charge of sectarian drifts at the Office of Criminal Affairs and Pardon, which will take place from 30 November to 2 December 2009."

This objective was reaffirmed on 8 August 2009 in an answer of the Ministry of Justice to a written question of an MP. This training will be delivered to prosecutors and judges.

Such "awareness" programs for court officials have been condemned by the United Nations Human Rights Committee. In its *Concluding Observations of the Human Rights Committee: Germany. 18/11/96 (*CCPR/C/79/Add.73), the Human Rights Committee recommended, in strikingly similar circumstances, that Germany discontinue the holding of "sensitizing sessions for judges against the practices of certain designated sects". Otherwise, the right to a fair trial is destroyed for religious minorities.

These programs operate to prejudge entire groups, thereby infringing the right of the minorities to be presumed innocent, and contravene the principle of equality of arms since these minorities are not in a position where they can contradict the biased information given to the judges.

#### Recommendations

- 1. The dissolution of the MIVILUDES and its replacement by an Observatory of neutral and impartial sociologists and experts, and
- 2. The intervention of the OSCE to facilitate dialog between the authorities and minority religions or belief groups.

#### Conclusion

International and legal standards mandate that religious minorities be treated in conformance with the principles of pluralism, non-discrimination and equality. These standards also mandate a spirit of tolerance towards minority faiths and a responsibility on the part of the State to create dialogue and take action where discrimination occurs. Yet, MIVILUDES and its President have advocated policies and repressive measures that completely contravene fundamental human rights, including the Helsinki Accords.

Likewise, what France cannot do directly under human rights law, it cannot do indirectly by aiding and abetting religious hate groups. As long as France subsidizes, encourages and supports private groups to stigmatize minority faiths and promote religious discrimination in France, the right to religious freedom in France is in peril.

**ENGLISH** only

### **FECRIS:**

A Source of Religious Discrimination in the OSCE in Contravention of the Right to Religious Freedom under the Helsinki Accords

## **Submission by Church of Scientology**

OSCE Supplementary Human Dimension Meeting: Freedom of Religion or Belief

Session 1
From Commitments to Implementation: Freedom of Religion or Belief in the OSCE Area

Vienna, 9-10 July 2009

The European Federation of Centres of Research and Information on Sectarianism (FECRIS) portrays itself as a collection of national groups protecting the family, the individual and democratic society and representing associations concerned with "sectarian" characteristics. In reality, this group fosters and fuels discrimination and intolerance directed at minority religious organizations and their members in the OSCE region through the dissemination of false and misleading information about these groups and through actions which interfere with the right of minority members to freedom of religion, freedom of association and freedom from discrimination. These actions violate the principles of non-discrimination and minority religious tolerance at the heart of the Helsinki Accords, the European Convention on Human Rights and the UN Bill of Rights.

FECRIS and its member groups have been instrumental in fostering and fueling animus towards targeted minority faiths throughout Europe. Some individuals associated with such groups have, in the past, engaged in extremist activities such as deprogramming – which entails kidnapping and false imprisonment of individuals based on their personal associations and beliefs.

# Illegal Actions of FECRIS Member Groups in Violation of Human Rights

Examples of civil condemnations and criminal convictions regarding improper and illegal actions in violation of fundamental Council of Europe human rights principles taken by FECRIS member groups or individuals associated with such groups include the following.

- Deprogramming. One of the most reprehensible and illegal activities utilized by certain representatives from FECRIS member groups in the past in violation of fundamental Council principles is the technique of "deprogramming". In a decision rendered by the European Court of Human Rights in 1999 against Spain regarding false imprisonment and deprogramming, the Human Rights Court determined that the FECRIS member group AIS/Pro Juventud had a "direct and immediate responsibility for ... the applicants ... loss of liberty" (37680/97, Ribera Blume and others v. Spain).
- Deprogramming. Cyril Vosper, at the time an executive board member of FAIR, a FECRIS member group from the United Kingdom, was convicted in December 1987 in Germany for false imprisonment and causing bodily harm in a deprogramming case. He was not expelled from FAIR.
- Deprogramming. In 1990, two members of SADK, the FECRIS member group in Switzerland, were sentenced to prison in connection with a violent deprogramming attempt on a member of the Hare Krishna movement. Mr. Rossi, the spokesman for SADK in 1990, spoke out on behalf of SADK in favor of the deprogramming in which the victim had been subdued with tear gas, saying "We support and approve of the deed."
- <u>Deprogramming.</u> Members of Swedish FECRIS member group FRI have been convicted in connection with a deprogramming attempt on a member of a Christian group in Gothenburg Sweden.
- <u>Promotion of "Sect" filters</u>. The German FECRIS member group AGPF has promoted and disseminated so-called "protection clauses" clauses inserted into employment contracts that attest that the applicant is not associated with Scientology to companies in Germany for their use.
- <u>Defamation</u>. Mr Friederich Griess is the former President of FECRIS and a Board Member of Austrian FECRIS group GSK. On approximately

six occasions, Austrian Courts have determined that Mr. Griess defamed Norweger, a Christian religious group present in over 60 countries, by disseminating false and derogatory information to the public regarding this religious group.

- Defamation. Courts in France have determined that UNADFI, the French-language FECRIS member group (ADFI founded FECRIS), and individuals and groups associated with UNADFI have engaged in defamation by disseminating false and derogatory information on targeted minority religious groups and individuals associated with such groups in approximately eight cases.
- Defamation. In a final judgement on 19th December 2001 rendered by the Munich State Court (Case Az: 908736/99), Ms. Heide-Marie Cammans, founder of the German FECRIS member group Sect-info Essen, was ordered to stop circulating falsehoods about the religious group Takar Singh. Sect-info Essen was also forbidden from circulating a book it had been distributing about Takar Singh ( Die Neuen Heilsbringer, Auswege oder Wege ins Aus)

## **Discrimination Against Minority Faiths**

Although FECRIS purports to support religious pluralism, its literature makes clear that it is referring to its own narrow definition of religion which excludes religious groups targeted by FECRIS as "sects".

This type of classification has resulted in the stigmatizing and blacklisting of religious groups as "sects" in the OSCE region. There is no rational justification for such classification. It is designed to ensure that the principles of equality and non-discrimination are withheld from groups stigmatized as "sects" in contravention of fundamental human rights.

The United Nations, religious experts, and UN treaty-based bodies have consistently found that the expression "religion or belief," as well as the individual terms "religion" and "belief," must be construed broadly to include non-traditional religions and all forms of belief.

Likewise, the Human Rights Committee has found that freedom of religion is not limited in its application to traditional religions and that any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community, contravenes Article 18 of the International Covenant on Civil and Political Rights.

Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community.

General Comment No. 22 on Art. 18 (Para 2).

The discriminatory approach advocated by FECRIS undermines religious freedom for all and represents a breach of Articles 9 and 14 of the European Convention on Human Rights, Article 18 of the International Covenant on Civil and Political Rights and the objective of the OSCE to achieve unity and harmony throughout Europe by eliminating all forms of discrimination, and ensuring that all citizens have the free right to practice any religion and hold any religious belief.

#### Conclusion

These examples of discrimination by FECRIS member groups and illegal and reprehensible actions individuals associated with these groups underscore why FECRIS constitutes an international organization that undermines religious freedom and religious tolerance in the OSCE region in contravention of the principles of non-discrimination, equality and religious freedom for all.

**ENGLISH** only

## Review Conference 2010, Warsaw, 30 September - 08 October 2010 Working Session 2: Fundamental freedoms I

# FECRIS: A Source of Religious Discrimination in the OSCE in Contravention of the Right to Religious Freedom under the Helsinki Accords

The European Federation of Centres of Research and Information on Sectarianism (FECRIS) FECRIS portrays itself as a collection of national groups protecting the family, the individual and democratic society and representing associations concerned with "sectarian" characteristics. In reality, this group fosters and fuels discrimination and intolerance directed at minority religious organizations and their members in the OSCE region through the dissemination of false and misleading information about these groups and through actions which interfere with the right of minority members to freedom of religion, freedom of association and freedom from discrimination. These actions violate the principles of non-discrimination and minority religious tolerance at the heart of the Helsinki Accords, the European Convention on Human Rights and the UN Bill of Rights.

FECRIS and its member groups have been instrumental in fostering and fueling animus towards targeted minority faiths throughout Europe. Some individuals associated with such groups have, in the past, engaged in extremist activities such as deprogramming – which entails kidnapping and false imprisonment of individuals based on their personal associations and beliefs.

# Illegal Actions of FECRIS Member Groups in Violation of Human Rights

Examples of civil condemnations and criminal convictions regarding improper and illegal actions in violation of fundamental Council of Europe human rights principles taken by FECRIS member groups or individuals associated with such groups include the following.

 <u>Deprogramming.</u> One of the most reprehensible and illegal activities utilized by certain representatives from FECRIS member groups in the past in violation of fundamental Council principles is

<sup>\*</sup>reissue due to correction regarding originator

the technique of "deprogramming". In a decision rendered by the European Court of Human Rights in 1999 against Spain regarding false imprisonment and deprogramming, the Human Rights Court determined that the FECRIS member group AIS/Pro Juventud had a "direct and immediate responsibility for ... the applicants ... loss of liberty" (37680/97, *Ribera Blume and others v. Spain*).

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- Deprogramming. In 1990, two members of SADK, the FECRIS member group in Switzerland, were sentenced to prison in connection with a violent deprogramming attempt on a member of the Hare Krishna movement. Mr. Rossi, the spokesman for SADK in 1990, spoke out on behalf of SADK in favor of the deprogramming in which the victim had been subdued with tear gas, saying "We support and approve of the deed."
- <u>Deprogramming.</u> Members of Swedish FECRIS member group FRI have been convicted in connection with a deprogramming attempt on a member of a Christian group in Gothenburg Sweden.
- Promotion of "Sect" filters. The German FECRIS member group AGPF has promoted and disseminated so-called "protection clauses" clauses inserted into employment contracts that attest that the applicant is not associated with Scientology to companies in Germany for their use.
- Defamation. Mr Friederich Griess is the President of FECRIS and a Board Member of Austrian FECRIS group GSK. On approximately six occasions, Austrian Courts have determined that Mr. Griess defamed Norweger, a Christian religious group present in over 60 countries, by disseminating false and derogatory information to the public regarding this religious group.
- <u>Defamation.</u> Courts in France have determined that UNADFI, the French-language FECRIS member group (ADFI founded FECRIS), and individuals and groups associated with UNADFI have engaged in

Defamation. In a final judgement on 19th December 2001 rendered by the Munich State Court (Case Az: 908736/99), Ms. Heide-Marie Cammans, founder of the German FECRIS member group Sect-info Essen, was ordered to stop circulating falsehoods about the religious group Takar Singh. Sect-info Essen was also forbidden from circulating a book it had been distributing about Takar Singh ( Die Neuen Heilsbringer, Auswege oder Wege ins Aus)

## **Discrimination Against Minority Faiths**

Although FECRIS purports to support religious pluralism, its literature makes clear that it is referring to its own narrow definition of religion which excludes religious groups targeted by FECRIS as "sects".

This type of classification has resulted in the stigmatizing and blacklisting of religious groups as "sects" in the OSCE region. There is no rational justification for such classification. It is designed to ensure that the principles of equality and non-discrimination are withheld from groups stigmatized as "sects" in contravention of fundamental human rights.

The United Nations, religious experts, and UN treaty-based bodies have consistently found that the expression "religion or belief," as well as the individual terms "religion" and "belief," must be construed broadly to include non-traditional religions and all forms of belief.

Likewise, the Human Rights Committee has found that freedom of religion is not limited in its application to traditional religions and that any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community, contravenes Article 18 of the International Covenant on Civil and Political Rights.

Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms belief and religion are to be broadly construed. Article 18 is not limited in

its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community.

General Comment No. 22 on Art. 18 (Para 2).

The discriminatory approach advocated by FECRIS undermines religious freedom for all and represents a breach of Articles 9 and 14 of the European Convention on Human Rights, Article 18 of the International Covenant on Civil and Political Rights and the objective of the OSCE to achieve unity and harmony throughout Europe by eliminating all forms of discrimination, and ensuring that all citizens have the free right to practice any religion and hold any religious belief.

#### Conclusion

These examples of discrimination by FECRIS member groups and illegal and reprehensible actions individuals associated with these groups underscore why FECRIS constitutes an international organization that undermines religious freedom and religious tolerance in the OSCE region in contravention of the principles of non-discrimination, equality and religious freedom for all.

ENGLISH

Original: RUSSIAN

# Religious Discrimination Directed at Scientology in Russia: 2010

# Censorship and Suppression of Religious Freedom under the Extremism Law

**Scientology Scriptures Censored: Surgut Decision** 

OSCE High-Level Conference on Tolerance and Non-Discrimination (Kazakhstan, Astana, 29-30 June 2010)

Like other targeted faiths in Russia, authorities are also attempting to suppress the Scientology religion by seizing upon the June 2002 Extremism Law to justify confiscation and censorship of Scientology religious Scriptures.

A recent ruling on this issue now threatens to lead to suppression of Scientology Scriptures throughout Russia and raises the specter of liquidation proceedings and possible criminal investigations and prosecutions against religious organizations and Scientology parishioners using Scientology Scriptures. Moreover, this ruling directly affects the rights of the Mother Church's American publishing organization, Bridge Publications, a 501(c)(3) organization in California.

On 26 March, 2010, the Surgut City Court of Khanty-Mansi rendered a decision finding that 29 Scientology religious books, lectures and brochures should be labeled as "extremist" under the Extremism Law. This decision occurred after an *ex parte* hearing that did not include any party on behalf of Scientology. No one associated with the Church was allowed to intervene as a party to attend the hearing or was even given notice of the hearing. The Church and its parishioners were not heard at all regarding this matter. The decision thus contravenes every element of fundamental due process under international human rights treaties that Russia has signed and ratified, as well as the Rule of Law.

By way of background, in 2008, the Transport Prosecutor at the Surgut Airport seized and confiscated 6 sets of 28 books and lectures that form part of Scientology's Scriptures. These religious materials had been mailed to 6 Scientologists in Surgut from a Scientology Church in the United States. The Transport Prosecutor initiated civil proceedings under the Extremism Law, arguing that these materials are "extremist" pursuant to Article 13 of the Extremism Law as they "contain religious books and audio video materials associated and with Scientology teachings".

The Transport Prosecutor filed 28 suits, one against each book and one against each lecture series to find the material extremist. The Surgut City Court Judge combined these into one suit under the Extremism Law. Neither Scientology organizations nor Scientologists were a party to this proceeding. The 6 Scientologists who were the intended recipients of the confiscated religious materials filed numerous requests to intervene in the proceedings, but the Court denied them the right to participate in the case.

Likewise, the Church of Scientology of Surgut, a religious organization that successfully challenged Russia's refusal to register it a religious organization under the 1997 Religion Law in a decision rendered by the European Court of Human Rights (*Kimyla v. Russia* Application nos. 76836/01 and 32782/03) in October, 2009 was denied the right to intervene, as was the American publisher of the seized Scriptural materials, Bridge Publications, Inc.

The Court therefore refused to give any Scientology organization and any Scientology parishioners the means to challenge the seizure and prove that the books were not "extremist" in accordance with fundamental principles of international law, which guarantees equality of arms and equal justice in adversary proceedings.

In April 2009, the Surgut City Court granted the Prosecutor's motion to assign experts in psychology and linguistic science to review the religious materials and to report back to the Court

with their opinion as to whether the Scriptures constitute "extremist" materials under the 2002 Extremist Law.

The psychologist assigned by the Court, Evgeny Volkov, is not a neutral and objective academic. Volkov is a notorious and controversial "anti-cultist". Volkov has translated and authored books and articles attacking New Religious Movements and minority faiths derogatorily referred to as "cults". He maintains a website containing uniformly derogatory and primarily false information on minority faiths, including Scientology. He has authored a number of "expertises" highly critical of Scientology that have been used in other types of proceedings. He is also an active member of FECRIS, an organization that actively engages in lobbying governments and intergovernmental groups against the rights of minority faiths.

Because Volkov is clearly biased and therefore completely inappropriate to be assigned to conduct an expertise on Scientology, a complaint was filed in April 2009 by one of the Scientologists who was an intended recipient of the seized Scriptures to suspend the proceedings on the grounds that Volkov did not possess the required objectivity necessary to render an appropriate "expert" opinion. The Court refused to consider this complaint on the grounds that the Scientologist who filed it was not a party in the case. Volkov was then permitted by the Court to review the Scriptures and conduct an "expertise". The appointment of such a biased individual as a purportedly "neutral and objective expert" makes a mockery of the proceedings and the rule of law.

The Judge then held a hearing on 26 March 2010 without informing anyone and issued a ruling that all of the extensive Scriptural materials seized should be deemed as "extremist" under the Extremism Law. The Court made the following finding justifying labeling these Scriptures "extremist":

According to the findings of comprehensive forensic expert examinations in psychology and linguistics dated 02 November 2009, it was established that the information materials submitted for examination state the ideas justifying violence as such and, in particular, any countermeasures against critics and opponents of Scientology; there are quite a number of patent and latent

calls to social and religious hatred on the grounds of agreement or disagreement with ideas of R. Hubbard and activity of the Church of Scientology; there are quite a number of patent and latent calls to propagandizing exclusivity, superiority or inferiority of man according to one's social and religious affiliation and attitude towards religion; there are many patent and latent calls to propagandizing exclusivity, superiority or inferiority of man according to one's social and religious affiliation; there are quite a number of patent and latent calls to violation of rights, freedoms and legitimate interests of man and citizen depending on one's social and religious affiliation and attitude towards religion; there are patent and latent calls to obstruction of legitimate activity of public authorities, in particular, judicial and law-enforcement bodies; there are to commission of crimes motivated by latent calls ideological and religious hatred and enmity and motivated by hatred and enmity against the social group composed of critics and opponents of Scientology, and against the mankind at large as genus homo sapiens; there are quite a number of suggesting constructions and psychological "traps," as well as mechanisms of socio-psychological impact on person.

The Court simply accepted every finding by these so-called "experts" without allowing any challenge to their opinions and without questioning any of these outrageously biased and egregiously unsupportable conclusions. Tellingly, the Court admits it simply accepted these opinions without even attempting to question their veracity or accuracy. Instead, the Court notes that:

The Court has no reason not to trust the findings of the experts who were warned that willful false findings are punishable under article 307 of the Criminal Code of the Russian Federation.

A translation of this decision is enclosed.

Although the *ex parte* and secret hearing occurred 26 March, the Church and its parishioners only learned about the decision when it was reported in the Russian press and throughout the world in media articles on 21 April 2010. The parties that had

unsuccessfully attempted to intervene then requested a copy of the decision by the Court but were refused. They also filed notices of appeal against the decision they had never seen and these too were denied.

One of the intended recipients of the Scriptures, Anna Portnova, a founder of the Church of Scientology of Surgut, received a copy of the decision from the Surgut City Court, but only *after* the 26 March decision was rendered. Ms. Portnova received the decision in the mail on 6 May 2010 and promptly filed a notice of appeal within 10 days of receipt of the decision on 13 May (the other parties that were not granted intervention below also refilled notices of appeal at this time). It is not yet clear if any of these notices of appeal will be accepted by the Court.

If they are not, then the Surgut City Court decision becomes final and, under the Extremism Law, the Ministry of Justice may include these Scriptures in the federal List of Extremist Materials it maintains and publishes on its website. To date, over 578 materials have been included in this list. This means that these Scriptures, which form the basic foundation of Scientology religious doctrine, will be banned throughout Russia, placing all Scientology religious organizations and their parishioners at risk while severely suppressing the right to religious freedom for Scientologists.

Outrageously, the so-called "expertises" that the Court accepted and relied upon wholesale in its secret, ex parte hearing have never been disclosed and have not been provided to any of the parties who sought to intervene in the case, not even Anna Portnova, who only received a copy of the decision from the Court.

The Extremism Law represents a grave threat to the right to freedom of religion and freedom of expression for Scientology in Russia as the Law is extremely arbitrary and is applied in a discriminatory manner. If the decision is final, or if an appeal is allowed and the decision is upheld, the Church intends to have appropriate applicants, including the American publisher, file an application with the European Human Rights Court as the law and the ruling completely contravene numerous rights protected by the European Human Rights Convention, including freedom of

religion, freedom of expression, freedom of association, the right to a fair trial and due process.

# Other Extremist Investigations targeting Scientology Scriptures

Over the past two years, authorities in Penza, Ekaterinburg, Novosibirsk and Moscow have initiated investigations seeking to block the importation of and censor Scientology religious Scriptures on the purported grounds that these materials are somehow "extremist".

As of April 2009, investigations in Penza and Ekaterinburg had been dismissed as groundless and the religious books originally seized and confiscated were finally released to the parishioners who purchased them. Yet, new seizures and confiscation of Scientology religious materials occurred in Ekaterinburg in July 2009 and Penza in September 2009 under the Extremism Law.

On 19 and 20 February 2009, the Moscow Scientology Church was subject to inspections to review religious materials in order to determine if they should be confiscated under the Extremism Law.

On 16 March 2010 over 25 police officials, Ministry of Interior, FSB and Prosecutor office personnel entered the Management Center of Scientology to conduct what is called a "pre-investigation" on the charge of Extremism and to interrogate officers of the Center regarding the seized materials. The next day, 17 March 2010, representatives of the same agencies entered Church of Scientology of Moscow and seized additional Scriptural materials.

As some of the seized Scriptures they seized are included in the list of Scriptures deemed "extremist" by the Surgut City Court, it is not clear if the authorities will pursue this investigation or rely on the Surgut City decision and wait to see if it is upheld or becomes final.

Scientology Basic Scriptures: Background

The 18 books and 11 lecture series seized and declared "extremist" in Surgut comprise all of the basic Scriptures created by Mr. Hubbard on the Scientology religion. It would simply be impossible to practice the faith fully without access to its extensive body of basic Scriptures.

To understand the absurdity of this ruling, it must be understood that these Scriptures have been published and accessed throughout the world for as long as 60 years.

L. Ron Hubbard (1911-86) is the Founder of the Scientology religion. His research on the spirit, the mind and life is recorded in the 35 million words that comprise Dianetics and Scientology. These are contained in 8,000 pages of book text, 29,000 pages of individual essays and writings organized into encyclopedic series, and nearly than 2,500 recorded lectures. His best-selling book *Dianetics: The Modern Science of Mental Health* was published May 9, 1950. It has appeared on 600 bestseller lists and is now translated in 50 languages with 22 million copies sold.

More than 296,345,000 L. Ron Hubbard books and lectures have been sold in the last 60 years, 81 million of which have been sold in the last decade.

L. Ron Hubbard has been awarded three Guinness World Records in the last three years:

- 2006 Most Published Works by a Single Author: 1,084
- 2006 Most Translated Author in the World: 71 languages
- 2009 Most Audio Books Titles on Earth: 185

Nine of the basic books and lecture series seized are available in 50 languages; the rest are available in at least 15 languages. These materials have been available to Scientologists, Scientology religious organizations and members of the public without any censorship in over 165 countries throughout the world. You can find these very materials in public libraries in countries and cities throughout the world.

It defies credulity, based on these figures, for a Court to suddenly claim that these Scriptures are somehow "extremist" when they have been widely published and read throughout the world by millions for as long as 60 years. A more egregious suppression of freedom of expression and religion is hard to imagine.

Moreover, expertises on the Scientology Scriptures conducted by neutral and objective academics and scientists in Russia and in other countries have come to the considered conclusion that these Scriptures are religious in nature and do not constitute "extremist literature" as that term is defined in the Extremism law. A list of these expertises is attached.

## Refusal to Register Scientology Religious Organizations as Required by Law and Retaliation Against these Organizations through Application of Extremism Law

Scientology Churches and Missions have been refused the right to register as religious organizations under the 1997 Russian Federation law "On Freedom of Conscience and Associations." The Religion Law requires religious groups to have at least a 15-year presence in the country to be eligible to register as religious organizations. Scientology Churches have been refused registration under the 15-year rule of the Religion Law and, in the case of the Moscow Scientology Church, pursuant to arbitrary and discriminatory rulings designed to bar any registration of Scientology religious groups under the Religion Law. Three Churches of Scientology have successfully challenged this discrimination in the European Human Rights Court.

In 2007, the Human Rights Court in the case entitled Church of Scientology Moscow v. Russia (application no. 18147/02), overturned the Moscow City government's refusal to register the Church of Scientology of Moscow as a religious organization. The Court found that Russia had violated the rights of the Church of Scientology under ECHR Articles 11 (the right to freedom of association) "read in the light of Article 9" (the right to freedom of religion), when it refused to re-register the Church of Scientology Moscow.

Specifically, the Human Rights Court determined that, in denying registration to the Church of Scientology of Moscow, the Moscow authorities "did not act in good faith and neglected their duty of neutrality and impartiality vis-à-vis the applicant's religious community." The Court also awarded the Church 10,000 Euros in respect of non-pecuniary damage and 15,000 Euros for costs and expenses.

Despite this decision, the Russian government has refused to reregister the Moscow Church. In light of the government's bad faith in complying with the Church of Scientology Moscow ECHR decision, the Moscow Church has filed submissions with the Committee of Ministers Subcommittee on Execution of Human Rights Court Decisions in the Council of Europe, requesting that the Council direct Russia to comply with the Moscow Scientology final decision. This request is pending.

In October 2009, the European Court of Human Rights found that the refusal to register Scientology Churches in Surgut and Nizhnekamsk as religious organizations because they had not existed for 15 years as required by the 1997 Religion Law violated the rights of the applicants, in particular, violation of the provisions of Article 9 of the Convention (freedom of religion) in the light of Article 11 (freedom of association). The Court found that "the restricted status afforded to religious groups under the Religion Act did not allow members of such a group to enjoy effectively their right to freedom of religion, rendering such a right illusory and theoretical rather than practical and effective, as required by the Convention". The two organizations were awarded 20,000 € in costs and damages.

This ruling became final on 1 March 2010. Rather than registering the Surgut Church as a religious organization as required by the Human Rights Court, the Russian government has instead manufactured an assault on the Surgut religious association and its founders by seizing all the basic Scientology Scriptures sent to them and declaring these Scriptures as "extremist" in the secret, *ex parte* hearing held 25 days after the ruling of the Human Rights Court became final and binding on the Russian Federation.

Likewise, Russian authorities have initiated an "extremism" investigation of the Moscow Church while refusing to re-register

it as a religious organization as required by the Human Rights Court.

The Church of Scientology of St. Petersburg also filed an action in the European Court of Human Rights in November 2006 against the Russian Federation challenging the refusal to register it as a religious organization because of the 15 Year Rule. This case remains pending before the Court.

Shortly after the ruling of the Surgut City Court, and well before anyone associated with Scientology had received a copy of the Surgut City ruling, the Prosecutor in St. Petersburg contacted the St. Petersburg religious organization and provided a verbal "warning" to cease and desist distribution and use of the materials deemed extremist by the Surgut City Court.

There should be no question that these actions have been taken in retaliation for the Church of Scientology filing actions and prevailing in the Human Rights Court.

## **Extremism Law and its Use Against Other Faiths**

The Extremism Law has been typically used against other religions to censor religious literature based on biased expert reports. For example, Forum 18 notes that, in one case, Muslim literature was banned because the expert argued the literature was "extremist" as it "propagandizes the idea of the superiority of Islam - and therefore Muslims - over other religions and the people who adhere to them". Yet a fundamental tenet of religious freedom is the right to say that yours is the only true religion<sup>1</sup>. NGOs and the Russian Human Rights Ombudsman have expressed concern over the use of the Extremism Law to suppress and censor religions.

The fundamental law in the sphere of extremism is the Federal Act of 25 July 2002 (with subsequent amendments), "On Counteracting Extremist Activity" (hereinafter referred to as "the Act"). The Act qualifies as extremism the activity of social and

<sup>&</sup>lt;sup>1</sup> "Russia: How the Battle with Extremism was Begun" Geraldine Fagan, 27 April 2009 <a href="http://www.forum18.org">http://www.forum18.org</a>.

religious associations, other organizations, mass media or physical persons involving planning, organizing, preparing, and committing acts aimed at:

- Forcible change of the fundamental constitutional structure and destruction of the integrity of the Russian Federation;
- undermining the security of the Russian Federation;
- usurpation or appropriation of powers of government;
- creation of illegal armed forces;
- conduct of terrorist activity or public justification of terrorism;
- incitement to racial, national or religious hatred, as well as social hatred associated with violence or calls to violence;
- humiliation of national dignity; creation of mass disorders, hooligan activities, and acts of vandalism motivated by ideological, political, racial, nationalistic or religious hatred or enmity, or motivated by hatred or enmity in relation to a social group;
- propagandizing exclusivity, superiority or inferiority of citizens according to their attitude towards religion, social, racial, national, religious or language affiliation;
- obstruction of legitimate activity of public authorities, electoral commissions, legitimate activity of officials of the specified bodies or commissions accompanied with violence or threat to use violence;
- public defamation of any person on duty holding a public office in the Russian Federation or a public office in a subdivision of the Russian Federation, or in connection with exercising by him of his duties, where such defamation is accompanied with charging the person concerned of commission of acts qualified by the Act as extremist activity, provided that the fact of defamation was established by court;
- use of violence against a representative of a state authority body or aimed at threat of violence against a representative of a state authority body or his relatives in connection with exercising by the representative concerned of his duties;
- infringement on life of a public official or community leader committed with a view of termination of his public or other political activity or out of retaliation for such activity;

- violation of human rights and freedoms or rights and freedoms of a citizen, causing harm to health and property of citizens in connection with their beliefs, racial or national identity, religious denomination, social set-up or social origin;
- production and (or) distribution of printed, audio-, audiovisual and other materials (works) intended for public use and containing at least one of the signs of extremist activity;
- promulgation and public demonstration of Nazi paraphernalia or symbols or paraphernalia or symbolics similar enough to be confused with Nazi paraphernalia or symbols;
- public calls to conduct acts qualified by the Act as extremist activity, public appeals and statements encouraging to conduct extremist activity, validating or justifying conduct of acts qualified by the Act as extremist activity; and
- financial support of extremist activity or other assistance in planning, organizing, preparation and accomplishment of the actions qualified by the Act as extremism, including by way of making available of the following facilities for accomplishment of extremist activity: financial assets; real estate; educational, graphic and material and technical resources; telephone, facsimile and other communications; information services; other facilities.

The list of the extremist organizations and the list of extremist literature are posted on the website of the Ministry of Justice of the Russian Federation. As of April 2010, the extremist literature list comprises 578 items, including articles, leaflets and brochures, books, specific newspaper and magazine issues, films, videos, pieces of music.

The Act provides for harsh penalties against organizations, providing for the possibility of suspension or banning of their activity, liquidation of the organization conducting or suspected of conducting of extremist activity, forfeiture of property and prosecution of individuals associated with the organization for distributing banned materials or for continuing the activities of the organization subsequent to liquidation.

In December 2009, the Russian Supreme Court issued a decision against the Jehovah's Witnesses. This gives a good snapshot of

how the Extremism Law is and can be applied and the dangers it The Supreme Court upheld the finding that 34 contains. Jehovah's Witness publications are extremist and therefore Any person distributing or using those banned nationwide. materials can be arrested. Any organization distributing them can be charged. The Jehovah's Witness community in the local town of Taganrog was also found by the lower Court as an "extremist organization" and is banned from meeting as a community. The Court also ordered that the religious organization be liquidated. The organization's property – including land, office and residential premises - were placed under state control.

The Supreme Court also upheld, as part of the ruling, the liquidation of the Taganrog Jehovah's Witness congregation as "extremist". The congregation's property was confiscated, and it was banned from meeting as a community.

It is our understanding that the religious community has filed or is about to file an application with the European Human Rights Court to challenge these repressive actions and the draconian law.

Another ruling finding 18 written materials of Jehovah's Witnesses as extremist was delivered by the Gorno-Altaisk City Court of the Altai Republic on 1 October 2009. The ruling was based on the conclusions of expert examinations in psychology and linguistics finding the texts to be negative propaganda containing promotion of superiority of the doctrine of Jehovah's Witnesses and inferiority of other religions.

Muslim literature that has been the target of "extremist" investigations and rulings includes, for example, *The Personality of a Muslim*, a popular work among Russian Muslims, that was deemed extremist in August 2007 and several distributors of it have since been fined. Readers of the late Turkish Muslim theologian Said Nursi have been detained and subject to prosecution.

## Forced Liquidation

Once the decision by Russian authorities to refuse to allow the St. Petersburg Church to register as a religious organization pursuant to the 15 Year Rule was upheld in Russian courts, authorities initiated actions designed to liquidate the Church. The government claimed that the Church should be liquidated for, among other reasons, not allowing psychiatrists to attend parishioners' private religious minister-parishioner sessions and not allowing them to review confidential minister-parishioner files.

The Church litigated the liquidation matter in Russian courts and the trial court's decision to force liquidation of the Church on these spurious grounds was upheld. In July, 2008, the Church of Scientology of St. Petersburg filed an application with the ECHR challenging this forced liquidation. This case remains pending with the ECHR.

Because of the refusal of Russian authorities to register Scientology Missions and Churches as religious organizations under the 15 Year Rule, individual Scientology Churches in Chelny, Rostov, Ufa, Samara, Barnaul, Vladivostok, Novosibirsk, Surgut Ekaterinburg, City, Penza. and elsewhere experienced discriminatory treatment by local officials in the form of never-ending investigations and attempts to close down the Churches. These actions include civil and criminal charges with the initiation of proceedings on the specious grounds that the Scientology Churches are either practicing medicine or running **Authorities** unreaistered schools. in Barnaul, Naberezhniye, Chelny, Vladivostok, and Samara, for example, attempting to liquidate the Scientology have filed actions Missions in those cities, while at the same time refusing to register them.

In March 2009, the Rostov Mission of Scientology was ordered liquidated by the trial court on the purported grounds that the Church practiced education without a license because it offered parishioners classes on Scientology Scriptures. This investigation was finally closed in the last two weeks.

The Barnaul Mission of Scientology was registered as a social organization (it cannot register as a religious organization under the Religion Law's 15-Year rule). In 2007, the local prosecutor brought an action to liquidate the Mission on the grounds that it

practiced medicine and education without a license. These charges were dismissed by the trial court. In August 2008, the trial court's decision was overturned by the Altay Regional Court and the case was sent back for trial. The Court ordered the prosecutor to obtain an expertise regarding the charges. The expert retained by the government determined that the organizations activities were not educational but religious in nature. In August 2009, the trial court relied on this evidence to order liquidation of the Mission on the grounds that it could not conduct religious activities as a social organization but had to be registered under the Religion Law! This ruling was affirmed on appeal.

Likewise, in November 2008, the trial court ordered liquidation of the Samara Mission of Scientology (which had registered as a noncommercial organization in order to obtain legal entity status) on the purported grounds that it practiced education without a license. This decision was upheld on appeal in December 2008.

While the Churches have successfully challenged some of these claims in court, it seems that for each one that is dismissed another one starts. Where decisions in the first instance have been negative, all necessary appeals are being pursued.

## Conclusion

The Church of Scientology, Scientology parishioners and Scientology organizations have been the target of systematic religious repression and discrimination by Russian authorities in contravention of international human rights law which Russia is obliged to follow.





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### Report for the

OSCE Second Supplementary Human Dimension Meeting (SHDM) - Freedom of Religion of Belief, Fostering Mutual Respect and Understanding

Vienna, 2 - 3 July 2015

# AUSTRIA: Policies on Religion at Variance with OSCE Standards and the European Convention on Human Rights

Submitted by the Forum for Religious Freedom - Europe (FOREF)

FOREF expresses its concern about policies of the Austrian federal state that violate Human Dimension commitments undertaken by the participating States in the Helsinki Final Act and in the Madrid, Vienna, Copenhagen, and Maastricht documents, as well as Article 18 of the ICCPR, particularly as regards equal treatment of religious communities and neutrality.

Austria has embraced policies and practices that demonize "sects" and "cults," while cooperating with the established churches, and finances private anti-cult organizations, which spread biased and distorted information stigmatizing new religious movements and their members. Most recently the government has promoted legislation imposing grossly unequal treatment on the Austrian Muslim community.

• The executive director of the "Federal Agency for Sect Issues" (Bundesstelle für Sektenfragen, BSS), Dr. German Müller, is a former co-worker of the association GSK (Gesellschaft gegen Sekten und Kultgefahren), the Austrian branch of FECRIS. His longstanding mentor, Friedrich Griess (a technical engineer by profession), is the co-founder of FECRIS<sup>1</sup>, an anti-cult lobby that is supported by militant atheists and traditionalist Roman Catholic campaigners.<sup>2</sup>

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<sup>&</sup>lt;sup>1</sup> FECRIS is the French acronym for *Fédération Européenne des Centres de Recherche et d'Information sur le Sectarisme*, cf. http://www.fair-news.org/archive.php?id=42 (2014-12-23).

<sup>&</sup>lt;sup>2</sup> The organization receives more than 90% of financial subsidies from the French government. Cf. FECRIS Financing, p. 256, http://www.hrwf.net/images/reports/2012/2012fecrisbook.pdf. Leading representatives of FECRIS have received court sentences, e.g. Mr.Friedrich Griess (President of FECRIS, 2005-2009) or Ms. Heide-Marie Cammans (Co-founder of FECRIS). Cf. ibd., p. 188-193.

- Since its inception, the BSS rejects an open exchange of information with civil society. As an "office for observation and documentation" its main source of information are the church offices for world views (*kirchliche Referate für Weltanschauungsfragen*) as opposed to professional scholars of religion. However, the BSS continually purports to work confessionally "neutral". (According to the Ministry of Finance the BSS is publically funded by an annual amount of 500,000 EUR. The notion "sect" (cult) is insufficiently defined by the BSS and continues to be used pejoratively. State recognized churches are exempt from observation and documentation by the BSS, although cases of abuse occur on a larger scale in churches that have accumulated power and influence. 5
- The following aspects and activities of the BSS do not comply with the ICCPR or the Austrian
  constitution: a) Special religious groups within the mainstream churches are excluded from
  observation by this agency; b) The law is not applied to state-recognized churches and is
  therefore discriminatory; c) The BSS organizes and sponsors regular conferences with
  Protestant and Catholic sect offices.
- There has been a remarkable proliferation of anti-sect bureaucracies: Austria, with a population of 8.4 million has no less than 29 anti-sect offices operating in the country. Proportionally, this marks an unmatched record in Europe and even on a global scale. Including the BSS, there are four state sponsored sect observation offices; ten Catholic sect offices; seven Protestant sect offices; one private sect office; and seven offices for family counseling with special emphasis on "sectarian issues."
- Most high-school students are obliged to attend lessons on cults (*Sektenaufklärung*), which in reality present a biased message on several religious minorities in religious, political, and social classes. The information contained in the teaching material provided by the *Landesbildstelle* (a pool of teaching materials for schools, including 43 anti-sect videos) is largely outdated and especially discriminatory against children, whose parents are members of targeted religious minorities are suffering under these circumstances. So far, the Ministry of Education has done little to prevent the use of stigmatizing anti-sect teaching materials, that is often developed by apologists of the Catholic or Protestant Churches.
- The Austrian government proposed a revision of the law on Islam on 02 October 2014 (*Islamgesetz 1912*, *Änderung*), which received in total around 160 mostly critical responses<sup>6</sup> during the revision phase. Ever since the release of the first draft in October 2014, representatives of Muslim and non-Muslim religious communities as well as external judicial experts<sup>7</sup> have raised their concern that regardless of severe objections the new law on Islam would be pushed through parliament without adequate consideration of its implications for human rights.<sup>8</sup> The UN Human Rights Committee (113th session, 7–31 October 2014) has also raised concerns about the compliance of the revised law on Islam with international freedom of religion standards and the principle of non-discrimination. The National Assembly

<sup>4</sup> Cf. Bericht des Bundesministeriums für Finanzen vom April 2014, <a href="https://www.bmf.gv.at/budget/das-budget/Ausgliederungen\_und\_Beteiligungen\_des\_Bundes\_(April\_2014).pdf?4jwmog\_131.">https://www.bmf.gv.at/budget/das-budget/Ausgliederungen\_und\_Beteiligungen\_des\_Bundes\_(April\_2014).pdf?4jwmog\_131.</a>

http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME\_00069/index.shtml (2014-12-23).

<sup>&</sup>lt;sup>3</sup> Cf. <a href="http://www.bundesstelle-sektenfragen.at/">http://www.bundesstelle-sektenfragen.at/</a> (2014-12-23).

<sup>&</sup>lt;sup>5</sup> The overall assessment of Prof. Brünner on the law on facilitating an office for documentation and information concerning sects/cults (BSS) may be viewed here: <a href="http://www.hrwf.net/images/reports/2012/2012fecrisbook.pdf">http://www.hrwf.net/images/reports/2012/2012fecrisbook.pdf</a>, p. 307 f. FOREF was informed by of the Vienna Office for Protecting the Constitution and Fighting Terrorism (LVT) that there have been hardly any criminal cases within the 600 religious minority groups throughout the past 15 years.

<sup>&</sup>lt;sup>6</sup> These statements have been listed on the website of the Austrian parliament:

<sup>&</sup>lt;sup>7</sup> Cf. the <u>common statement</u> signed by constitutional experts Bernd-Christian Funk, Heinz Mayer und Theo Öhlinger, specialist in religious law Richard Potz, theologians Ernst Fürlinger und Martin Jäggle and specialist for migration Gudrun Biffl, amongst others.

<sup>&</sup>lt;sup>8</sup> A comparable recent case has been the amendment of the <u>law on confessional communities</u> in July 2011.

issued the revised law on Islam on 30 March 2015, including only minor changes compared to the original draft.

Austria's constitutionally granted neutrality of the state in religious matters is nullified by these facts. Members of religious minorities report numerous cases of religious discrimination in schools, communities and in their workplace.

#### Recommendations

- Remove the pejorative cult term in the title of the BSS and all state sponsored observation offices or information centers.
- Revise the unconstitutional federal law to install a documentation and information center for cult issues (Bundesgesetz über die Einrichtung einer Dokumentations- und Informationsstelle für Sektenfragen (EDISG) 1998).
- Install a confessionally independent, scientific center for the purpose of collecting information and providing professional counseling on religious, spiritual and esoteric communities, regardless of their legal status. (e. g. the British model of INFORM information network focus on religious movements, which encompasses experts from psychology, sociology and religious studies.)
- Introduce transparency and publicity as guiding principles of state documentation on religious minorities and inhibit state collaboration with established churches in emanating information on non-established religious minorities.
- Inhibit state collaboration with and monitor FECRIS-affiliated private information centers (e. g. GSK).
- Enable a due legal process for religious groups to present their standpoint, in the case that they are named in state reports.
- Introduce a reformed legislation on religion that fully respects the principle of equality, the autonomy of religious communities and the free practice of religion (cf. Art. 9 ECHR).

### **Brief information about FOREF**

The Forum for Religious Freedom Europe is an independent, secular, nongovernmental organization based in Vienna. FOREF was founded in 2005 by the internationally recognized jurist and expert on freedom of religion Professor Christian Bruenner, who served as Dean of the School of Law and Rector of Graz University and also in the Austrian Parliament, and human rights activist Peter Zoehrer. FOREF regularly reports to the media, OSCE, US-State Department, Human Rights Without Frontiers and various other human rights organizations on religious freedom violations in Austria and other countries.

Since its establishment, FOREF has achieved a number of important victories in helping victims of religious intolerance to gain respect for their rights and vindicated from injustice, discrimination or persecution. The international human rights activist Dr. Aaron Rhodes serves as president of FOREF.



# Coordination des Associations et des Particuliers pour la Liberté de Conscience

## FECRIS, a NGO financed by the French government

The Coordination des Associations et des Particuliers Pour la Liberté de Conscience (Coordination of Associations and Individuals for Freedom of Conscience) was created in 2000 to defend religious minorities against discrimination in France and in Europe.

The Coordination is a NGO that is recognized by the UN.

Mr. Valls, the current Prime Minister of France, recalled some weeks ago at the National Assembly that in France there is no legal definition of the word « sect/cult ».

However, the department of French PM fully finances (100%) an association called FECRIS (European Federation of Research and Information Centers on Sectarianism), which is recognized by the Council of Europe and the UN as a NGO and the objective of which is, according to its bylaws, to identify « as a sect/cult or a guru the organization or the individual which misuses beliefs and behavioral techniques for his own benefit ».

How can a Prime Minister declare that there is no legal definition of a sect/ cult in France and at the same time finance at the level of 100% a NON-GOVERNMENTAL association whose objective is to point at "sects/cults"?

Moreover, FECRIS<sup>i</sup> says in its bylaws that « the action of the Federation is neither religious nor political ».

If the action of FECRIS is not religious and claims to be neutral in this regard, how can it explain that an organization registered in a secular state – France – is massively financed with the money of all French tax-payers, while its vice-president, Alexander Dvorkin, a Russian citizen is blessed and financed by the Patriarch of the Russian Orthodox Church for its anti-sect activities. This same Russian Orthodox Church which, along with Putin, has been persecuting religious minorities for years in Russia.

CAP Liberté de Conscience contact : contact@coordiap.com

Moreover, some time ago, Alexander Dvorkin fiercely criticized Falun  $\mathsf{Gong}^{ii}$ .

How can Alexander Dvorkin, vice-president of FECRIS, attack Falun Gong while the persecution of its members has been extensively denounced in UN reports since the years  $2000^{\text{iii}}$ ?

How can France go on financing an association like FECRIS which attacks a group like Falun Gong whose persecutions are recognized by the UN?

Even the current Prime Minister of France, Mr Valls, had expressed his deep concerns about the situation of Falun Gong practitioners in China when he was a member of the National Assembly. At that time, he had raised the issue of the fate of the Falun Gong practitioners in China with the Ministry of Foreign Affairs of Franceiv.

A few years ago, FECRIS and its member associations have attacked an Italian sociologist because her report about a specific religious minority was not in line with the expectations of FECRIS and Italian anti-sect/cult associations<sup>v</sup>.

Now, FECRIS attacks a minority group in Ukraine, as Human Rights Without Frontiers has recently reported<sup>vi</sup>.

We therefore ask Mr Valls, France's Prime Minister, to put an end to the financial support of FECRIS, sending it back to its status of NON GOVERNMENTAL organisation.

http://chasseauxsorcieres.fr/la-fecris/

iihttp://www.hrwf.net/publications/reports/year-2012/473-freedom-of-religion-or-belief-anti-sect-movements-and-state-neutrality-a-case-study-fecris

iii http://www.falunhr.org/index.php?option=content&task=category&id=111

iv http://questions.assemblee-nationale.fr/q12/12-121026QE.htm

 $<sup>^{</sup>v}http://www.dimarzio.info/it/articoli/recensioni/102-recensioni-di-rdm/libri-e-riviste/239-un-caso-di-studio-la-fecris.html$ 

<sup>&</sup>lt;sup>vi</sup>http://hrwf.eu/ukraine-followers-of-jewish-psychiatrist-leopold-szondi-accused-by-fecris-vice-president-alexander-dvorkin-of-belonging-to-a-cult/

ENGLISH only



Supplementary Human Dimension Meeting (SHDM) I: Freedom of Religion or Belief: Issues, Opportunities, and the Specific Challenges of Combatting Anti-Semitism and Intolerance and Discrimination against Christians, Muslims, and Members of Other Religions.

**VIENNA 22 June - 23 June 2017** 

CAP is an association created in 2000 to unite minority religions in Europe to counter discrimination in France and in Europe. It has NGO consultative status with the Economic and Social Council of the United Nations.

During the last OSCE session on freedom of religion or belief in September 2016<sup>1</sup>, CAP exposed the harmful activities of FECRIS (European Federation of Centres of Research and Information on Sectarianism) in Russia and its integral financing by the French Government.

Members of FECRIS and of its Russian branch, the Saint Ireneus of Lyons Centre for Religious Studies, have been waging for years a campaign against non-Orthodox minorities in order to eradicate them from the Russian territory.

Alexander Dvorkin, Vice-President of FECRIS and Director of the Saint Ireneus of Lyons Centre is the major spokesperson and activist in this campaign against religious minorities in Russia.

The situation of religious minorities has now worsened during the last months: the banning of Jehovah's Witnesses' practice of their faith on the Russian territory; and the sentencing of five Scientologists to two months pretrial detention and a raid of their Church in St Petersburg.

<sup>1</sup> 

http://www.coordiap.com/press3021-OSCE-Human-Dimension-Implementation-Meeting-2016-Freedom-of-Religion.htm

This phenomenon of religious exclusion could spread now to hurt all the non-Orthodox religions, Catholic newspaper *La Croix* stated in an article of 9 June 2017<sup>2</sup>:

"Any missionary or evangelization activity such as predication or religious teaching is from now on forbidden outside sites officially religious such as Churches and other places of worship. The introduction of a strict control to avoid any proselytism harms particularly non-Orthodox Christian Churches and other religious minorities, when the sharing of one's faith is at the heart of any religious life."

FECRIS claims in its by-laws that its activities do not enter « the religious field » and declares to be neutral in this matter. Why is it then that the Vice-President of FECRIS, an organization registered in secular France and massively financed by the French State, is Alexander Dvorkin, a Russian citizen blessed, financed and missioned by the Russian Orthodox Church Patriarch to combat religious minorities perceived as competitors?

We therefore ask the French Government to cease its support to FECRIS and its harmful activities in Russia.

<sup>2</sup> 



# Coordination des Associations et des Particuliers pour la Liberté de Conscience

Registration on EU Transparency Register 628479527756-78
Civil society platform of Fundamental Rights created by the EU FRA
French non-benefit association register: W751082307

Member : European Federation for Freedom Of Belief - FOB Member : European Network Of Religion and Belief - ENORB

### HUMAN DIMENSION IMPLEMENTATION MEETING

Warsaw, 16 to 27 September 2019

Working session 13: Tolerance and non-discrimination II

including:-Combating racism, xenophobia, and discrimination-Combating anti-Semitism and intolerance and discrimination against Christians, Muslims and members of other religions

### Is Religious Freedom ever possible in the Russian Federation?

CAP Freedom of Conscience was created in 2000 to defend religious minorities against discrimination in France and in Europe. CAP LC is granted of the ECOSOC consultative status of the United Nations.

During the last OSCE sessions on Freedom of Religion or Belief, we exposed the harmful activities of FECRIS (the European Federation of Centres of Research and Information on Cults and Sects) in Russia and its integral financing by the French Government.

Members of FECRIS and of its Russian branch, the Saint Ireneus of Lyons Centre for Religious Studies which is affiliated to the Orthodox Church, have been waging for years a campaign against non-Orthodox minorities in order to eradicate them from the Russian territory.

Alexander Dvorkin, Vice-President of FECRIS and Director of the Saint Ireneus of Lyons Centre is the major spokesperson and activist in this campaign against religious minorities in Russia. The situation of religious minorities has worsened during the last years as the persecution of Jehovah's Witnesses, the harassment of the Hindu community and others.

FECRIS claims in its by-laws that its activities do not enter « the religious field » and declares to be neutral in this matter. How is it then, that the Vice-President of FECRIS, an organization registered in secular France and massively financed by the French State, is Alexander Dvorkin, a Russian citizen blessed, financed and missioned by the Russian Orthodox Church Patriarch to combat religious minorities perceived as competitors?

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