**Secular states, hate speech, justice and security**

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The constitutional and legal framework defining the status and the place of religious or belief communities in the state is of utmost importance to guarantee their mutual autonomy.

The right to self-management of religious, spiritual, theistic and non-theistic organizations is however not sufficient to guarantee their equal treatment by the state.

The intersectionality between the principles of mutual autonomy, state neutrality and non-discrimination is an essential component of the level of effective independence of the said communities from the state and the degree of social inclusiveness allowed by the state.

The state must be neutral in its relations with the said communities and provide them with equal opportunities, regardless of their historicity or lack of it at home and abroad as well as the size of their membership. This is not necessarily the case in most of our democracies in Europe.

**Hierarchies of religions**

In many EU countries, there are tier systems of classification of religions used and misused by the state to justify a so-called differentiated, but discriminatory, treatment of various categories of believers.

Most European democracies have legislations that create a hierarchy of religions and grant them, or deny them, a number of rights and financial advantages according to their classification. This discriminatory categorization usually starts with the type of legal status to which religious or belief communities are allowed, or denied, to have access to on the basis of questionable criteria.

Many EU member states have inherited from their past a system of relations between State and religion that privileges a specific Church or a limited group of religious communities to the detriment of others. This is the case in Austria, Belgium, Greece, Hungary, Italy, Poland, Portugal, Romania, Slovakia, and other countries.

**Hate speech in the media**

In the lowest category, some religious or belief communities are identified with the infamous and stigmatizing term “cult” or “secte, secta, Sekten…” according to the language. This derogatory term is repeatedly used without restrain by the media and former disgruntled members of religious or belief groups to destroy the latter’s image out of revenge. The misuse and the trivialization of this sort of derogatory label has recently led to acts of violence against community buildings of Jehovah’s Witnesses in Italy and in Germany where several believers were even killed in a bomb attempt.

In Japan, last year, Prime Minister Abe Shinzo was assassinated because of alleged links with the Church of Unification which for years had been vilified and pilloried by the media and former disgruntled members. In South Korea, a husband killed his wife because she persisted in retaining her new faith in the Shincheonji Church. In Pakistan, Ahmadis are targeted as heretics, repeatedly attacked and killed. In other Muslim countries, the label “infidel” is sufficient to put the life of a non-Muslim or a Muslim convert at risk.

The repeated use of derogatory terms to qualify some minorities and the otherness of some human groups can be lethal and the media community has its share of responsibility in this matter.

Last but not least, the media do not only influence public opinion but they also shape the ideas of the political decision-makers, including in our European democracies.

**Public segregation and stigmatization by the state**

Although the negative concept of “cult/ sect” has no legal existence and is rejected by the academic community as well as the European Court of Human Rights, a number of parliaments in Europe have adopted laws stigmatizing and putting under state scrutiny the movements of Jehovah’s Witnesses, Hare Krishna devotees, Scientologists and others belonging to the lowest category of their hierarchy of religions.

In the 1990s, four states in Europe took such legal initiatives and create some sort of cult observatories, which in fact did more than observe. In **Austria**, the state created a “Federal Office for Cults” (Bundesstelle für Sektenfragen) targeting specific religious groups. Centres for information on cults were also created by mainline Churches and private groups, their purpose being to warn people against the danger of cults.

In **Germany**, a parliamentary *Inquiry Commission on So-called Cults and Psychogroups* was set up in 1996. It published a report recommending that only the Church of Scientology be placed under surveillance. **France** and **Belgium** created similar enquiry commissions but went further and developed, through new laws and institutions, an open policy of fight against “cults” and “harmful cultic organizations.” France first set up the *Interdepartmental Mission of Fight Against Cults* (MILS) which later on was replaced by the *Interdepartmental* *Mission of vigilance and Fight against Cultic Deviations* **(**MIVILUDES).

**Belgium** very quickly followed suit to France and globally adopted the same policy of confrontation, to the detriment of any form of fair investigation and dialogue with the concerned groups. A so-called *Centre for Information and Advice on Harmful Cultic Organisations* (CIAOSN) was put in place at the Federal level.

**Stigmatized religious or belief groups defend themselves in courts:**

**the example of Belgium**

Stigmatized religious or belief groups first tried to defend themselves against state watchdogs through dialogue and against the media by trying to use their right of reply. Unfortunately, without any success.

For those who can afford it financially, the only way left is the courtroom. It took the Church of Scientology 20 years of judicial proceedings to be declared non-guilty of any wrongdoing. Jehovah’s Witnesses have been particularly targeted and harassed by state and public institutions. A few examples in 2022.

***Unfounded accusations of sexual abuse against Jehovah’s Witnesses***

In October 2018, the CIAOSN published a report about alleged sexual abuse of minors committed within the Jehovah's Witness community had asked the Belgian federal parliament to investigate the issue.

The CIAOSN said it had received various testimonies from people claiming to have been sexually abused, leading to a series of searches of Jehovah's Witness churches and homes.

These accusations of sexual violence were strongly contested by the religious community. The Jehovah's Witnesses felt that this was prejudicial to them and their reputation and took the case to court.

In June 2022, the Court of First Instance in Brussels ruled in favour of the Jehovah's Witnesses and condemned the CIAOSN.

The judgement states that the CIAOSN "committed a fault in drafting and distributing the report entitled 'Reporting on the treatment of sexual abuse of minors within the Jehovah's Witnesses organisation'."

The Brussels Court of First Instance also ordered the Belgian State to publish the judgement on the CIAOSN homepage for six months.

The court decision was welcomed by Jehovah's Witnesses, who had denounced a "particularly vile rumour" targeting their community of some 45,000 members and supporters. However, no compensation was awarded to the organisation as no damage could be proven.

***Tax discrimination against Jehovah’s Witnesses***

For decades, Anderlecht, a commune of Brussels, has been famous for its football club.

Since 5 April 2022, it has become famous for a decision of the European Court in Strasbourg which unequivocally denounces the historical system of state recognition of religions and non-religious worldviews as incompatible with the international standards regulating freedom of religion or belief.

This was the unexpected outcome of an ‘ordinary’ complaint filed in Strasbourg against Belgium by a congregation of Jehovah’s Witnesses in Anderlecht, a commune of Brussel. The complaint of that religious movement, perceived by the authorities as a cult, was questioning the validity of the sudden denial of an exemption of property tax which had been granted to them for decades.

With the federalization of the country, the administration services of the Brussels Region became in charge of a new package of taxation procedures and decided that Jehovah’s Witnesses were to pay a tax on their property because it was not a state-recognized religion. The European Court confirmed that the taxation of the religious congregation was discriminatory and urged the Belgian state to revise its state recognition of religions in force since its creation in 1830.

No doubt this will be a daunting task which will take years of work due to the complexity of the Belgian double federalism system and, in particular, the complicated modes of financing religions and non-religious organizations by the state, the regions, the provinces and the municipalities.

***Jehovah’s Witnesses wrongly accused of discrimination and incitement to hatred***

On 7 June 2022, the Ghent Court of Appeal acquitted the Belgian Association of Jehovah's Witnesses of all charges of discrimination and incitement to hatred, after they had surprisingly been fined 96,000 euros by the Ghent Criminal Court in March 2021.

Seven years earlier, a former Jehovah's Witness went to the public prosecutor's office, claiming that once members left the community, they were ostracised and completely socially isolated by order of the organization.

The public prosecutor's office in Ghent then summoned Jehovah's Witnesses on four counts: incitement to discrimination on the basis of religious beliefs against a person, and against a group, and incitement to hatred or violence against a person, and against a group.

In the first instance, the Belgian Association was found guilty of inciting discrimination and hatred or violence against former members who had left the community but it appealed the decision.

The Court of Appeal of Ghent hereby confirmed that Jehovah’s Witnesses’ biblical practice of limiting or avoiding contact with former followers, also called shunning, was legal and does not incite discrimination, segregation, hatred or violence.

Although the Belgian and European jurisprudence had been clear on this issue, an institution of the Belgian state, the Interfederal Centre for Equal Opportunities and Opposition to Discrimination and Racism (UNIA), did not hesitate to take sides against Jehovah’s Witnesses and to support, in court, the accusations of one of their former disgruntled members.

This case highlights again the hostility of state institutions towards religious movements labeled as “harmful cults” in Belgium. As to the media and the journalists, they should avoid exaggeratedly echoing unchecked accusations, stigmatization and sensationalism and devote the same attention and importance to a final acquittal.

The same deviations of state institutions and media outlets can be observed in other European democracies where there is an official hierarchy of religions. Stigmatized religious and belief communities have to defend themselves against unfounded accusations fueled out of revenge by former members and organizations they have founded or adhered to. Such accusations are then amplified by the media, endorsed by some political forces but also quite officially by the state and its institutions.

*Human Rights Without Frontiers* has [a database of cases](https://hrwf.eu/forb/our-advocacy-papers/) won in courts by wrongfully stigmatized religious groups in France and in Belgium.

**Good practices: Neutral and scientific information as the best prevention, the example of Switzerland**

In Switzerland, there is no official list of “cults”. Due to the lack of objective criteria, public authorities have never made a distinction between “cults” and “religions” and the category of “cults” is not endorsed by the Swiss legislation.

In the 1990s, several experts’ reports recommended to adopt an educative approach rather than a repressive policy to tackle the issue. In the French-speaking part of the country, discussions led to the creation of the *Centre for Information on Beliefs by* several cantons([CIC](https://cic-info.ch/)).

Its mission comes within the framework of Article 15 of the Swiss Constitution guaranteeing freedom of conscience or belief and the Council of Europe Recommendation 1412/99 about the necessity to publicize objective and independent information about religious, spiritual and non-theistic movements.

The CIC was created in 2002 in Geneva to respond to the concerns of the population with regard to cultic aberrations. The CIC is a private institution recognized as being of public utility. It is independent from churches and it is CIC is subsidized by three cantons: Vaud, Valais and Tessin, and a private foundation.

***Informing and educating***

The mission of the CIC is to inform, prevent and raise awareness of possible aberrations and dysfunctions of religious groups.

Convinced that information is an appropriate means of preventing both aberrations and discrimination, the CIC prepares complete and up-to-date information files. In an area where neutral and independent information is lacking, the work of the CIC is of particular importance. With a [documentation center](https://cic-info.ch/prestations/centre-de-documentation/) that lists more than 1,000 regularly updated references, the CIC has produced [information files](https://cic-info.ch/prestations/dossier-dinformations/) on nearly 1,400 religious and spiritual groups as well as on more than 200 themes. It has also worked on the [mapping of religious diversity](https://cic-info.ch/realisations/cartographies/) in Genève, Valais, Vaud and Tessin cantons.

***Methodology***

The work of the CIC is based on three principles that allow it to ensure maximum impartiality and objectivity: neutrality, work of proximity and networking.

The CIC applies the principle of neutrality in several ways:

1. It does not take part in controversies.
2. It refrains from giving an opinion on religious beliefs and practices. The documentation provided systematically includes several points of view (religious, sociological, historical, legal, psychological). It is up to the reader to make up his own mind!
3. It takes the same approach with all groups, recognized or controversial.
4. It uses a neutral terminology.
5. It applies the working methods and interviewing techniques of the human sciences that guarantee, as much as possible, objectivity.

***Research work in the field and international networking***

The CIC favors fieldwork and direct relations with religious organizations. It regularly contacts religious leaders and goes to worship services and meetings. This proximity work favors the exchange of information.

The CIC exchanges information with various information centers in Switzerland, Europe and North America (France, Belgium, Great Britain, Canada, United States). It also develops collaborations with the Swiss and international academic world. In addition, the CIC cooperates regularly with associations for the defense of victims and maintains frequent contacts with various specialists: researchers, doctors, psychologists, lawyers and members of religious movements.

Over the past twenty years, the CIC has added new areas of work to its main mission.

The CIC puts its experience, its skills and its network of experts at the service of training on issues related to religion in the public space.

The CIC also develops empirical research, of public utility, based on qualitative and/or quantitative research techniques, on current issues, and whose objectives are practical and applicable. The results are made public for the purposes of scientific popularization, in the form of training, expertise, conferences, and publications.

The CIC provides scientific and multidisciplinary expertise (socio- logical, legal, political, anthropological) on phenomena with social and political implications. On request, it produces information files on alternative therapies, social issues such as dietary practices, exemptions for religious reasons, secularism, feelings of exclusion, religions and sexual rights, and many others.

**Conclusions**

In the aftermath of a series of massacres and collective suicides perpetrated by several marginal but dangerous religious or esoteric movements on several continents in the 1990s, a number of European states adopted prevention policies that in the name of security were proportionate, they thought, to the level of the threat. With the passing time, it appears that such measures have become disproportionate and have led to violations of freedom of religion or belief that have been repeatedly denounced at the UN and the OSCE.

The time has come to question and review controversial and counter-productive policies. In Europe, Switzerland has elaborated an efficient model of risk prevention that respects human rights and preserves social cohesion. This can be a promising source of inspiration for other countries.