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Media fabrication of religious hostility



Jehovah's Witnesses' Bethel (headquarters) in Belgium

HRWF (21.08.2023) - A Jehovah's Witness has telephoned someone to talk about the Bible and the Apocalypse, according to a journalist from a well-known French-language daily, who artificially turned it into a sensational article dated 15 August 2023. Headline: "How Jehovah's Witnesses try to recruit by telephone".

We all receive unsolicited phone calls for commercial purposes, but they don't make the headlines. We simply get rid of them by hanging up the phone.

Clearly, the journalist wanted to stigmatize Jehovah's Witnesses (JW). Indeed, she added and developed the idea that *"they use the telephone, especially in cases of the death of a family member, according to a specialist."*

What specialist? Not a person, but a French anti-JW organisation (UNADFI) well known for having lost several [libel cases](#).

Other 'proof' dating back several years, according to the same journalist: *"Bereaved people are among the preferred targets of these telephone calls. They use the telephone especially when a family member dies. They get their information from obituaries and their message is to tell their loved ones that they shouldn't despair because the end of the world is coming soon", explains Sandrine Mathen, former director of [CIAOSN](#) (Information and Advice Centre on harmful cult-like organizations)."*

Concerning this source closely linked to the Ministry of Justice, it should be pointed out that in 2022 the CIAOSN lost a case brought to court by the Jehovah's Witnesses for defamation about their alleged concealing of sexual abuse in their midst. According to the court decision, the CIAOSN was to post the judgement on its website, but it did so [in a very curious way](#). Moreover, strange though it may be, the link of the journalist did not lead to the CIAOSN website but to another of her own articles protected by a paywall that we managed to go through and in which there is no mention of the declaration of the CIAOSN former director...

If the journalist had not been ill-intentioned, she would have contacted the central office of the Association of Jehovah's Witnesses in Belgium to find out their position on the possible use of the telephone for their missionary activities and whether targeting bereaved persons were part of their policy.

If she had done it, there would not have been any reason to write an article about a phone call from a private person to another private person, but she didn't.

We did and here's the answer:

"Regarding the article in the DH 'Comment les Témoins de Jéhovah tentent de recruter par téléphone', we can confirm that this is not a method recommended by us. It is possible that some individual Witnesses use this method because each Witness considers it a personal assignment and will carry it out in the way that suits him or her personally."

At the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw, there is a specific unit dealing with hate speech, the Tolerance and Non-Discrimination Department. They collect cases of hate speech in the OSCE Participating States for their annual report. The next OSCE/ ODIHR two-week international conference with all the country delegations (57) and hundreds of NGOs will take place in Warsaw in early [October](#) and hate speech is on the agenda.

"Cult victims": Real, "time-bomb" and imaginary

A controversial Belgian report offers the opportunity of reflecting on real and fabricated "victims" of new religious movements.

By Massimo Introvigne

[Bitter Winter](#) (14.07.2023) - On June 26, 2023, the Belgian federal observatory on "cults" CIAOSN [published a document](#) titled "Recommendations on Help Supplied to Victims of Cultic Control."

It mentioned six ways in which "cults" create "victims": by making them "dependent" on "gurus" and leaders; separating them from their families; selling to them courses and items at exorbitant prices; soliciting extravagant donations; controlling them through "abus de faiblesse" (abuse of weakness) and "emprise mentale" (mind control)—which are versions of the [discredited theory of "brainwashing"](#) typically used by the French-speaking anti-cult movements; and endangering the "physical and moral health" of minors.

The document offers a good opportunity to reflect on the notion of "victims" of new religious movements (called "cults" by the followers of the [anti-cult ideology](#)). Anti-cultists often claim that mainline scholars of new religious movements are "cult apologists" who believe, in good or bad faith, that all "cults" promote love and peace and bring flowers to our suffering world. Perhaps such "cult apologists" exist, but in some forty years of activity in this field I have never met one. On the contrary, scholars of new religious movements are very much aware of cases where the groups they study have perpetrated a variety of crimes, from terrorism to sexual abuse of both adults and children. Some do it systematically, or justify their crimes theoretically, and I have created for those the category of ["criminal religious movements"](#) that others have quoted and used.

The controversy with the anti-cultists is not on whether some new religious movements commit crimes. Obviously they do. It is on the definition of crimes. For me and most of my colleagues, crimes include physical violence, sexual abuse, terrorism, theft, and the apology of violence (which is also a crime): in one word, "common" crimes, not unique to "cults." We do not believe that "being a cult" or "using brainwashing" (by whatever name) are real crimes.

There are two other points I would make. The first is that there is no evidence that common crimes are more prevalent among new religious movements than among mainline religions. There have been proved cases of sexual abuse in groups labeled as "cults," but in general they have been statistically more numerous in the Roman Catholic Church and some other "old" religious organizations. New religious movements have been guilty of a few terrorist attacks, but their size and the number of victims pale in comparison with terrorism that used or misused the name of Islam and other mainline religions.

The second is that there may have been more crimes perpetrated by anti-cultists than by "cults." Deprogramming, i.e. kidnapping adult members of new religious movements and illegally detaining them and submitting them to all sorts of pressures until they renounce their faith, is an obnoxious crime, recognized as such by courts of law in most democratic countries of the world. There have been cases of deprogrammers [beating and raping their victims](#), and some victims [have even been killed](#). Deprogramming attempts were in excess of 4,000 in Japan before [the Supreme Court intervened](#) as late as 2015 in the case of Toru Goto, a member of the Unification Church who had been detained for more than twelve years, and [in excess of 1,500 for Shincheonji](#) only in South Korea (plus many others against members of other "cults"), where some courts of law still tolerate them, not to mention other countries.

Once these precisions are made, probably even most members of new religious movements would acknowledge that within “new” religions there are leaders and devotees guilty of rape, sexual abuse, violence, and murder. They should be punished not less (nor more) severely than any other citizen guilty of the same crimes, and certainly cannot use religious liberty as an excuse for their criminal acts.

There are, however, two more problematic categories of alleged “victims” of new religious movements. The first are those we may call “time-bomb victims,” of which some former members of sacred eroticism groups are the clearest example.

New religious movements teaching sacred eroticism, which I have studied for more than twenty years, by definition promote a way to enlightenment through erotic practices, which has a venerable tradition within ancient religions such as Hinduism and Taoism. More often than not, they include an erotic initiation by the leader of the group or a senior disciple. They do not hide it. For example, anybody who had read one of the books by the Czech master [Guru Jára](#) before joining his group would have immediately understood that a sexual encounter with him might have been part of the experience female devotees could expect.

In the case of Guru Jára, just as in others concerning [MISA](#) or the [Loup Blanc teachings](#) in France, certain devotees initially reacted with enthusiasm to the erotic initiations, and some even consigned their experiences in writing. It was only after several years, having left the movements and being socialized into the anti-cult community, that they came to claim that their willingness to submit to such initiations was not spontaneous but caused by brainwashing. This is an extreme example of “time-bomb victims” but there are others. In Japan, only after they were deprogrammed, alleged victims “[understood](#)” that their donations had not been spontaneous.

A third category includes, simply, imaginary victims. It includes two sub-categories. One, studied in [a recent article by Canadian scholar Susan Palmer](#) as fabricated victims in the case of the [Buenos Aires Yoga School](#), refers to members of new religious movements who flatly deny having been victims of anything and denounce the tall tales of anti-cultists about them as imaginary and even offensive. However, the more they deny being victims, the more anti-cultists and some police and prosecutors insist that their denial is just evidence that they are still under the effect of brainwashing.

The second sub-category includes “victims” of practices that are regarded as illegal if found among “cults” but perfectly legal when one encounters them among mainline religions and even secular organizations. For instance, one would find harsher forms of separation from the families and obedience requested to the leaders among cloistered and non-cloistered monks and nuns in mainline religions than in most new religious movements, yet only the practices of the latter are denounced as objectionable. The same happens with donations or the sale of religiously significant objects at a price greatly exceeding their material value.

In the main Italian court case against Scientology (which the religious movement [eventually won](#)), the judges noted that some may regard the cost of OT courses and special editions of L. Ron Hubbard’s books as extravagant but on the other hand huge donations were also solicited by the Roman Catholic Church and collectors spend millions on objects whose intrinsic value is not easy to demonstrate. Italian judges made these comments long before a collector [paid \\$91.8 million](#) to buy the NFT version of a work by Pak, a digital artist nobody has ever seen and who may not even exist.

Those who object that these are investments made with the hope to resell miss the point that real collectors may never be willing to part company with their treasures. Karl Marx's theory of commodity fetishism had already explained in the 19th century that the prices we are prepared to pay for certain goods and services depend from their social function and have nothing to do with their real value. Note that Marx borrowed the word "fetishism" from scholars of religion. If those who buy goods and services from new religious movements are "brainwashed," so are those donating to mainline religions and book, comic, and trading card (not to mention NFT) collectors. Yet, only those who give their money to "cults" are called "victims."

Are there victims of real, common crimes perpetrated by new religious movements? The answer is yes. Are those who commit these crimes protected by religious liberty? The answer is no. But common crimes (which are not less and probably more prevalent in mainline religions and in the anti-cult movements) should not be confused with the imaginary crimes of "being a cult" or "using brainwashing."

Some reflections about the Recommendation of the Federal Cult Observatory on "cult victims" (I)

Version en français I

By Willy Fautré, Human Rights Without Frontiers

HRWF (10.07.2023) - On June 26, the Federal Observatory on Cults (CIAOSN/ IACSSO), officially known as the "[Center for Information and Advice on Harmful Cultic Organizations](#)" and created by the [law of June 2, 1998](#) (amended by the law of April 12, 2004), published a number of "[Recommendations concerning help for victims of cultic influence](#)".

In this document, the Observatory points out that its aim is to "combat the illegal practices of cults".

Illegal practices of cults

Firstly, it should be emphasized that the concept of "cult" (*secte* in French) is not part of international law. Any religious, spiritual, philosophical, theistic or non-theistic group, or any of its members, can lodge a complaint for alleged violation of freedom of religion or belief. Many have done so successfully in European countries, including at the European Court of Human Rights on the basis of Article 9 of the European Convention:

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

Secondly, cults are legally impossible to identify. The publication of a list of 189 possibly suspect groups attached to the [Belgian parliamentary report on cults in 1998](#) was widely criticized at the time for its stigmatizing instrumentalization, particularly but not only by the media. It was finally recognized that it had no legal value and could not be used as a legal document in courts.

Thirdly, the European Court of Human Rights recently handed down a judgment in the case of [Tonchev and Others v. Bulgaria](#) of December 13, 2022 (Nr [56862/15](#)), opposing Evangelicals to the Bulgarian state over the distribution by a public authority of a brochure warning against dangerous cults, including their religion. In particular, the Court declared:

53 (...) the Court considers that the terms used in the circular letter and information note of April 9, 2008 - which described certain religious currents, including Evangelicalism, to which the applicant associations belong, as "dangerous religious cults" which "contravene Bulgarian legislation, citizens' rights and public order" and whose meetings expose their participants to "psychic disorders" (paragraph 5 above) - may indeed be perceived as pejorative and hostile. (...)

In these circumstances, and even if the measures complained about have not directly restricted the right of the applicant pastors or their co-religionists to manifest their religion through worship and practice, the Court considers, in the light of its above-mentioned case-law (paragraph 52 above), that these measures may have had negative repercussions on the exercise by the members of the churches in question of their freedom of religion.

Paragraph 52 of the judgment lists other cases such as "[Leela Förderkreis e.V. and Others v. Germany](#)" and "[Centre of Societies for Krishna Consciousness In Russia and Frolov v. Russia](#)", in which the use of the derogatory term "cult" was disavowed by the European Court and now serves as case law. See also a commentary on the European Court's judgment by Massimo Introvigne in [Bitter Winter](#) under the title "[European Court of Human Rights: Governments should not call minority religions 'cults'](#)."

The official mission of the Belgian Cult Observatory is therefore intrinsically and very clearly at odds with the European Court in stigmatizing so-called "harmful cultic organizations," an obviously derogatory formulation.

Using derogatory words targeting homosexuals, Africans or any other human groups is forbidden by law. It should not be different with religious or belief groups.

Last but not least: By whom, how and according to what criteria of "harmfulness" could "harmful cultic organizations" be legally identified?

The Observatory's mandate is also intrinsically contradictory.

On the one hand, its mission is to combat so-called "illegal practices" of cults, which must therefore be qualified as such by a final judgment and not before.

On the other hand, its mission is also to "combat harmful cultic organizations", which can be done without any judicial decision concerning the groups to be targeted. The neutrality of the state is clearly at stake here, especially as many "cults" or their members have won quite a number of cases in Strasbourg against European states on the basis of article 9 of the European Convention protecting freedom of religion or belief.

The mission of the Belgian Cult Observatory vulnerable to a complaint in Strasbourg

These aspects of the Observatory's mission may not withstand a complaint to the European Court.

Indeed, we should not forget the surprising collateral effects of a recent "ordinary" complaint concerning discriminatory taxation lodged in Strasbourg by a local

congregation of the Jehovah's Witness movement, treated as a cult by the Belgian Cult Observatory and the Belgian State authorities. The European Court then roundly criticized the total lack of any legal basis for state recognition of religious and philosophical groups, which was not part of the complaint, and called on Belgium to comply with international law.

On 5 April 2022, in the case [Congregation of Jehovah's Witnesses of Anderlecht and Others v. Belgium](#) (application no. 20165/20) about a discriminatory taxation issue towards Jehovah's Witnesses, the European Court of Human Rights held, unanimously, that there had been:

"a violation of Article 14 (prohibition of discrimination) read in conjunction with Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights."

It also held, unanimously, that Belgium was to pay the applicant association 5,000 euros (EUR) in respect of costs and expenses.

The Court also noted that [neither the criteria for recognition nor the procedure leading to recognition of a faith by the federal authority were laid down in an instrument satisfying the requirements of accessibility and foreseeability, which were inherent in the notion of the rule](#)

Belgium has now put in place a working group to revise a posteriori the state recognition of religious and philosophical organizations. Belgium should better anticipate another issue concerning its cult policy and follow the example of Switzerland with its [Centre for Information on Beliefs](#) (CIC).

Some reflections about the Recommendation of the Federal Cult Observatory on "cult victims" (II)

[Version en français I](#)

[Version en français II](#)

By Willy Fautré, Human Rights Without Frontiers

HRWF (12.07.2023) - On June 26, the Federal Observatory on Cults (CIAOSN/ IACSSO), officially known as the "[Center for Information and Advice on Harmful Cultic Organizations](#)" and created by the [law of June 2, 1998](#) (amended by the law of April 12, 2004), published a number of "[Recommendations concerning help for victims of sectarian influence](#)".

Victims of "cults" or religions?

The Cult Observatory is not in charge of providing psycho-social or legal assistance to victims of cults. It does, however, direct enquirers to the appropriate support services and provides general legal information. The abuses and sufferings described are very diverse in nature, says the Observatory.

According to the Observatory, victims are people who declare that they are suffering or have suffered from cultic manipulation or the consequences of cultic manipulation of someone close to them.

The Observatory points out in the text of its Recommendation that "the notion of victims is in reality broader than that given by legal definitions. Alongside direct victims (former followers, etc.), there are also collateral victims (parents, children, friends, relatives, etc.) and silent victims (former followers who do not denounce the facts but who are suffering, children, etc.)". It is also careful to take certain oratorical precautions and not to endorse the state of a person claiming to be a victim.

On the judicial front, "legal assistants can only intervene and provide help if a criminal complaint is lodged, which is rarely the case in the cultic context," states the Observatory. However, the concept of "cult" does not exist by law, and "the cultic context" even less so.

It's true that in all areas of human relations (family, marital, hierarchical, professional, sports, school, religious...), victims find it difficult to lodge a criminal complaint for a variety of psychological or other reasons.

However, in the religious context, and in particular in the Roman Catholic Church, the number of victims of documented and proven sexual abuse cases which are or were liable to criminal punishment is countless worldwide. At the time these abuses were committed, the real victims remained silent, and thousands refrained from pressing charges. Singling out and stigmatizing so-called "cults" outside the general religious context can only give a truncated view of reality. Cults" do not exist in law.

Who has to pay for the victims? The State, and therefore taxpayers?

All over the world, there are and have been victims of various kinds of religious, spiritual or philosophical groups. The state does not provide any financial support for the psychological care of the said victims.

The Catholic Church has unilaterally and finally decided to purify its ranks, identify and document alleged cases of abuse, deal with complaints in courts or in other contexts, and intervene financially to cover damages caused by members of its clergy. Legal action leading to fines, financial compensation of proven victims by the judiciary or prison sentences may also be necessary.

In our democracies, the legal channels are the safest. The first help to be given to people claiming to be victims is legal: helping them to lodge a complaint and then trust the justice system to establish the facts, confirm or not the status of victims, and include in its judgments adequate financial compensation for any psychological damage.

This is the only credible way to determine whether there has been a violation of the law by a particular religious group, whether there have been victims and whether they should be compensated.

The Cult Observatory is a center for information and advice. It can therefore legitimately issue an opinion and make a recommendation to the competent Belgian authorities. However, it has lost credibility since its opinion concerning alleged sexual abuses of minors committed within the Jehovah's Witness movement and supposedly hidden by the religious hierarchy was totally [disavowed by a Belgian court for lack of evidence](#) in 2022.

An advice from the Cult Observatory caught at fault by the Belgian justice system

In October 2018, the Cult Observatory published a report on alleged sexual abuse of minors committed within the Jehovah's Witness community and asked the Belgian Federal Parliament to investigate the matter.

The Observatory said it had received various testimonies from people claiming to have been sexually abused, which led to a series of raids on Jehovah's Witness places of worship and homes.

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

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

The judgment stated that [the Observatory "committed a fault in drafting and distributing the report entitled 'Report on the treatment of sexual abuse of minors within the Jehovah's Witness organization'."](#)

The Brussels Court of First Instance also ordered the Belgian State to publish the judgment on the Observatory's homepage for six months.

The court's decision was welcomed by Jehovah's Witnesses, who had denounced a "particularly infamous rumor" targeting their community of some 45,000 members and sympathizers in Belgium.

The Cult Observatory recommends public funding for organizations with little credibility or transparency

The Observatory states that one of its main partners on the French-speaking side, the *Service d'Aide aux Victimes d'Emprise et de Comportements Sectaires* (SAVECS) of the *Planning familial Marconi* (Brussels), has "helped and counseled people who declare that they suffer or have suffered from cultic manipulation or the consequences of cultic manipulation of a loved one," but that it has closed its doors for budgetary reasons.

On the Dutch-speaking side, the Observatory says it works in collaboration with the non-profit organization *Studie en Adviesgroep Sekten* (SAS-Sekten), but the association's volunteers are no longer able to handle requests for assistance, which remain unanswered.

The Observatory praises the expertise and professionalism of these two associations.

However, preliminary research on these two organizations raises reservations about their transparency, and consequently about the reliability of the Observatory's opinion.

The [SAVECS](#) website contains no annual activity report, nor does it mention any information concerning the victim support cases handled by them (number of cases, nature, religious or philosophical movements concerned, etc.).

The [Centre de Consultations et de Planning Familial Marconi](#) is also silent on the question of help for cult victims. The *Centre Marconi* carries out the following activities: medical consultations; contraception, pregnancy monitoring, AIDS, STDs; psychological consultations: individuals, couples and families; social consultations; legal consultations;

physiotherapy. It also offers "a service to help victims of cultic influence and behavior - **SAVECS** -: psychological listening and consultation, prevention, discussion groups". Helping the victims of sects therefore appears to be very peripheral to its mandate.

[SAS-Sekten](#) is an organization set up in 1999 in the wake of the Belgian parliamentary report on cults, which has a [page](#) on the [Flemish Region's official website](#) informing the region's inhabitants about the existing [social assistance services](#). Although help for cult victims is listed as the first item of its mandate, there is no activity report on this subject either. Again, a total lack of transparency and a huge gap between what is stated and what is maybe achieved.

SAS-Sekten's current visible figure is a former Jehovah's Witness who took the movement to court on charges of discrimination and incitement to hatred. In 2022, he lost the appeal, [his charges were being declared unfounded](#).

Human Rights Without Frontiers considers that public funding of such groups, as recommended by the Cult Observatory, is not credible and that another solution must be found.

France's bad example, not to be followed

On 6 June 2023, [French media reported](#) that the distribution of public funds to dubious associations had led to the resignation of the president of France's Cult Observatory (MIVILUDES) against the backdrop of the [Marianne Fund](#) scandal, of which he was the manager under the authority of his minister, Marlène Schiappa.

On October 16, 2020, a secondary school teacher, Samuel Paty, was beheaded by an 18-year-old Muslim extremist for showing his students cartoons of Mohammed published by "Charlie Hebdo." Following the French government's initiative, the Marianne Fund had then been launched by Minister Marlène Schiappa (Initial budget of 2.5 million EUR). The aim was to finance associations fighting against Muslim fundamentalism and separatism. Subsequently, Minister Schiappa argued that cults were no less separatist and fundamentalist, and that anti-cult associations should be financed from this fund. Some of them close to MIVILUDES had then been "prioritized" and had "benefitted of privileges", which was welcome given their financial difficulties. On 31 May 2023, the General Inspection of the Administration (IGA) issued a first report on what is known in France as the scandal of the Marianne Fund.

Complaints have been lodged against several French anti-cult associations.

The Belgian state and taxpayers should not be used to bail out the finances of non-transparent associations.

Quelques réflexions sur la recommandation de l'Observatoire Fédéral des Sectes sur les "victimes de sectes" (I)

By Willy Fautré, Human Rights Without Frontiers

HRWF (10.07.2023) - Le 26 juin, l'Observatoire Fédéral des Sectes (CIAOSN/ IACSSO), qui est officiellement connu sous le nom de "Centre d'information et d'avis sur les organisations sectaires nuisibles" et qui fut créé par la [loi du 2 juin 1998](#) (modifiée par la

loi du 12 avril 2004) a publié une "[Recommandation concernant l'aide apportée aux victimes d'emprise sectaire](#)".

Dans ce document, l'Observatoire rappelle qu'il a pour but de "lutter contre les pratiques illégales des sectes".

Pratiques illégales des sectes

Premièrement, il convient de souligner que le concept de "secte" ne fait pas partie du droit international. Tout groupe religieux, spirituel, philosophique, théiste et non-théiste, ou l'un de ses membres peut déposer une plainte pour violation alléguée de la liberté de religion ou de conviction. Beaucoup l'ont fait avec succès dans les pays européens, y compris à la Cour européenne des droits de l'homme sur base de l'article 9 de la Convention européenne:

"Toute personne a droit à la liberté de pensée, de conscience et de religion; ce droit implique la liberté de changer de religion ou de conviction, ainsi que la liberté de manifester sa religion ou sa conviction individuellement ou collectivement, en public ou en privé, par le culte, l'enseignement, les pratiques et l'accomplissement des rites."

Deuxièmement, les sectes sont impossibles à identifier du point de vue légal. La publication d'une liste de 189 groupes possiblement suspects attachée au [rapport parlementaire belge sur les sectes en 1998](#), a été largement critiquée à l'époque pour instrumentalisation stigmatisante, notamment mais pas seulement par les medias. Il a finalement été reconnu qu'elle n'avait aucune valeur juridique et qu'elle ne pouvait être utilisée sur le plan légal.

Troisièmement, la Cour européenne des droits de l'homme a récemment rendu un jugement dans l'affaire [Tonchev and Others v. Bulgaria](#) du 13 décembre 2022 (Nr [56862/15](#)) opposant des évangéliques à l'Etat bulgare à propos de la diffusion par une autorité publique d'une brochure de mise en garde contre les sectes dangereuses, y compris leur religion. La Cour a notamment déclaré

53. (...) la Cour estime que les termes utilisés dans la lettre circulaire et la note d'information du 9 avril 2008 - qui qualifiaient certains courants religieux, dont l'évangélisme auquel appartiennent les associations requérantes, de « sectes religieuses dangereuses » qui « contreviennent à la législation bulgare, aux droits des citoyens et à l'ordre public » et dont les réunions exposent leurs participants à des « troubles psychiques » (paragraphe 5 ci-dessus) - peuvent effectivement être perçus comme péjoratifs et hostiles. (...)

Dans ces circonstances, et même si les mesures dénoncées n'ont pas directement restreint le droit des pasteurs requérants ou de leurs coreligionnaires à manifester leur religion par le culte et par leurs pratiques, la Cour considère, au regard de sa jurisprudence précitée (paragraphe 52 ci-dessus) que ces mesures ont pu avoir des répercussions négatives sur l'exercice par les fidèles des Églises en cause de leur liberté de religion.

Ce paragraphe 52 du jugement énumère d'autres affaires telles que "[Leela Förderkreis e.V. and Others v. Germany](#)" et "[Centre of Societies for Krishna Consciousness In Russia and Frolov v. Russia](#)" où l'emploi du terme "secte" est désavoué par la Cour européenne et sert dorénavant de jurisprudence. Voir également un commentaire du jugement de la Cour européenne par Massimo Introvigne dans [Bitter Winter](#) sous le titre "*Governments should not call minority religions 'cults'*".

La mission officielle de l'Observatoire des Sectes est donc intrinsèquement et très nettement en porte à faux avec la Cour européenne en stigmatisant lesdites "organisations sectaires nuisibles," une formulation clairement péjorative.

L'utilisation de termes péjoratifs visant les homosuels, les Africains ou tout autre groupe humain est interdite par la loi. Il ne devrait pas en être autrement pour des groupes religieux ou philosophiques.

Dernier point, mais non le moindre: Par qui, comment et selon quels critères de "nocivité" les "organisations sectaires nuisibles" pourraient-elles être légalement identifiées?

Le mandat de l'Observatoire est aussi intrinsèquement contradictoire.

D'une part, sa mission est de lutter contre les "pratiques illégales" des sectes, donc devant être qualifiées comme telles par un jugement final et pas avant.

D'autre part, sa mission est également de "combattre des organisations sectaires nuisibles", ce qui peut être fait en dehors de toute décision judiciaire concernant les groupes visés. La neutralité de l'Etat est très nettement en question dans cette affaire, d'autant plus que de nombreuses "sectes" ou leurs membres ont gagné pas mal d'affaires à Strasbourg contre des états européens sur base de l'article 9 de la Convention européenne protégeant la liberté de religion ou de croyance.

La mission de l'Observatoire des Sectes belge, vulnérable à une plainte à la Cour européenne

Ces aspects de la mission de l'Observatoire risquent de ne pas résister très longtemps à une plainte auprès de la Cour européenne.

En effet, il ne faut pas oublier les surprenants effets collatéraux d'une récente plainte "ordinaire" pour taxation discriminatoire déposée à Strasbourg par une congrégation locale du mouvement des Témoins de Jéhovah, traitée comme une secte par l'Observatoire belge des Sectes et les autorités de l'Etat belge. La Cour européenne a alors vertement critiqué l'absence totale de base légale régissant la reconnaissance, par l'Etat, des groupes religieux et philosophiques, ce qui ne faisait pas partie de la plainte. La Cour a appelé la Belgique à se conformer au droit international.

Le 5 avril 2022, dans l'affaire [Congrégation des Témoins de Jéhovah d'Anderlecht et autres c. Belgique](#) (requête n° 20165/20) concernant une question fiscale discriminatoire à l'égard des Témoins de Jéhovah, la Cour européenne des droits de l'homme a jugé, à l'unanimité, qu'il y avait eu :

" une violation de l'article 14 (interdiction de la discrimination) combiné à l'article 9 (liberté de pensée, de conscience et de religion) de la Convention européenne des droits de l'homme ".

Elle a également décidé, à l'unanimité, que la Belgique devait verser à l'association requérante 5 000 euros (EUR) au titre des frais et dépens.

La Cour a également constaté que ni les critères de reconnaissance ni la procédure conduisant à la reconnaissance d'un culte par l'autorité fédérale n'ont été fixés dans un instrument répondant aux exigences d'accessibilité et de prévisibilité, inhérentes à la notion de règle de droit.

La Belgique a maintenant mis en place un groupe de travail pour réviser a posteriori la reconnaissance par l'Etat des organisations religieuses et philosophiques. La Belgique devrait mieux anticiper une autre question concernant sa politique relative aux sectes et suivre l'exemple de la Suisse avec son [Centre d'information sur les croyances](#) (CIC).

Quelques réflexions sur la recommandation de l'Observatoire Fédéral des Sectes sur les "victimes de sectes" (II)

Willy Fautré, directeur de Human Rights Without Frontiers

HRWF (12.07.2023) - Le 26 juin, l'Observatoire fédéral des sectes (CIAOSN/ IACSSO), qui est officiellement connu sous le nom de "[Centre d'information et d'avis sur les organisations sectaires nuisibles](#)" et qui fut créé par la [loi du 2 juin 1998](#) (modifiée par la loi du 12 avril 2004) a publié un certain nombre de "[Recommandation concernant l'aide apportée aux victimes d'emprise sectaire](#)".

Victimes des "sectes" ou des religions?

L'Observatoire des Sectes n'est pas en charge de l'aide psycho-sociale ou judiciaire aux victimes des sectes. Toutefois, il oriente les demandeurs vers des services d'aide adéquats et leur fournit des informations juridiques d'ordre général. Les abus et souffrances décrites sont de natures très diverses, dit l'Observatoire.

Les victimes sont des personnes déclarant souffrir ou avoir souffert d'emprise sectaire ou des conséquences de l'emprise sectaire d'un proche, selon l'Observatoire.

L'Observatoire rappelle dans le texte de sa Recommandation que "la notion de victimes est en réalité plus large que celle donnée par les définitions légales. A côté des victimes directes (ex-adeptes,...), il existe aussi des victimes collatérales (parents, enfants, amis, proches,...) et des victimes silencieuses (ex-adeptes ne dénonçant pas les faits mais qui sont en souffrance, enfants,...)." Il veille également à prendre certaines précautions oratoires et à ne pas cautionner l'état réel d'une personne se déclarant victime.

Sur le plan judiciaire, "les assistants de justice ne peuvent intervenir et apporter une aide que dans l'hypothèse où une plainte pénale est déposée, ce qui est rarement le cas dans le contexte sectaire," déclare l'Observatoire. Toutefois, le concept de "secte" n'existe pas dans le domaine du droit et "le contexte sectaire" encore moins.

Il est vrai que dans tous les domaines des relations humaines (familiales, conjugales, hiérarchiques, professionnelles, sportives, scolaires, religieuses...), les victimes ont des difficultés à déposer une plainte au pénal pour diverses raisons d'ordre psychologique ou autre.

Toutefois, dans le contexte religieux, et en particulier de l'Eglise catholique romaine, le nombre de victimes d'abus sexuels documentés et avérés qui sont ou étaient passibles d'une peine pénale sont innombrables dans le monde entier. Au temps de la commission de ces abus, les victimes réelles ont gardé le silence et par milliers se sont abstenues de porter plainte. Singulariser et stigmatiser les soi-disant "sectes" hors du contexte religieux général ne peut que donner une vision tronquée de la réalité. Les "sectes" n'existent pas en droit.

Qui doit payer? L'Etat, et donc les contribuables?

Partout dans le monde, il y a et il y a eu des victimes de diverses sortes dans des groupes religieux, spirituels ou philosophiques. L'Etat n'intervient pas financièrement dans l'accompagnement psychologique des dites victimes.

L'Eglise catholique a unilatéralement et enfin décidé de purifier ses rangs, d'identifier et de documenter les cas allégués d'abus, de faire face aux plaintes dans les tribunaux ou dans d'autres contextes et d'intervenir financièrement dans les dommages causés par les membres de son clergé. Des poursuites judiciaires conduisant à des amendes, des dédommagements financiers de victimes avérées par l'appareil judiciaire ou des peines de prison peuvent aussi s'imposer.

Les voies légales sont les plus sûres dans nos démocraties. La première aide à apporter à des personnes se déclarant victimes est juridique: les assister à porter plainte et ensuite faire confiance à la justice pour établir les faits, confirmer ou non l'état de victimes, et prévoir dans ses jugements des dédommagements financiers adéquats pour des psychologiques éventuelles.

C'est la seule voie crédible pour déterminer s'il y a eu une violation de la loi par un groupe religieux déterminé, s'il y a eu des victimes et si elles doivent être dédommagées.

L'Observatoire des Sectes est un centre d'information et d'avis et peut donc légitimement émettre un avis et faire une recommandation aux autorités compétentes belges. Il a toutefois perdu sa crédibilité depuis que son avis concernant de présumés abus sexuels sur mineurs commis au sein du mouvement des Témoins de Jehovah et soi-disant cachés par la hiérarchie religieuse a été totalement [désavoué par un tribunal belge](#) pour faute de preuves en 2022.

Un avis de l'Observatoire des Sectes pris en défaut par la justice belge

En octobre 2018, l'Observatoire des Sectes a publié un rapport sur des abus sexuels présumés sur des mineurs commis au sein de la communauté des Témoins de Jehovah et a demandé au parlement fédéral belge d'enquêter sur la question.

L'Observatoire a déclaré avoir reçu divers témoignages de personnes affirmant avoir été victimes d'abus sexuels, ce qui a conduit à une série de perquisitions dans des églises et des maisons de Témoins de Jehovah.

Ces accusations de violences sexuelles ont été vivement contestées par la communauté religieuse. Les Témoins de Jehovah ont estimé que cela leur portait préjudice ainsi qu'à leur réputation et ont porté l'affaire devant les tribunaux.

En juin 2022, le Tribunal de première instance de Bruxelles a donné raison aux Témoins de Jehovah et a condamné l'Observatoire.

Le jugement indiquait que [le CIAOSN "a commis une faute en rédigeant et en diffusant le rapport intitulé 'Rapport sur le traitement des abus sexuels sur mineurs au sein de l'organisation des Témoins de Jehovah'".](#)

Le tribunal de première instance de Bruxelles a également ordonné à l'Etat belge de publier le jugement sur la page d'accueil de l'Observatoire pendant six mois.

La décision du tribunal a été accueillie favorablement par les Témoins de Jéhovah, qui avaient dénoncé une "rumeur particulièrement infâme" visant leur communauté de quelque 45 000 membres et sympathisants en Belgique.

L'Observatoire des Sectes recommande un financement public d'organisations peu crédibles et peu transparentes

L'Observatoire déclare que l'un des principaux partenaires côté francophone, le *Service d'Aide aux Victimes d'Emprise et de Comportements Sectaires (SAVECS)* du *Planning familial Marconi* (Bruxelles) a "aidé et conseillé des personnes déclarant souffrir ou avoir souffert d'emprise sectaire ou des conséquences de l'emprise sectaire d'un proche," mais qu'il avait fermé ses portes pour des raisons budgétaires.

Du côté néerlandophone, l'Observatoire déclare travailler en collaboration avec l'asbl *Studie en Adviesgroep Sekten (SAS-Sekten)* mais les bénévoles de cette association ne sont plus en mesure de prendre en charge les demandes d'assistance, lesquelles restent sans réponse.

L'Observatoire des Sectes loue l'expertise et le professionnalisme de ces deux associations.

Une recherche préliminaire sur ces deux organisations apporte toutefois des réserves quant à leur transparence et en conséquence à la fiabilité de l'avis de l'Observatoire.

Le site du [SAVECS](#) ne comporte aucun rapport annuel d'activités et ne mentionne aucune information concernant les cas d'aide aux victimes traités par eux (nombre de cas, nature, mouvements religieux ou philosophiques concernés, etc.).

Le [Centre de Consultations et de Planning Familial Marconi](#) est tout aussi muet de la question d'aide aux victimes de sectes. Le Centre Marconi couvre les activités suivantes: consultations médicales ; contraception, suivi grossesse, sida, MST ; consultations psy : individuelles, en couple et famille ; consultations sociales ; consultations juridiques ; animations ; kiné. Il propose en outre "un service d'aide aux victimes d'emprise et de comportements sectaires - SAVECS - : écoute et consultation psychologiques, prévention, groupe de parole." L'aide aux victimes de sectes apparaît donc comme très annexe par rapport à son mandat.

[SAS-Sekten](#) est une organisation, créée en 1999 dans la foulée du Rapport parlementaire belge sur les sectes, qui a une [page](#) sur [le site officiel d'information de la Région Flamande](#) informant les habitants de ladite Région des [services d'aide sociale disponibles](#). Bien que l'aide aux victimes de sectes soit affichée en première position de son mandat, il n'y a non plus aucun rapport d'activités à ce sujet. De nouveau un manque total de transparence et un gouffre entre ce qui est affiché et ce qui est réalisé, peut-être.

La figure visible actuelle de SAS-Sekten est un ancien Témoin de Jéhovah qui a traîné le mouvement en justice sur base [d'accusations de discriminations et incitation à la haine](#). En 2022, il a perdu en appel, ses accusations étant déclarées non fondées.

Human Rights Without Frontiers considère que le financement public de tels groupes, recommandé par l'Observatoire des Sectes n'est pas crédible et qu'une autre solution doit être trouvée.

Le mauvais exemple de la France, à ne pas suivre

Le 6 juin 2023, [les medias français](#) ont révélé que la distribution de fonds publics à des associations douteuses avait conduit à la démission le président de l'Observatoire des Sectes français (MIVILUDES) sur fond de scandale du [Fonds Marianne](#) dont il avait la gestion sous l'autorité de son ministre, Marlène Schiappa.

Le 16 octobre 2020, un professeur d'école secondaire, Samuel Paty, avait été décapité par un extrémiste musulman de 18 ans pour avoir montré à ses élèves des caricatures de Mahomet publiées par "Charlie Hebdo" et suite à l'initiative du gouvernement français, le Fonds Marianne avait alors été lancé par la Ministre Marlène Schiappa (Budget initial de 2.5 million EUR). Le but était de financer des associations luttant contre le fondamentalisme musulman et le séparatisme. Par la suite, la ministre avait soutenu que les sectes n'étaient pas moins séparatistes et fondamentalistes et que les associations anti-sectes devaient être financées sur ce fonds. Certaines proches de la MIVILUDES avaient alors "bénéficié d'un certain favoritisme", ce qui était le bienvenu vu leurs difficultés financières. Le 31 mai 2023, l'Inspection Générale de l'Administration (IGA) a publié un premier rapport sur ce qui est connu maintenant en France comme le scandale du Fonds Marianne.

Plusieurs associations anti-sectes françaises sont actuellement sous le coup de plaintes.

Il ne faudrait pas que l'Etat belge et les contribuables soient instrumentalisés pour renflouer les finances d'associations peu transparentes.

Cult issues: US State Department Report highlights victories in court of Jehovah's Witnesses

Willy Fautré

HRWF (19.05.2023) – The US Department of State has just published its annual report about freedom of religion in the world in which it highlights two major victories of Jehovah's Witnesses in court. A third important one is however missing in the report: a state watchdog monitoring so-called "harmful cultic organizations" (In French: organisations sectaires nuisibles) declared guilty for publishing an unfounded report about sexual abuse of minors within the Jehovah's Witnesses organization.

Here is the related excerpt from the US report:

"In April, in a case brought by the Jehovah's Witnesses to the European Court of Human Rights, the court decided that the Witnesses experienced unfair taxation and that this had a "not insignificant and considerable impact." The Witnesses argued that legislation enacted in 2017 in the Brussels Region amending the tax code to limit property tax exemptions was discriminatory and contrary to the articles of the European Convention on Human Rights on discrimination related to thought, conscience, and religion as well as property. The government countered that the Witnesses could apply for federal recognition to continue to claim the exemption in the Brussels Region, to which the Witnesses replied that it would be pointless to apply, given what they said were the serious shortcomings in the procedure for doing so.

In June, the Ghent Appellate Court ruled that Jehovah's Witnesses' practice of limiting or avoiding contact with former followers, also called shunning, was legal and did not incite discrimination, segregation, hatred, or violence. The ruling vacated a 2021 ruling of the Ghent Correctional Court against the Kraainem Jehovah's Witness congregation, finding it guilty of inciting discrimination and inciting hatred or violence against former members of the

congregation and fining it €12,000 (\$12,800). The Ghent prosecutor filed a criminal case against the group in 2020 following a five-year investigation based on a complaint by a former member of the congregation, Patrick Haeck, who said he had been shunned."

It must be stressed that the label "harmful cults" has raised a lot of controversies. The concept of "cult" (*secte* in French) has no legal existence, the European Court has disapproved the use of this term for being stigmatizing and this fabricated category of religious or belief groups is not recognized either by the academic community of scholars in religious studies. The use of the vague term "harmful" in official documents in Belgium is even more controversial as it is open to any subjective interpretation.

Here is an excerpt of the paper "[Secular States, Hate Speech, Justice and Security](#)" I presented at the international seminar "Secular States Struggling with Religious Freedom" organized by [ISFORB](#) at the Evangelical Theological Institute in Leuven on 4-5 May.

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](#) won in courts by wrongfully stigmatized religious groups in France and in Belgium.

Belgium to become second EU country to recognize Buddhism

By Marine Strauss

[Reuters](#) (17.03.2023) - Belgium is expected to officially recognize Buddhism after the federal government approves a draft law on Friday, opening the door to federal funding, official delegates and school classes.

The Belgian Buddhist Union had requested recognition in March 2006. The union estimates the number of Buddhists in Belgium at 150,000. The only other EU country where Buddhism is recognized is Austria.

There are currently six worship services officially recognized in Belgium: the Roman Catholic, the Orthodox, the Israelite, the Anglican, the Protestant Evangelical and the Islamic, recognized in 1974.

Buddhism would be recognized as "a non-denominational philosophical organization" alongside organized secularism, recognized since 2002. It would receive federal funding of up to 1.2 million euros.

Once voted by the Parliament, the law will pave the way to the creation of local institutions, to the sending of Buddhist delegates in ports and airports, in prisons, in the army, hospitals, the opening of Buddhism courses in official education alongside teaching of the other worships services.

All Belgian provinces and the Brussels Region would then also have to each finance a local Buddhist centre.

*Photo: People are seen at the pedestrian area in Brussels, Belgium, August 1, 2015.
REUTERS/Eric Vidal*
