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*Cults : Do democracies need laws of exception ?*

*The Belgian experience*

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# Cults : Do democracies need laws of exception ?

## *The Belgian experience*

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Are most of the religious minorities in the European Union that have not received a form of legitimization from the State threatened with expulsion from the religious sphere protected by relevant international instruments and are they not going to be reduced to the status of cults, disarmed and disempowered of all means of defence against intolerance? As astonishing as it may appear, this is the question that has been posed since the end of the twentieth century. Several tragic events which were caused by a very restricted number of religious movements brought their criminal activities to light, stimulated public emotion and provoked various, sometimes disproportionate, reactions from certain EU States towards recently settled religious minority groups.

## **Situation in the European Union**

Towards the end of the 20<sup>th</sup> century, following an examination of the situation within their borders, eleven of the fifteen Member States of the European Union determined that so-called cults posed no threat to the individual, the family, society or the state's democratic institutions. They estimated that the challenges raised by certain religious movements could be resolved, as in the past, ideally through dialogue or necessarily via the judiciary. These countries have not become safe havens for unseemly or even mafia-like religious movements, nor has a proliferation of offenses or harmful activities on their part been noted in these same countries. The common law is uniformly applied to them as it is to all other associations or organizations, whatever their nature.

This observation might be sufficient to respond to the question posed in the title of this essay. Nevertheless, it is not uninteresting to examine the policies of States that have opted for alternate approaches towards the issue and to draw lessons from them.

Four states have taken such initiatives. In **Austria**, state, church and private centres for information on religious movements, and sometimes also on established religions, have been created in the last few years. In **Germany**, a parliamentary *Enquete Commission on So-called Sects and Psychogroups* was set up in 1996. It published a reassuring report recommending only that the Church of Scientology be placed under surveillance. **France** and **Belgium** created similar enquiry commissions but have gone further and have developed, through new laws and institutions, an open policy of fight against cults and harmful sectarian organizations. France set up a *Mission Inter-ministérielle de Lutte contre les Sectes* (MILS—Interdepartmental Mission of Fight Against Cults) and an alert system covering the whole of society to keep watch and to track so-called “cults”. It also adopted the About-Picard law, a law of exception, that specifically targets them and that was heavily criticized abroad. It nevertheless had to soften its policy following repeated critiques that rose during inter-state conferences, such as those of the OSCE, in other international academic conferences, at the Council of Europe, and in reports of human rights organizations. In 2002, France abrogated the law that created the MILS and promulgated another that created a *Mission Inter-ministérielle de Vigilance et de Lutte contre les Dérives Sectaires* (MIVILUDES—Interdepartmental Mission of Vigilance and of Fight Against Sectarian Deviation), whose actions have, to this day, been much more discreet and much less aggressive than those of the

MILS. **Belgium** has very quickly followed suit to France and has globally adopted the same policy of confrontation, to the detriment of any form of dialogue, all the while eliminating its most controversial and most criticized aspects.

### **The anti-sect policy of Belgium**

#### **The law of June 2, 1998**

On June 2, 1998, the Belgian Parliament promulgated the “Law creating an Information and Advisory Centre on Harmful Sectarian Organizations”<sup>i</sup> and an “Administrative Coordination Agency for the Fight Against Harmful Sectarian Organizations.”

This law, which appears to have drawn lessons from some deviation of the French anti-cult policy, has often been presented as a model of moderation. According to its website, by “harmful sectarian organization,” the Centre means “every movement with a philosophical or religious purpose, or claiming to be so, which through its organization or practice, commits harmful illegal activities, harms the individual, society or human dignity. The harmful character of a sectarian movement will be investigated on the basis of principles which are embodied in the Constitution, laws, decrees, ordinances and in international treaties regarding the protection of human rights, which have been ratified by Belgium.”<sup>ii</sup>

The Centre comprises twelve members and twelve substitutes designated by the House of Representatives. Six members and six substitutes are appointed upon presentation of the Council of Ministers. The members are chosen among prominent experts known for their experience and their interest on the issue of harmful sectarian groups. They are designated for a term of four years, renewable once. They are supposed to offer all the guarantees of independence, objectivity and impartiality for the exercise of their mission.

The Centre is charged with several missions :

- to study the phenomenon of harmful sectarian organizations in Belgium as well as their international ties;
- to organize a documentation Centre accessible to the public;
- to receive and inform the public, to answer anyone’s enquiry about his/her rights, his/her obligations and on the means of enforcing his/her rights;
- to formulate either under its own initiative or at the request of any public authority advice and recommendations on the phenomenon of harmful sectarian organizations, and in particular on the policy of fight against these organizations.

To accomplish its missions, the Centre works in collaboration with the Administrative Coordination Agency.

The information provided by the Centre in response to a request from the public is founded on information that it has at its disposal and cannot be presented in the form of systematic lists of harmful sectarian organizations.

The Administrative Coordination Agency is presided over by the Minister of Justice or by his/her delegate. It is charged with the following missions:

- to coordinate actions carried out by the competent public services and authorities;
- to examine the evolution of illegal practices of harmful sectarian organizations;

- to propose measures that can improve the coordination and the efficacy of these actions;
- to promote to the public a policy of prevention against the activities of harmful sectarian organizations together with the relevant administrations and services ;
- to work in close collaboration with the Centre.

Such is the official presentation of the Belgian policy and if I were a representative of the Belgian state in an international conference, I would undoubtedly stop here my presentation.

It is here, therefore, that I begin my critical analysis of this law.

### **About the distinction between “sects” and “harmful sectarian organizations”**

The law claims to distinguish “sects” from “harmful sectarian organizations” (HSO). Yet, in practice, the Centre’s criteria delimiting the "sectarian" and "harmful" character of an organization are so complicated that it is impossible to clearly identify them<sup>iii</sup>. In its first report of activities published in December 2001, the definition of these terms comprises three pages.

In addition, the law itself contains an obvious paradox. On one hand, it proclaims that it wants to fight against “HSO”, and on the other hand, it says that "the information provided by the Centre in response to a request from the public (...) cannot be presented in the form of systematic lists of harmful sectarian organizations"<sup>iv</sup>.

Without doubt, this is an implicit form recognition of the moral and material harm caused by the publication of a list of 189 movements suspected of being “HSO” in an annex to the parliamentary report. But how can the public be forewarned against such organizations if they are not identified and if the law forbids doing so? For example, if certain brands of sun products are dangerous to the skin, how can consumers be put on guard without revealing their names? This is a deadlock, and the Centre is doomed to endless contortions to try to square this circle embodied in the law.

To solve this contradiction, the second biennial report of the Centre has chosen not to mention the targeted groups by their names but to list them together in several categories based on the nature of enquiries received<sup>v</sup>: groups originating or dissident from Protestantism, groups Centreed on physical and mental welfare<sup>vi</sup>, groups from the Far East, groups originating or dissident from Catholicism, esoteric movements and New Age/ Neo-pagan movements. This categorization gives rise to a number of observations. First, the lack of coherence in the naming of the various categories is obvious. Second, there is total opacity about the identification of the groups the Centre chooses behind closed doors to inform the public about. Hence there is no possibility of public debate to contest the unilateral decisions made by the Centre<sup>vii</sup>. Third, for the first time in Western Europe, a state agency has placed "groups focusing on physical welfare" <sup>viii</sup> under close examination.

The second biennial report of the Centre reveals only that it received one or more enquiries from the public about 72 out of the 189 groups suspected of being "HSO" by the parliamentary commission in 1997 but that 170 files<sup>ix</sup> concerning other non-quantified and non-identified groups have been opened. No other data is available and therefore, no external control of the work of the Centre is possible<sup>x</sup>.

## **About the continuation of the enquiry work of the parliamentary commission**

According to the law, the Centre is supposed to continue and complete the work of the enquiry commission. Following the commission's example, the Centre has not made a move towards the 189 movements suspected of being "HSO", either to clear them of any suspicion or to explicitly label them as "HSO"<sup>xi</sup>. The Centre has only taken a spontaneous step towards the movements about which it wanted to publish an information leaflet. At the time of the Centre's second biennial report, only three such leaflets have been disseminated: on the Mormons, the Baha'is and the Jehovah's Witnesses.

The Centre's investigation into the Baha'is exonerates this group of any wrongdoing: "After thorough examination of the dossier, the Centre has not found any data which could be a problem." This confirms that the Centre has the power to give or not to give a quality label to a group or not.

With regard to an enquiry from the Ministry of Interior concerning the access of US Mormon missionaries to the Belgian territory, the Centre raised a number of controversial issues about this religious group but utilized a diplomatic language and concluded that the movement does not represent any danger for the moment.

The description of the Jehovah's Witnesses movement (JW) is more critical<sup>xii</sup> and the language is less moderate. Quite a number of statements are biased or even untrue<sup>xiii</sup>. The Centre has, for example, completely ignored a structured collaboration with medical doctors and hospitals<sup>xiv</sup> put in place by the Belgian JW to avoid possible conflicts because of JW's refusal to accept blood transfusions. It has also dramatically downplayed their persecution under Nazism: "Under Nazi rule, Jehovah's Witnesses were deported as such to camps. In these camps, they had to wear a distinctive badge"<sup>xv</sup>. About their persecution in some former republics of the Soviet Union, the Centre's report unfairly downplays their situation: "they were and still seem to be the targets of acts of violence."<sup>xvi</sup> And finally no mention is made of the huge body of jurisprudence in the field of religious freedom brought by JW to the European Court of Human Rights in Strasbourg. For example, not a word is spoken about the Kokkinakis case in which the Court recognized JW as a religion as well as their right to propagate their faith from door to door. The movement of the JW is also the only one to be singled out in the section of the report devoted to the number of enquiries from the public received by the Centre: 10% of the total number. While the Centre's report does not give a quality label to JW, it implicitly files them in the category of "harmful sectarian organizations".

## **No Islamic harmful sectarian organizations in Belgium ?**

Though the 1998 law does not limit the sectarian phenomenon to new religious movements, it should be noted that neither of the first two reports of the Centre contain any warning or even any reference to Islamic sectarian organizations. It is as if such groups were non-existent and they posed no threat on democracy, public order, minors, etc.

Moreover, when we study the Centre's leaflet concerning the Mormons, whose membership is very small, we notice that quite a number of controversial issues raised about them could be applied to many Islamic groups in Belgium: relations with the world and with other religions, the status of women, polygamy, exit from the religious group, etc.

Some negative characteristics attributed to JW are not exclusive either: non-participation in Christian festivals (Christmas or Easter) or secularized and pagan festivals (St Nicolas, St Valentine or Halloween), which is identified as causing isolation from society, and the woman's role in the family and in society, "which is not in line with the European and international tendency regarding gender equality, etc."

Despite these similarities with other targeted religious movements, the general impression that emerges from the reading of the Centre's first two reports is that there are no Islamic "HSO" in Belgium.

### **About the "religiously correct" thinking**

State-sponsored and state-financed religions are exempt from any investigation and public warning campaigns to the public by the Centre. Activities such as paedophilia, if practised, encouraged or tolerated by a new religious movement, will be justly condemned by the Centre, as they should be. But these same activities will be disregarded by the Centre if they are committed by Catholic or Orthodox priests, pastors, rabbis or imams.

Some Catholic "dissident" groups are said to have been monitored by the Centre. The only one that is explicitly mentioned is the congregation of a marginal, popular and controversial Syrian Catholic priest from a Muslim country, Father Samuel. His generosity has been widely covered by the media<sup>xvii</sup>, but his statements about the Islamic threat in Europe also brought him some problems. He was supported by a number of high-ranking Socialist and Christian-democrat politicians, but he was dismissed as a priest, by the Roman Catholic establishment. A trial resulting from his dismissal is still pending in a civil court. We cannot help but wonder what information was distributed on Father Samuel by the Centre whose president is a member of the Catholic establishment? What about the Opus Dei, suspected by the parliamentary commission of being a HSO but fully integrated in the Vatican establishment? This group is not mentioned by name in any biennial report of the Centre. Nobody knows whether there have been enquiries about it or not and whether the Centre has included it in its study of the sectarian phenomenon.

Religious groups emanating from the Protestant family but most probably not belonging to the state-recognized Protestant Church represent a substantial share of the enquiries dealt with by the Centre (about 20%). Unfortunately, the specific groups are can not be identified.

The group Transcendental Meditation was also the object of some investigation by the Ministry of Justice in 2002 following a requested to apply its techniques in a prison. Due to the short delay, the Centre could not carry out proper field-investigation in the field and instead relied solely upon a number of websites about the TM. In its conclusions, the Centre stated, among other things, that the TM technique is not religiously neutral, that it is controversial and that the participation of prisoners and guardians in a religious worship without their full awareness of its nature may be questionable. The Centre's final advice was to warn against TM.

These few examples clearly highlight the instrumentalization of the agencies created by the 1998 law for the purpose of protecting various establishments, solidifying the "correct thinking" in a number of fields, and in particular but not exclusively the political regulation of

religious and non-religious worldviews outside the state-recognized and state-controlled religions.

### **The political subordination of the Centre and the Administrative Coordination Agency**

The Nastase Report of the Council of Europe (1999)<sup>xviii</sup> invited the governments of the Member States to “create national information centres independent from the State. These centres, to be more efficacious, should be united in a European Observatory of groups of religious, esoteric or spiritual character.” This suggestion had already been made in Recommendation 1178 (1992), in which it was specifically highlighted that “the recourse to a major legislation for sects was inopportune.” The Belgian law claims to have been drafted in the perspective of the Nastase Report. Do the Centre and the Administrative Coordination Agency respond to these criteria? Quite obviously, no. The law is a major piece of legislation on “sects.” The Coordination Agency is, by its very nature, an interdepartmental tool of fight against “HSO” that depends on political power. This is no less true for the Centre as well.

In a *Carte Blanche* that was published in the newspaper *Le Soir* on January 7, 2003 under the title “*Mais à quoi sert donc l’Observatoire des sectes?*” (“What use then is the Sect Observatory?”), Professor Anne Morelli<sup>xix</sup> summarizes quite well the arguments questioning the Belgian policy with regard to certain religious minorities. She writes: “The recruiting method of these members is very far from guaranteeing their impartiality and their independence from political parties, the Catholic Church and various anti-religious ideologies. Indeed, half of the members were nominated by the Council of Ministers for approval by the House of Representatives, while the other half was directly appointed by the House of Representatives. That means that a good share of appointees immediately came from political personalities. Moreover, representatives of various anti-sect movements were also to be found among the members. The chairman, a theologian and a former senior of Brussels high seminary, has been an anti-sect activist in the Catholic Church for more than twenty years, is a judge and a party at the same time and does not seem in a better position to respond to the guarantees required by law from the members to exercise their mission with independence and in a spirit of objectivity and impartiality. This disparate group of members who have religious, philosophical, and political commitments lacks coherence; divergent, indeed even contradictory points of view, have been reflected in a number of interviews in the media....”

“‘Political’ named as substitutes complained that their participation in the meetings was not paid, when the senior member was present. Thus, positions have rapidly become vacant. The replacement procedure is inefficient. An initial call for candidates that was published in the *Moniteur* (Official Gazette) of March 30, 2001 was not—despite the number of applications—followed by any appointments. A second call in the *Moniteur* on May 20, 2001 also aroused applications. However, there is no one at the General Directorate of Religions – the competences of which are being transferred from the federal level to the federated entities - who can say at what stage the appointment procedure is at or what the constraints of some hidden political agendas are.<sup>xx</sup>”

“As for the Observatory, the independence of its functioning is hardly guaranteed because of its ties with the Ministry of Justice or the presence of detached staff.<sup>xxi</sup> Its activities are limited to those of a costly supplementary library, without the acquisitions of wealthy university libraries already existing on religions. It has published some “folders” and the rare

reports that it has provided, on requests from the police, contain eminently predictable conclusions such as, for example, ‘No, Mormons are not dangerous in Belgium.’” (...)

“One might wonder whether it is useful to have such an observatory, which causes more problems than it solves and the mandate of which seems to us to be eminently controversial: a state agency that decides which religions are good or bad and which all the countries of the world can do without, except Belgium and until recently France. The latter has just deeply reformed its ‘Interdepartmental Mission of Fight Against Cults’ (*Journal officiel* of November 29, 2002) and gotten rid of Alain Vivien, who has damaged France’s international reputation.” (...)

“... the Provisional Report on Human Rights in the European Union criticizes the creation of this type of observatory and more generally the attitude towards religious minorities in Belgium.”

“Belgium must rethink its discriminatory religious policy. Our Constitution does not foresee either a state agency or a judge to decide if a religion is or is not licit. Freedom of religion and belief is without limit other than the repression of general crimes and offenses.”

The position taken here, proclaimed loudly and strongly, reflects well what many think down deep. Confirmation of the well-foundedness of Professor Anne Morelli’s critiques concerning the lack of independence of the Centre is the latter’s silence and its failure to ask for a right of reply. The only one to react was the president of the Parliamentary Commission on Sects, former senator Serge Moureaux, which he did it (instead of the Centre?) in a polemical fashion in the columns of *Le Soir* without actually responding to Professor Morelli’s basic critiques, notably those concerning the political supervision of the Centre.

### **Study of the sectarian phenomenon**

As previously mentioned, according to the 1998 Law, the Centre has also been commissioned to study of the sectarian phenomenon, a broad mandate which leaves the door open to all sorts of interpretations.

As with the Centre’s reports, the study of the sectarian phenomenon has been limited to the victims of the so-called HSO and the dangers posed by them. The Belgian sectarian policy and its validity have never been questioned. The complaints emanating from various legitimate groups, including human rights organizations, along with criticisms voiced at the OSCE meetings on freedom of religion and belief, and blatantly anti-religious defamation in the media have been systematically ignored.

These invisible limits being set, the collaboration with organizations in the field has excluded a number of prominent Belgian religion sociologists and historians and has mainly focused on anti-sect movements<sup>xxii</sup>. The instrumentalization of the Centre is also apparent from its reports, its public declarations and silences.

### *Strange voices*

The first report of the Centre mentions a request from the Vice-Premier and Minister of Foreign Affairs<sup>xxiii</sup> in which he asks for the Centre’s opinion on the FECRIS<sup>xxiv</sup>, an international federation grouping together some dozens of anti-sect movements. The goal of

this request was to obtain official recognition “so that it can be consulted by the European Parliament, the Council of Europe, the OSCE, as well as by the United Nations and the organs and commissions that depend on it. In addition, the FECRIS will be in liaison with administrative authorities empowered to take all possible steps to implement procedures for fiscal and customs control on behalf of States and the European Union as well as with international services created for the same reason.”<sup>xxv</sup> The Centre submitted a favorable opinion to the Minister.

One might raise a number of questions: for example, what of the appropriateness of such a request particularly since it emanates from a minister, what of the minister’s motivations, of the Centre’s mandate, and most importantly of its independence in this matter. More cause for inquiry is that the FECRIS’ first request to obtain consultative status to the Council of Europe was severely criticized and turned down on the basis of several-pages of detailed and motivated analysis about the organization.

### *Discordant voices*

Another object of surprise: “Divergent, even contradictory, points of view were reflected in quite a lot of interviews in the media,” said Prof. Anne Morelli in her *Carte Blanche*. Dissonant opinions have for example been expressed in the printed media, on the radio, and on television when the Hare Krishna movement found itself amidst a media tempest at the beginning of the year 2002. The Centre was far from speaking with a sole voice. Two representatives interviewed held contradictory positions, and a third, member of the Centre but speaking in the name of his anti-sect movement, did not show any shade of nuance.

### *Silence*

On the contrary, when minority religions complain of discrimination and intolerance from public authorities or non-state actors, the response is utter silence.

Prof. Anne Morelli wrote in her *Carte Blanche* : “ ...the Observatory stays mute on religious discrimination committed by public authorities<sup>xxvi</sup> and keeps critiques to itself when ministers or mayors refuse the use of public halls to groups operating legally because their names are to be found on a so-called list of harmful cults.”

How could it be otherwise in an institution so closely dependent on the political authorities ? Could the Centre criticize mayors who are part of the majority in power or the political authorities who, in 1999, launched a huge media campaign against sects, published and disseminated a glossy four-color brochure warning against "189 so-called active sects in Belgium", a false "statement" that the Centre has never denounced or rectified? Can it be expected that the staff of the Centre pulled from the Ministry of Justice would criticize political authorities in power? The answer is obvious.

Minority religions have widely distributed tangible evidence of discrimination committed by public and private authorities. HRWF Int. did the same even before the publication of the first report of activities. However, the report mentions nothing. The silence of the Centre thus speaks for itself.

It is also noteworthy that the budget and the balance sheet of the Centre have not been published in any of the reports up to this day. A statement made to the press in September

2003<sup>xxvii</sup> by the deputy president casually referred to an amount of 600,000 Euros but no details were disclosed about the items contained in the budget.

### **Information to the public**

Under the heading "Mission 3: Reception and information of the public", ten pages<sup>xxviii</sup> of texts, colorful graphs and charts are devoted to the number of enquiries received over the last four years without providing any relevant information about the Centre's mission, and more notably about the identity of the groups concerned.

#### *Internet site*

Though the Centre has had an Internet site for over five years, to this day the public is still unable to find anything of relevance on a particular movement, not even the contents of the folders published on the Mormons, the Baha'is, and the Jehovah's Witnesses. There is no section on Frequently Asked Questions nor are the Centre's answers made available on its website<sup>xxix</sup>. The site is dramatically under-used despite the fact that it could be an effective, time-saving and inexpensive instrument of dispensing information instead of answers by regular mail to individuals and groups. Increased activity would also allow the Centre to gain greater visibility.

The sections " The Centre in the press " and " Communiqués and articles by the Centre " under construction for several years have now completely disappeared from the website. The section "Actualités" only contains the text of the Law of April 2004 which brought minor changes to the Law of June 2, 1998.

In the section "Publications," we can find the Centre's two reports of activities disseminated, covering the years 1999-2000.

In the section " Library " can be found a very interesting bibliography of several hundreds of 300 reference works.

The section "Associations of assistance and information in Belgium" lists ten associations, nearly all of which share the mission of providing aid to the victims of cults. Other associations covering the phenomenon from a different perspective could also be listed here, but they are not.

#### *Information service by mail*

The Centre responds to the questions of the public that are communicated by mail, by telephone or by any other means, on the basis of the information that is available to it, but the way these questions are handled is not known<sup>xxx</sup>. It should be noted that this activity of the Centre is very sensitive, because it influences the image of the movements in public opinion and can reinforce intolerant attitudes. Some people are said to have tested the information service and received nothing but clippings of negative newspaper articles. These responses must not for the time being be generalized nor ignored, but opacity does not help researchers and only the Centre could clarify this point in its biennial report.

In this regard, a number of questions could be raised: Is it acceptable for the Centre not to consult the movements about which it disseminates information? Is it unrealistic to expect the Centre to consult with movements before drafting a response to frequently asked questions about them?

#### *Collaboration between State and religious minorities : an Austrian experience*

These questions have been examined in Austria, where there exist approximately 35 centres of information on churches and religious movements, divided into four categories: associations of families and individuals, ecclesiastic associations, private associations, and state organizations.

*Kult & co Tirol*, a state agency, has co-edited with those concerned a 70-page brochure<sup>xxxii</sup> on nine religions active in Tirol, from the Mormons to the Catholic Church, passing through Islam and Judaism. It has thus proved that a dialogue is possible between the State and its religions, even those classified as cults in certain countries, and that they could act as responsible movements. *Kult & co Tirol* also published a 23-page study entitled « The current situation of information and advisory Centres on so-called sects and psycho-groups in Austria. »<sup>xxxiii</sup> Fourteen centres of information responded to the questionnaire. In its poll, the Austrian state institution asked its counterparts what attitude the state should adopt with regard to so-called sects and psycho-groups. All answered that the information dispensed by the state should be factual. Five indicated that the state must be honest and tolerant towards so-called sects and one suggested that the state treat churches, religious associations and so-called sects on equal terms.

This investigation could be a good starting point for some reflection on the Belgian law of June 2, 1998.

#### **New parliamentary offensive in preparation in 2004**

In spring 2004, the Belgian parliament and government undertook a number of steps that clearly demonstrated a revived interest in the fight against “harmful sectarian organizations.”

A sub-commission attached to the Justice Commission was created and its first session was expected to be held before the summer<sup>xxxiii</sup>.

At the April 26, 2004 session of the Justice Committee of the House of Representatives, MP André Frédéric urged Minister of Justice Laurette Onckelinx<sup>xxxiv</sup> (Socialist, French-speaking) to monitor the follow up of the recommendations of the Sect Commission of April 28, 1997 with particular attention to Jehovah’s Witnesses and the Church of Scientology.

In her answer, Minister Onckelinx summed up the activities of the Sect Observatory concerning these two groups and declared that she was examining the possibility of updating its recommendations. In this regard, it is worth recalling that the Sect Observatory chaired by Prof. Adelbert Denaux had asked the legislators to draft a law on the abuse of weakness<sup>xxxv</sup> by “harmful sectarian organizations”, as publicized in September 2003 in the recommendations of its latest report.

On September 19, 2003, MP Philippe Monfils (MR Party/ Liberal, French-speaking) tabled a draft law against the abuse of weakness in which it was requested that a specific provision be added to the constitution under article 146.

On October 15, 2003, Senator Pierre Galand (Socialist, French-speaking) posed a written question about the opening of the European bureau of the Church of Scientology and the charges of illegal practices raised against them in a Belgian court.

In December 2003 and January 2004, MP André Frédéric asked various ministers (Justice, Labor and Retirement Pensions, Social Affairs and Public Health, Defense, etc.) written questions about the follow up of the Sect Commission recommendations by their respective departments.

Pierre-Yves Jeholet (MR Party/Liberal, French-speaking) also addressed a written question to Minister Onckelinx about the Church of Scientology and the law on personal data. The minister provided a technical answer to all aspects of the raised issue.

This list, though not exhaustive, shows once more that the fight against “sects” primarily emanates from French-speaking MPs and senators of the socialist and liberal parties.

### **Sect Observatory in desperate search of members**

In a draft law tabled on February 5, 2004, the five-member Working Group “Information and Advice Centre on Harmful Sectarian Organizations” which was created by the House of Representatives acknowledges that “The last calls for candidates have highlighted that it is difficult to find enough people interested in the Centre”.

No salaries are to be provided. The June 13, 1999 law concerning the payment of the Centre’s experts says that the president and his alternate receive an annual compensation of 300,000 BEF (about 7,500 EUR or USD 9,000), to be paid on a monthly basis, the members and their alternates 5000 BEF (about 125 EUR or USD 150) and experts 1000 BEF (about 25 EUR) per hour.

The first mandate of the Sect Observatory came to an end in May 2003 but was extended until October due to an insufficient number of applications for membership. More than six months later, the Sect Observatory was still working outside the framework of the law that created it.

According to the draft law, the requested applications should have reached the minimum figure of 48<sup>xxxvi</sup>, i.e. twice as many as the current number of members, before starting the selection procedure.

The draft law reduces the number of members and of their substitutes from 12 to 8 and extends their mandate from 4 to 6 years. The requested applications should then logically be 32. It remains to be seen if this slightly reduced threshold will be reachable this time around.

### **The surveillance of “harmful sects” by the Ministry of Interior**

In response to a question posed on April 21, 2004<sup>xxxvii</sup> by Deputy Joseph Arens [cdH]<sup>xxxviii</sup>, the Minister of Interior Patrick Dewael declared “The central service ‘terrorism and harmful

sects' is actually the focus of a re-examination with regards to matters of human resources and priorities" and put back the surveillance of "harmful sects" in its context.

The Directorate for the struggle against criminality under the authority of the General Directorate of the Police's Investigative Unit consists of three divisions: Drugs, Trafficking of Human Beings, Terrorism and Sects. The "Terrorism and Sects" division is split into four *teams*: Islamic Fundamentalism, Kurds, National and International Terrorism, and Sects. The divisions of the General Directorate of the Police's Investigative Unit are concentrating on support, coordination, procedure control, and information analysis. In each district, the Police's Investigative Unit covers the sectarian phenomenon and hires trained or specialised investigators according to the needs of the situation.

Until recently, the sect *team* was composed of a single detective chief inspector. Since his transfer on the 11 September 2001 to an alternate police zone, he has never been replaced. His mandate was entrusted to a detective chief inspector already responsible of issues of national and international terrorism. Minister Dewael stated to Deputy Joseph Arens that the federal police has never been the subject of any complaint concerning its treatment of the sect issue, because of the multi-dimensional flexibility of the "Terrorism and Sects" division and its collaboration with, among others, the Administrative Coordination Agency for the Fight Against Harmful Sectarian Organisations. This division and the Police's Investigative Units in the various districts are currently the focus of a re-examination.

## Conclusions

The political regulation of the religious movements, worldviews and groups of physical and psychological well-being enshrined in the Law of June 2, 1998, creating the "Information and Advisory Center on Harmful Sectarian Organizations" along with the "Administrative Agency for the Coordination of the Fight against Harmful Sectarian Organizations" is not in line with international instruments, and in particular with the provisions of the Nastase Report and the OSCE commitments regarding freedom of religion and belief<sup>xxxix</sup>. Moreover, the analysis of the law and of its implementation clearly indicates that the Centre cannot function correctly in its current legal framework.

The Law of June 2, 1998 must therefore be revised so as to remove its discriminatory character and to put an end to the "immunity" of the religious establishment. The two aforementioned institutions should be replaced with an operational observatory independent from the state and of any ideological influence, an *Inter-university information and advisory centre on religions and worldviews*, in which religion sociologists and historians would have their place, alongside with other specialists.

June 6, 2004

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<sup>i</sup> Also called Sect Observatory in the media.

<sup>ii</sup> <http://www.ciaosn.be>

<sup>iii</sup> C.I.A.O.S.N., Biennial report (Years 1999-2000), pp 11,12,13 .

<sup>iv</sup> Art . 6, § 4 : " The information that the Centre supplies at the request of the public is based on the information which the Centre has available and may not be presented in the form of systematic lists of harmful sectarian organizations."

<sup>v</sup> C.I.A.O.S.N., Biennial report (Years 2001-2002), pp 29, 30. From January 2000 to February 2003, the enquiries were split as follows: groups originating or dissident from Protestantism (30.1%), groups centered on physical and mental welfare (17.8%), groups from the Far East (15.6%), groups originating or dissident from

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Catholicism (6.4%), esoteric movements (5.5%), New Age/ Neo-paganism (4.9%), the sect phenomenon in general (7.6%), groups not covered by the Centre's mandate (4.0%), the Centre (5.4%).

<sup>vi</sup> C.I.A.O.S.N., Biennial report (Years 2001-2002), pp 13-17. Five pages are devoted to the topic "Sects and health" and show close collaboration with the medical and pharmaceutical establishment. Moreover, this part of the report once more indicates that the Centre "investigates" and "works" on the basis of undefined, unidentified and unidentifiable "sects." Therefore, the distinction made by the law between "sects" and "harmful sectarian organizations" is totally artificial and irrelevant.

<sup>vii</sup> C.I.A.O.S.N., Biennial report (Years 2001-2002). As groups not covered by the Centre's mandate represent 4.0% of the enquiries, the Centre can be said to consider all the other groups as sects, to check if they are harmful and to distribute information about them without their knowledge.

<sup>viii</sup> This activity of the Centre is not covered by the 1998 law. Anti-sect policies in Germany, Austria, France and Belgium had already gone beyond their normal mandate by including "psycho-groups". Belgium now goes one step further.

<sup>ix</sup> C.I.A.O.S.N., Biennial Report (Years 1999-2000), p 29.

<sup>x</sup> For example, it is impossible to know whether there were enquiries about Free-masonry and if so, in what category the Centre would have filed them.

<sup>xi</sup> The question of the validity of the research work and the advices of the Centre can be raised when it is known that it does not carry out any fact-finding mission in the religious groups and does not work in the field but just collects information from books, media, internet website.

<sup>xii</sup> C.I.A.O.S.N., Biennial Report (Years 2001-2002), pp 35-37.

<sup>xiii</sup> For example: The only contact JW are said to be allowed to have with the outside world is through proselytism (p 36 of the second biennial report). This is completely untrue. JW are fully integrated into society where they practice all sorts of occupations (teachers, engineers, lawyers, etc.).

<sup>xiv</sup> Over 600 medical doctors and surgeons as well as hospitals have expressed their readiness to treat JW according to their religious beliefs. Moreover, no JW in Belgium has ever been convicted on the basis of "failure to surrender assistance to a person in danger."

<sup>xv</sup> The Center could have said in its last report that from 1933 to the end of WW II, 10 000 German JW were imprisoned in Nazi concentration camps (and not just in "camps"), that 1200 died or were executed, gassed or even beheaded during their captivity. Moreover, it is really shocking that the report uses the word "badge" (écusson in French) when describing the purple triangle JW had to wear.

<sup>xvi</sup> All experts in freedom of religion and belief know that JW are persecuted and victims of acts of violence in those countries (See <http://www.forum18.org>).

<sup>xvii</sup> He regularly makes donations to charities (homeless people, children with cancer in hospitals, etc.) and integrally gave people in need the money he earned from a court case against the Catholic Church.

<sup>xviii</sup> Illegal Activities of Sects, Doc. 8373, April 13, 1999. Report. Commission of legal and human rights questions. Rapporteur : M. Adrian Nastase, Romania, Socialist.

<sup>xix</sup> Professor at the Institut d'étude des religions et de la laïcité de ULB.

<sup>xx</sup> Interviewed by Prof. Anne Morelli, M. Herman De Croo, president of the House of Representatives, told her on March 27, 2003 "...The collection of applications introduced in order to supply for nomination of members of the *Information and Advisory Centre on Harmful Sectarian Organizations* was announced at the plenary session of March 13, 2003. It was stated that the number of candidates was insufficient.

"Conforming to the opinion of the Conference of Presidents of March 19, 2003, the plenary assembly of March 20, 2003 marked its agreement with the postponement until October 31, 2003, of the mandate of the current members of the *Information and Advisory Centre on Harmful Sectarian Organizations*.

"In the meantime, a new call for candidates will proceed.

"Your application is still valid, and it is not necessary for you to resend the required documents to the House of Representatives.

"The services of the House will not fail to keep you informed of future stages of the procedure..."

And Prof. Anne Morelli said to *Human Rights Without Frontiers* : "One can of course wonder what point of the regulation the 'insufficient number of candidates' refers to and in virtue of what procedure a minimal number of necessary candidates is set so that there can be a nomination..."

"Is it legal to prolong an incomplete structure in order to avoid having to name competent persons but which cannot participate with enough vigour in the fight against sects?"

<sup>xxi</sup> Note from the author : The mode of recruitment of the Centre personnel charged with daily management is not indicated in the law of June 2, 1998. In removing personnel from the Ministry of Justice, the political authorities created the necessary conditions to create a dependent and docile organ. The margin of maneuver of the Centre is well marked, although it is not expressed in the law. Its choice is simple: either to be politically incorrect and enter into a head-on collision with policy, or to practice self-censorship.

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<sup>xxii</sup> See C.I.A.O.S.N., Biennial Report (Years 2001-2002), pp 12 and others: ADIF (Association for the defence of the individual and the family), ASFVS (Association for the support to families victims of sects, 1994), AVCS (Aid to the victims of sectarian behaviors), AVPIM (Association of victims of illegal medical practices), CIGS (Contacts and information on sectarian groups), OLS (Local observatory of sects, 1996), SAS (Study and advisory group on sects, 1997), SOS Sects (2001), VVPG (Association for the defence of the person and the family).

<sup>xxiii</sup> Letter dated October 4, 1999.

<sup>xxiv</sup> C.I.A.O.S.N., Biennial Report (Years 1999-2000), pp 9, 15, 23, 24.

<sup>xxv</sup> pp 23-24 of the Report.

<sup>xxvi</sup> Note from *Human Rights Without Frontiers Int.* : for example, the anti-sect campaign orchestrated by the French Community of Belgium that wrongly calls the 189 movements inventoried in the Parliamentary Report "active sects." Or again, the intolerance and discrimination practiced both by public and private authorities, with regard to minority religions: slander, stigmatising broadcasts and articles in the media, victimization at work or school, attacks on the reputations of ordinary persons or intellectuals having dissident opinions in the matter, loss of employment or promotions, refusal or limitation of the right to visit or rejection of the right to custody in cases of divorce, impossibility of renting public or private spaces for religious ceremonies or meetings, denial of access to public posting boards, police supervision and interrogation, judicial complaints for supposed illegal practice of medicine, cases of temporary imprisonment, etc. See detailed cases on the Internet site <http://www.hrwf.net/newhrwf.net/html/belgium2002/html>, <http://www.hrwf.net/newhrwf.net/html/belgium2001/html>, <http://www.hrwf.net/newhrwf.net/html/belgium2000/html>, <http://www.hrwf.net/newhrwf.net/html/belgium1999/html>

<sup>xxvii</sup> Le Soir, September 18, 2003.

<sup>xxviii</sup> C.I.A.O.S.N., Biennial Report (Years 2001-2002), pp 20-29.

<sup>xxix</sup> Website visited in May 2004.

<sup>xxx</sup> "The information that the Center supplies at the request of the public is based on the information which the Center has available and may not be presented in the form of lists or systematic statements of harmful sectarian organizations." (Law of June 2, 1998).

<sup>xxxi</sup> Kirchen und Religionsgemeinschaften in Tirol. Eigentümer, Herausgeber und Verleger: Verein Jugend und Gesellschaft. Address: Meinhardstrasse 8/1, A-6020 Innsbruck. <http://www.kult-co-tirol.at>

<sup>xxxii</sup> Zur gegenwärtigen Situation von Informations- und Beratungsstellen in Bezug auf so-genannte Sekten und Psychogruppen in Österreich.. Endbericht. Von Dr. Peter Schulte (kult& co tirol). Informations- und Beratungsstelle des Landes Tirol zu religiösen und weltanschaulichen Fragen.

<sup>xxxiii</sup> The chairperson is MP André Frédéric (Socialist, French-speaking).

<sup>xxxiv</sup> When minister-president of the French Community, Laurette Onckelinx set up a freephone helpline, 0800-20 000 to provide information to the general public. When the service was unable to give a satisfactory answer, it oriented the callers to one of the existing anti-sect associations. She then also launched a huge media campaign warning against sects: distribution of 250,000 tracts and 60,000 four-color brochures, publicity on TV and in cinema halls, etc.

<sup>xxxv</sup> It seems Belgium wants to follow the example of France, where the About-Picard law criminalizes the abuse of weakness.

<sup>xxxvi</sup> This threshold is not specified anywhere in the laws regulating the functioning of the Sect Observatory.

<sup>xxxvii</sup> Official minutes of the Commission for the Interior, General Affairs, and Public Services (Afternoon session of 21 April 2004)

<sup>xxxviii</sup> Centre démocrate et humaniste (Christian Democrat Party, now in the opposition)

<sup>xxxix</sup> For example the 1989 Vienna Concluding Document.