

Freedom of Religion or Belief  
Anti-Sect Movements and State Neutrality  
A Case Study: FECRIS

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FREEDOM OF RELIGION OR BELIEF  
ANTI-SECT MOVEMENTS AND STATE NEUTRALITY

A CASE STUDY: FECRIS

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# INTRODUCTION

WILLY FAUTRÉ

In the last few years, religious issues have again been prominent in the news and on top of political agendas. The EU institutions which were so indifferent, if not reluctant to initiating any debate on religious topics until the end of the first decade of the 21<sup>st</sup> Century, are now interested in religious freedom issues outside the European Union.

At the European Parliament, conferences on Christian minorities in Muslim countries and also on the veil or the burqa in the European Union have been organized. Other initiatives meant to create new mechanisms to mainstream religious freedom issues in the machinery of the European Parliament are also in progress. However, this also wakes up well known polarizations which namely oppose religious circles to supporters of a certain *laïcité* and associations defending women's rights hostile to the Catholic Church. The office of the European Union's High Representative for Foreign Affairs and Security Policy, Lady Ashton, has already integrated religious freedom into its organization chart and someone has been appointed to this end. Since the beginning of this legislature, a mushrooming in the numbers and activities of the religious and anti-religious lobbies has suddenly accelerated in Brussels where European institutions have their permanent seat and where the Parliament works 2-3 weeks per month.

The awakening of society and politics to certain religious issues does not necessarily mean that a new wind has started to blow. A calm sea has long reigned and debates have been frozen for too long but the religious climate has started to warm up, to melt the ice of indifference, to move the waves and to fill the sails of the public debate. The wind that has started to blow now appears to be swirling and capricious.

The return of religious issues into the public debate, sure, but also the return of powers opposed to the freedom to believe and to change one's religion whatever the clothes they adorn.

One of these powers is FECRIS (European Federation of Centers for Research and Information), an organization uniting 25 anti-sect organizations in Europe which was founded in Paris in 1994 on the initiative of the French association UNADFI (National Union of Associations for the Defense of the Family and the Individual). This organization is controversial and its crusade against sects poses a number of fundamental questions.

This study will focus on the FECRIS member associations in five European countries: France, the cradle of *laïcité* and the driving force of the anti-sect fight in Europe promoting the separation between State and religion; Austria and Germany, where public powers and dominant churches lead a common struggle against “sects”; and Serbia and Russia, two Orthodox countries in which FECRIS member associations include Orthodox missionary departments instrumentalizing the sect issue to eliminate competitors of Orthodox Churches. Various specialists from the five countries have contributed to this research under the aegis of *Human Rights Without Frontiers*.



# FECRIS: EUROPEAN FEDERATION OF RESEARCH AND INFORMATION CENTERS ON SECTARIANISM

REGIS DERICQUEBOURG

The fight against minority religious groups in several Western societies is one of the most difficult social phenomena to be analyzed. Many political analysts and sociologists have attempted to explain it but it seems confusing. This is why scholars and jurists, in this publication, have worked on giving insight into this phenomenon.

Numerous anti-sect groups have sprung up and have enjoyed the support of public powers or of traditional religions (the hypermarkets of religion on what they see as the “market of salvation”). The latest example is FECRIS which revisits the fight against heretics at the European level.

## History

FECRIS was founded in Paris on 30 June 1994 at the instigation of the French anti-sect association UNADFI (National Union of Associations for the Defence of Family and the Individual).<sup>1</sup> Its first seat was at UNADFI’s address: 10 rue du Père Julien Dhuit, 75020 Paris. Later, its seat was transferred to the same place as the GEMPPI (Study Group on Worldviews for the Protection of the Individual)<sup>2</sup> in Marseille<sup>3</sup> the President of which is Mr. Didier Pachoud. He was said to be the author of the list of 173 allegedly dangerous sects<sup>4</sup> attached to the 1996 parliamentary inquiry report on sects, which has no legal

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<sup>1</sup> “Union Nationale des Associations pour la Défense de la Famille et de l’Individu”.

<sup>2</sup> “Groupe d’Etude des Mouvements de Pensée en vue de la Prévention de l’Individu”.

<sup>3</sup> 26 A rue Espérandieu, 13001 Marseille.

<sup>4</sup> In an interview with the newspaper “Le Quotidien de la Réunion et de l’Océan Indien” (13 May 2009), George Fenech, then head of the Inter-ministerial Mission of Vigilance and Fight against Sectarian Drifts (MIVILUDES), declared : “In 1995, 173 sects were listed by GEMPPI, the Study Group on Worldviews for the Protection of the Individual”.

value but which is still referred to in France. Mr. Pachoud is FECRIS treasurer. He is also a member of the Federation of Friends of Secular Education.<sup>5</sup>

GEMPPI was founded in 1988. It claims to be a partner of CCMM – the Centre Against Mental Manipulations<sup>6</sup>, another member of FECRIS in France – and it enjoys the support of the General Council of the *Département* of the Bouches du Rhône<sup>7</sup> and of Marseille<sup>8</sup>. It is affiliated to FECRIS.

FECRIS is mainly financed by the French State. The share of donations by individual members is very small in comparison with the public funding the organization receives. It can therefore be said that France is deeply involved in the functioning of FECRIS. In 2005, FECRIS got the participatory status as INGO (International Non-Governmental Organization) at the Council of Europe. This recognition was controversial. Movements defending religious freedom and scholars voiced their disagreement.

In 2009, FECRIS obtained consultative status with the Economic and Social Council (ECOSOC) of the United Nations (UN) and has hereby access to the UN in New York, Geneva and Vienna. This anti-sect group has become legitimized interlocutor of the media and public powers. However, there can be some shadows in this idyllic situation for FECRIS. On 29 September 2009, at the Human Dimension Implementation Meeting of the OSCE/ODIHR in Warsaw, FECRIS vice-president criticized the participation of Raelians, Scientologists and other representatives of belief groups on the grounds that “they are only sects”. The moderator answered him in the presence of the delegations of the 56 Participating States that the word “sect” was not to be used in that forum and that everyone had the right to choose one’s religion or belief system.

It is also noteworthy that the list of movements affiliated to FECRIS is growing and that new members come from all over Europe. However, according to observers of the anti-sect phenomenon, this growth is due to the fact that FECRIS is just a melting pot of associations with various, even contradictory, vested interests which see an opportunity to ally to fight against religious minorities. It is experiencing internal dissensions, which is understandable as it has lumped together competing traditional religions, such as

<sup>5</sup> “Fédération des Amis de l’Instruction Laïque”.

<sup>6</sup> “Centre Contre les Manipulations Mentales”.

<sup>7</sup> *Département des Bouches du Rhône*, one of the 100 administrative territorial subdivisions of the country. The executive power of the *Département* is the *Conseil Général* (General Council).

<sup>8</sup> This city fights against sects but at the same time, it is accused to finance the construction of the Big Mosque of Marseille, which contravenes the 1905 Law forbidding the financing of a religion by public powers (See *Le Cri du Contribuable*, 8 December 2009).

the Roman Catholic Church and the Orthodox Churches, and anti-religious movements, such as atheistic associations.

### Structures, membership, conferences and financing

FECRIS is a federation of European associations which is registered in France as a non-profit organization under the 1901 Law on associations. Every year, it holds a general assembly and a colloquium on a specific anti-sect topic.<sup>9</sup> It develops intense lobbying inside governmental institutions.<sup>10</sup> In 1994, it had 10 representatives in European countries. In 2000, FECRIS claimed in Paris to have 10 member associations and “European correspondents” in 11 countries. According to its website, there are now 25 member associations, 27 European and 4 non-European correspondents.<sup>11</sup>

In 2004, the FECRIS board of directors was comprised of 20 members representing various anti-sect organizations in Europe. None of them was in fact a specialist in religions and in minority religious groups.<sup>12</sup> However, they were presented as experts in the field of minority religions to journalists, the Council of Europe and the UN. Although it covers a lot of countries, FECRIS looks more like an empty shell. It could not survive solely with contributions received through membership fees as the national associations have very few members. Its main sources of income are French public powers. Under Prime Minister Raffarin, it received 40,000 EUR in 2003, 2004 and 2005 respectively. Under Prime Minister De Villepin, it received 50,000 EUR in 2006 and 45,000 EUR in 2007.<sup>13</sup>

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<sup>9</sup> In 2002: Children and cults (Barcelona); in 2004: Health and sectarian grip (Marseille); in 2006, Internationalization of sects: a danger to human rights in Europe? (Brussels); in 2007: Cults and Esotericism: New challenges for civil societies in Europe (Hamburg); in 2008, State responsibility to protect citizens against destructive cults. Analysis of present and possible future models (Pisa); in 2009, Destructive cults and human rights (St Petersburg); in 2010: How cults are infiltrating European institutions (London).

<sup>10</sup> For example, lobby by Danielle Coin at the European institutions in Strasbourg and by Danielle Müller-Tulli at the UN in Geneva.

<sup>11</sup> See <http://www.fecris.org> (accessed on 24 December 2010).

<sup>12</sup> *Mr Pachoud* (born in 1958 in Castres, France), the treasurer of FECRIS and GEMPPPI President, is retired from the French railway company SNCF. He represents the rationalist wing of the anti-sect family. He organizes colloquiums against alternative medical healthcare. The GEMPPPI vice-president is Jacky Cordonnier. He claims to be a writer, an historian and a lecturer. He makes lectures against sects in Catholic schools to warn youth against competitors to the Roman Catholic Church.

<sup>13</sup> See the chapter on France for further indications on the financing of FECRIS and its French member associations.

## Ideology

When it was created as a non-profit association<sup>14</sup>, FECRIS declared its objective was “to research and distribute information about practices and consequences of destructive sectarianism on individuals, on families and on democratic societies; to help the victims and to represent them in these issues before the appropriate civil and moral authorities in order to raise their awareness and to support their action.”<sup>15</sup> In article 2 of its bylaws, it claimed political, philosophical and religious neutrality. On 26 March 2006, the association modified its bylaws and redefined its objectives as follows: 1) to group together associations the aim of which is to defend individuals, families and democratic societies against the illegal doings of sectarian harmful and/or totalitarian organizations. In this regard, the Federation considers a sect or a guru an organization or a person doing business with beliefs and destructive behavioral techniques, and using mental manipulation, abuse of confidence, extorted consent; 2) to intensify the systematic exchange of information and expertise between the affiliated associations; 3) to represent the affiliated associations in the European institutions, to alert the competent instances and institutions in the EU countries and possibly outside the EU about the aforementioned practices; 4) to put at the disposal of universities and researchers the expertise of their member associations; to develop all the services that can be useful for the association, in particular by publishing academic researches and works; 5) to protect the copyright of FECRIS documentation. As can be seen from the above, FECRIS beefed up its bylaws and made full use of its status of international non-governmental organization acquired in 2005 to show a respectful image. However, the concepts of “organization doing business with beliefs” and “mental manipulation” are vague and subjective and could also be used against traditional churches but are not. The whole objective of FECRIS seems to resort in combating religious or belief minorities.

Additionally, the bylaws were protecting against possible infiltration as the affiliation of a new association was henceforth subjected to a number of conditions: the sponsorship of two member associations, a trial period of one year, the support of 75% of the members of the general assembly, a procedure which does not correspond to a democratic election system.

FECRIS claims to respect religious freedom and the major human rights conventions: the Universal Declaration of Human Rights, the European Con-

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<sup>14</sup> 1901 Law.

<sup>15</sup> See Journal Officiel, 27 July 1994.

vention of Human Rights and the Convention on the Rights of the Child, and uses such claims of respect in the justification of actions that sometimes go against these rights, such as “deprogramming” which is de-conversion of followers under coercion.

In fact, like many anti-sect groups, FECRIS claims to be a study group on sects which respects human rights and democratic values and does not have any position on beliefs. However, when one reads their publications, one can see it is clear that its members express judgments on the legitimacy of specific beliefs (the word “pseudo” is omnipresent: pseudo-catholic, pseudo-religious, etc.). There is nothing surprising about this as two worldviews are working side by side inside FECRIS: rationalist or atheist groups which have for the moment given up their fight against historical religions and groups linked to a well-established Church (the Roman Catholic or the Orthodox Church) fighting against competitors on the market of salvation. It can be said that if the criticisms against the so-called sects were used for Jews or Muslims, this would raise public outcry and there would be accusations of anti-Semitism or Islamophobia.

Such criticisms of non-mainstream organizations and belief systems made by FECRIS sometimes verge on the absurd. An example: Polish speaker, Grzegorz Mikrut, who represented the Institute of Criminology<sup>16</sup> of the Jagiellonian University (Krakow) at the “European Colloquium on Sectarianism” held in Paris by FECRIS on 23–24 April 1999, concluded his intervention remarks by saying “The results of the research mentioned before allow us to consider sects committing crimes as organized criminal groups. Moreover, they have specific characteristics that are more dangerous than those of a mafia as far as the relations inside the group are concerned.” So, according to this logic, sects would be more dangerous than mafias! No name of “sect” was mentioned.

Contradictions in the ideology of FECRIS have also been highlighted by some researchers. In 2006, Conny Larson was invited as a guest-speaker to a FECRIS conference in Brussels. However Conny Larsson not only claims to be a trance medium for the spirit of Vyasa<sup>17</sup>, but he also claims to be a spirit channeler, a pet psychic, a meditation guru, a yoga guru, a Vedic guru, a devotee of Shankaracharya Swami Brahmananda Saraswati (spiritual guide) and a psychic therapist who can diagnose disease and illness by using a crystal

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<sup>16</sup> The Polish Government had commissioned the Institute to carry out research work on “Mafias, sects and organized crime.”

<sup>17</sup> A central and revered figure in the majority of Hindu traditions.

pendulum<sup>18</sup>. Conny Larsson also runs the Vedic Master Website. However, FECRIS and the then president Friedrich Griess used to denounce the deviations of psychotherapists and to campaign against Sri Sathya Sai Baba, the former spiritual master of Conny Larsson.

Globally, FECRIS plays on two registers: pathologizing and criminalizing members of religious minorities. The faithful of the so-called sects are said to be victims and their leaders are supposedly delinquents.

Some might say that FECRIS does not fight against certain minority religious groups because of some prejudice against these groups. This is not true. First, it fights against religious or belief minorities it labels as “sects” and then, it justifies its fight by attributing to these minorities some alleged negative behaviors, most of them being unverifiable such as mental manipulation.

### Some Prominent Actors

Here follow successive Presidents and Vice-Presidents of FECRIS.

**Jacques Richard**, a French medical doctor and father of a child who joined the movement “The Family” (then named “The Children of God” and now “The Family International”). He thereafter founded an ADFI section in the city of Le Mans. He was the first President of FECRIS from 1994 to 1999.

**Jean Nokin** (born in 1933 in Grivegnée, Belgium). This former President of GEMPPPI was President of FECRIS from 1999 to 2004. He had relations with the Vice-President of the American Family Foundation, a well-known anti-sect organization in the U.S. In 2000, they co-organized a colloquium on “Cults and the Millennium”. At that time, many anti-sect activists were thinking that millenarian religious groups would commit suicide around the turn of the millennium and they had managed to convince journalists who then contributed to create social panic on this issue.

**Friedrich Griess** (born in 1932 in Vienna, Austria). This retired engineer was the third President of FECRIS (2005–2009). He is a committed Catholic who is active in his parish in Austria. His daughter joined a Protestant group named “The Smith’s friends” of Norwegian origin. Its founder converted to Protestantism in 1898 and gathered around himself people who experienced the “gifts of the Holy Spirit.” It expanded into a network of local groups with a Pentecostal orientation. The growth of the movement was slow: in 1998,

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<sup>18</sup> See <http://www.saisathyasai.com/baba/Ex-Baba.com/A-Larsson/larsson-deception.html>.

one century later, there were only 8,000 members distributed over about 30 countries. The group claims not to give any guidelines on the lifestyle of its members (such as Sabbath, education of children, women's work, and so on). The daughter of F. Griess, Wiltrud Griess, claims on a blog<sup>19</sup> that she was abused sexually for years by one of her brothers and that resulted in lasting psychological trauma. After that, she joined the "Smith's friends". Her father does not seem to have accepted her conversion. From that time on he started his fight against this Protestant movement and then against sects, and joined the GSK (Association against the Dangers of Sects and Cults).<sup>20</sup>

On 27 May 1999, Wiltrud Griess went to a notary in Vienna to register her testimony about her childhood and the way she had found peace of mind in the movement of "Smith's friends". She denied the allegations of her father against this movement. On several occasions, Friedrich Griess was sentenced on the grounds of defamation against "The Smith's friends".<sup>21</sup>

**Thomas Sackville** (born in London in 1950), the current president of FECRIS is a former British conservative politician. He was an MP from 1983 to 1997, including Health and later Home Office Minister (until 1 May 1997). In 1985, he started the All-Party Committee Against Cults. In 2005, he was elected Vice-President of FECRIS. On 20 October 2000, he became the first chairman of the British anti-sect organization FAIR which he transformed into "The Family Survival Trust" in November 2007. His mandate as President of FECRIS began in May 2009. In August 2001, the *Times* published an article about three men who died allegedly after being followers of Sai Baba (Indian guru). Thomas Sackville then urged the British Government to take decisive action to warn teachers and pilgrims of not becoming involved with the Sai Baba movement.

On 29 May 2004, Thomas Sackville published a letter in *The Spectator*, a weekly magazine focused on political and current events, in which he slammed INFORM – the Information Network on Religious Movements, an independent charity that was founded in 1988 with the support of the British Home Office and the mainstream Churches with the aim of obtaining and making available objective and up-to-date information about new religious movements or 'cults' – and Eileen Barker, its President, for allegedly refusing to criticize the worst excesses of cult leaders. He also congratulated the Archbishop of Canterbury – who financially supports INFORM – for allegedly

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<sup>19</sup> See <http://www.hotforum.nl/forum/anderekant/539351/opheldering-door-wiltrud-griess/>.

<sup>20</sup> "Gesellschaft Gegen Sekten und Kultgefahren".

<sup>21</sup> See <http://www.norweger.at>.

declining to become a Patron of INFORM. Sometime later, she sent a right to reply to the newspaper in which she was saying that his allegations were unfounded.<sup>22</sup>

**Alexander Dvorkin** (born in Russia in 1955). He has been the Vice-President of FECRIS to Thomas Sackville since 2009. He emigrated to the U.S. during the Cold War and went back to Moscow as a clergyman of the Russian Orthodox Church<sup>23</sup> after the collapse of Communism. He was offered the mission to protect the Orthodox Church against “sects”. In 1993, blessed by Patriarch Alexy II, he set up the first anti-cult organization, now called RATsIRS (Russian Association of Centres for the Study of Religions and Sects). Since then, he has been extremely active in the fight against non-Orthodox religious movements in the Russian media, through his books, his conferences and his DVDs, in particular the Jehovah’s Witnesses, the Mormons<sup>24</sup>, Falun Gong<sup>25</sup>, Hare Krishna, Evangelical and Pentecostal Christians<sup>26</sup>, and others.

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<sup>22</sup> “Tom Sackville’s letter of 29 May contains manifestly false allegations about Inform and myself. Inform has demonstrably not ‘supported cult leaders for years by persistently refusing to criticise even their worst excesses’. Anyone who has read anything Inform or I have written must be either a knave or a fool to suggest we do not include negative accounts of what goes on in many of the groups, although what we do say is more likely to take the form ‘group A does X but not Y, while group B does Y but not Z’ – rather than ‘all cults are evil’. To accuse Inform of being unconcerned is just plain silly. It was founded *because* of a concern about unnecessary suffering due to inappropriate actions being taken on the basis of ignorance and/or the misinformation coming from a number of quarters including the movements themselves, sections of the media, and some irresponsible ‘anti-cult groups’. Presumably the reason Inform receives funding from the Home Office, the police and, indeed, from the Archbishop of Canterbury is because they all find our information more useful than blanket condemnations.”

<sup>23</sup> It must be stressed that the Russian Orthodox Church is opposed to the rights of homosexuals, which contradicts FECRIS stated purposed of defending human rights.

<sup>24</sup> A quotation among many others of Dvorkin’s opinion about Mormons: “The main thing to remember is that Mormons are not Christians, their organization has nothing to do with Christianity. It is a coarsely occult neo-Pagan sect with fairly serious totalitarian tendencies and, getting into it, a person splits himself not only from his own people, history and culture, not only from the world Christian heritage, but from Christ Himself and His Church as well.” – A.L. Dvorkin, “Sect Studies. Totalitarian Sects”, 3<sup>rd</sup> edition revised and supplemented. Printing House of St Alexander Nevsky Brotherhood, Nizhny Novgorod, 2002, 816 pages.

<sup>25</sup> A quotation among many others of Dvorkin’s opinion about Falun Gong: “Thus, Falun Gong is a strict totalitarian sect, whose members are instrumentalized by its leader in his vendetta against the government of China and who, in his turn, is used by American secret services for their external policy purposes.” – A.L. Dvorkin, Report Destructive Sect Falun Gong: the Science of Political Manipulations by A.L. Dvorkin at the XVI International Christmas Educational Readings, 30 January 2008 (<http://www.iriney.ru/sects/falun/news008.htm>).

<sup>26</sup> A quotation among many others of Dvorkin’s opinion about Pentecostals: “Modern totalitarian sects are a socially dangerous manifestation that leaves behind a trail of disrupted human lives, disrupted families...”, “and speaking about New Pentecostals, to my mind, they are one of the most awful dangers of the contemporary world.” See: <http://panteleimon.info/index.php?newsid=614>.



He enjoys the support of the Russian Minister of Justice, Alexander Kononov, who was once his student at the Orthodox St Tikhon University and conveys his hate speech through the Orthodox Churches of the former Soviet Union (Ukraine, Kazakhstan, and so on) as well as in Orthodox parishes in EU countries. He is not a State official. He is not a scholar in religion either, but he is called “a sect scholar” teaching at the chair of “sect studies” of St Tikhon University.

### FECRIS Actors and Justice

A number of actors in FECRIS affiliated groups (members) were taken to court on the grounds of hate speech or attempts to force converts to new religious movements to recant their new faith through kidnapping and “deprogramming”.<sup>27</sup>

**Friedrich Griess:** He has repeatedly committed defamation against minority religious groups. Many of the suits against him on this ground ended up in settlements by which he agreed not to repeat his false statements, yet he failed to put an end to this and his hate speech continued (See details in the chapter on the FECRIS member association in Austria).

**AGPF** <sup>28</sup> / **SEKTEN-INFO ESSEN (FECRIS members in Germany):** A court in Munich sentenced the founder of Sekten-Info Essen<sup>29</sup> for hate speech against the religious movements Osho and Tagar Singh. In another case, which was taken to the Supreme Court by Osho against Sekten-Info Essen

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<sup>27</sup> “Deprogramming” is a method designed at changing the attitude, personality or viewpoint through mental and physical techniques of coercion. The term arose during the Korean War in 1950–1953, when the Chinese resorted to “brainwashing” of American and British prisoners to induce them to accept Communism. “Brainwashing” means intensive coercive psychological and physical treatments to induce a person to give up his political, religious or social attitude or view in order to embrace a desired conviction. Anti-sect activists accuse new religious movements to have “brainwashed” their followers to justify the fact that these latter would need to be “deprogrammed” through coercive means.

<sup>28</sup> Action for Spiritual and Psychological Freedom, “Aktion für Geistige und Psychische Freiheit“.

<sup>29</sup> In a final judgment issued on 19th December 2001 by the Munich State Court, Ms. Heide-Marie Cammans, founder of Sect-info Essen, was ordered to stop repeating or spreading a wide variety of untruths about Takar Singh (an Eastern religious group) or else she would be fined up to 500,000 DM or, if not paid, be sentenced to jail for up to 6 months. These included allegations such as accusing a person of being a criminal, of torturing children or of rape. The sale of the book they were distributing about the group was also forbidden. The name of the book was “The new prophets” (German: Die Neuen Heilsbringer, Auswege oder Wege ins Aus) (Case Nr. Az: 908736/99 Munich I State court, 9 civil chamber) (German: Landgericht München I).

and AGPF<sup>30</sup>, the Court ruled that public powers could not finance such associations because they were distributing biased information.

**UNADFI** <sup>31</sup> (*FECRIS member in France*): Representatives of UNADFI and its regional branches have been sentenced on the grounds of defamation against minority religious movements (See details in the chapter on FECRIS affiliated associations in France).

**SADK** <sup>32</sup> (*FECRIS member in Switzerland*): In March 1989, Sandro P., who had joined the Hare Krishna movement, was kidnapped by four men on the initiative of his parents who were both members of SADK. Their purpose was to submit him to a “deprogramming” treatment. The leading deprogrammer was an Englishman, Martin F., member of the English FECRIS member association “FAIR”. The four deprogrammers took Sandro P. to an isolated holiday home where he was detained against his will. Two days later, after the Hare Krishna community had alerted the police on the situation, the police stormed the house and freed him. The four deprogrammers were arrested; the leading deprogrammer, Martin F., later received a 6 months suspended prison sentence and the two parents both received 10 month suspended prison sentences.

**FRI** <sup>33</sup> (*FECRIS member in Sweden*): In 1988, Sara G., a member of a small Christian group called ‘the bridge-builders’, was abducted and detained for 13 days against her will. She was submitted to a deprogramming attempt by Eva P., a member of FRI. On 19 December 1990, Eva P. was convicted by the Gothenburg District Court and was ordered to pay 10,428 SEK (Swedish Krona).

In 1987, Jakob K., a convert to Hare Krishna, was kidnapped by his father, a FRI member and three deprogrammers also members of FRI. He was kept in confinement for two weeks but finally managed to escape and filed a complaint with the police.

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<sup>30</sup> On 27 March 1992, the German Federal Supreme Court ruled that it would be against the law for the State to provide funding for organizations such as AGPF and Sect-Info Essen (FECRIS member groups). The case was taken to court by the new religious movement, OSHO, Ref. Case Nr. 7C21-90LU66). See details on this ruling at footnote 53 on the Chapter on France.

<sup>31</sup> Union Nationale des Associations de Défense des Familles et de l’Individu (National Union of the Associations for the Defense of Families and the Individual).

<sup>32</sup> Swiss Study Group against Destructive Cults, “Schweizerische Arbeitsgemeinschaft gegen destruktive Kulte”.

<sup>33</sup> Association Save the Individual, “Föreningen Rädda Individen”.

**AIS<sup>34</sup> Pro Juventu (FECRIS member in Spain):** In 1999, the European Court of Human Rights ruled in the case *Riera Blume and Others v. Spain* (Case Nr 3768097) that the Spanish authorities violated Article 5 of the European Convention on Human Rights (guaranteeing the right to liberty) by allowing the illegal detention by the Spanish member of FECRIS for ten days, in private premises, of six adults who had joined the *Centro Esotérico de Investigaciones*, a minority belief movement, and their attempted deprogramming.

Most of these sentences were issued before the recognition of FECRIS as an INGO (International Non-Governmental Organization) by the Council of Europe. It is difficult to imagine that the Council of Europe decision-makers were ignorant of these facts, all the more so because an information campaign on FECRIS was then carried out by a number of religious movements to inform them.

The scholars studying minority religious groups are quite critical about FECRIS. As an example, some members of the French group CCMM affiliated to FECRIS were invited to a conference organized in Beijing in 2000, the primary objective of which was to criticize Falun Gong. The members of Falun Gong, a movement banned by the Chinese Government, are heavily persecuted by the Chinese regime. They are imprisoned, incarcerated in psychiatric hospitals, tortured or murdered. These violations of human rights have been widely criticized by Western Governments and the United Nations, as well as prestigious human rights organizations such as Amnesty International and Human Rights Watch. Nevertheless, FECRIS members do not hesitate to cooperate with the Chinese authorities to stigmatize Falun Gong.<sup>35</sup> Other opponents to FECRIS have revealed that the correspondent of FECRIS in Serbia used to be neuropsychiatrist Bratislav Petrovic who was in charge of the psychological preparation of Milosevic's army at the time his troops were sent out to massacre Muslims in Bosnia.<sup>36</sup>

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<sup>34</sup> Attention and Investigation on Social Addictions, "Atencion e Investigacion de Socioadicciones", for the Youth.

<sup>35</sup> See also the interventions of FECRIS Vice-President Alexander Dvorkin in the Chapter on Russia.

<sup>36</sup> Slobodan Milošević was President of Serbia from 1989 to 1997 and of Yugoslavia from 1997 to 2000. He was charged with crimes against humanity by the International Criminal Tribunal for the Former Yugoslavia (ICTY) but the trial ended after he died from a heart attack in his cell. In 2010, the Life Magazine ranked him as 19th in its list "*The World's Worst Dictators*".

### Conclusion

Particularly in the West, there have always been groups founded specifically to oppose sects, because the fight against “sects” in one form or another has always existed: fight against heresy, fight against a socio-religious protest, fight for the domination of an official or majority religion. Such “anti-sect” groups have the right to exist as they are an expression of freedom of opinion and association.

What is less normal is that such groups are financed by public institutions in the same way as organizations fighting against a plague (AIDS, genetic diseases, famines, etc.) because nothing proves that minority religiosity is a plague. Almost all the accusations against the activity of these anti-sect groups have revealed unfounded and could not hold up against administrative investigation. Anti-sect actors from time to time have had to drop their arguments and replace them with others. They also had to extend their targets to yoga teachers, dieticians and psychotherapists, for example, in order to keep their activities afloat.

What is less normal is that some anti-sect groups have commonly made a distinction between “historical” religions and minority religious movements in their accusations. For a long time, French anti-sect activists have alleged cases of pedophilia committed in sects but had persisted in keeping silent regarding similar cases in the Catholic Church (in the U.S., in Ireland and in Belgium) where pedophilia has been practiced by members of the clergy on a massive scale with the complicity of the religious hierarchy as it has come to light in recent years.

What is less normal is that such “anti-sect” groups structured at the European level are recognized for their alleged expertise by European or international institutions when they show such blatant prejudice. Let us remember that Charlemagne, although he was a European emperor who defended Christendom and Papacy, refused to believe in sorcery and never engaged in a witch-hunt. Concerning the so-called “sect issue”, Europe should now look more deeply for some inspiration in the wisdom of Charlemagne.

## Zusammenfassung

Es gehört zu den schwierigsten Unterfangen, den Kampf gegen religiöse Minderheiten in verschiedenen westlichen Gesellschaften zu erforschen. Zahlreiche Politikwissenschaftler und Soziologen haben sich bereits an einer Erklärung des Phänomens versucht, aber das Bild bleibt verschwommen. Aus diesem Grund suchen Wissenschaftler und Juristen in diesem Band einen Einblick in das Phänomen zu geben.

Mit Unterstützung der althergebrachten Religionen und/oder anderer öffentlicher Akteure entstanden im Westeuropa der 1980er- und 1990er-Jahre zahlreiche Gruppen, die sich gegen Sekten engagierten. Als europäischer Dachverband für eine wachsende Zahl von Anti-Sekten-Gruppen wurde FECRIS im Jahre 1994 gegründet – in Frankreich, der Wiege des Laizismus und auf Betreiben einer französischen Anti-Sekten-Vereinigung. Unter dem Deckmantel der „Erforschung und Informationen über Sektentum“ organisiert FECRIS auf europäischer Ebene den Kampf gegen spezifische religiöse Gruppen, von denen die meisten neue, mit den traditionellen Religionen in Konkurrenz stehende religiöse Bewegungen darstellen. FECRIS vermeidet öffentliche Kritik an den althergebrachten Religionen und ignoriert die in einigen dieser Religionen klar vernehmbare Existenz religiös-extremistischer Indoktrination. Zudem haben französische Sektengegner angebliche Fälle von sexuellen Missbrauchs und Pädophilie einerseits in Sekten verurteilt, andererseits ähnliche Fälle in der katholischen Kirche nach wie vor nicht beanstandet.

Dieser Beitrag zeichnet die Geschichte der FECRIS nach, beschreibt ihre Strukturen, analysiert sowohl den Hintergrund als auch die Motive einiger ihrer führenden Akteure und kritisiert die gewichtige finanzielle Unterstützung, die FECRIS trotz der religiösen Intoleranz, die sie weckt, von öffentlicher Seite erfährt. Tatsächlich wird eine nicht zu unterschätzende Anzahl von FECRIS-Tochterorganisationen der Diffamierung beschuldigt und strafrechtlich verfolgt. Aus diesen und anderen Gründen sehen Wissenschaftler, die sich mit religiösen Minderheitsgruppen beschäftigen, die FECRIS äußerst kritisch. Es ist bezeichnend, dass im Jahr 2000 Mitglieder eines der FECRIS angegliederten französischen Verbandes zu einer Konferenz in Peking eingeladen wurden, deren vorrangiges Ziel darin bestand, an Falun Gong Kritik zu üben – einer spirituelle Bewegung, die von der chinesischen Regierung verboten wurde und aufs Schärfste verfolgt wird.

Der Einblick in die europäische Anti-Sekten-Landschaft wirft ein neues Licht auf die FECRIS und ihre Mitglieder. Zudem kann er Führungspersonen

lichkeiten in Medien und Politik als Grundlage für weitere Diskussionen über den Verband dienlich sein. So kann argumentiert werden, dass seine Aktivitäten gegenüber zahlreichen religiösen Gruppen antisemitischer und islamophober Agitation in nichts nachstehen.

# FECRIS AND ITS AFFILIATES IN FRANCE THE FRENCH FIGHT AGAINST THE “CAPTURE OF SOULS”<sup>1</sup>

PATRICIA DUVAL

## Introduction: FECRIS’ Inception

The very inception of the *European Federation of Centers of Research and Information on Sectarianism* (“FECRIS”) stems from the intent of the French anti-sect movement to reach and influence the European and international scene in order to legitimize its activities and export the “French model” abroad.

By networking the various anti-sect groups in several European countries, the French anti-sect movement desired to spread their message that the “sect” phenomenon is a serious, wide-ranging problem which necessitates government and supra-national support to fight those minorities of religion or belief labeled by them as “sects”, or more recently, “sectarian movements”.

FECRIS was created in Paris in 1994 at the initiative of the French anti-sect group the *National Union of Associations of Defense of Families and Individuals* (“UNADFI”)<sup>2</sup>, which was predominantly financed by the French State.<sup>3</sup>

At the occasion of its General Meeting in November 1993 in Lille (North of France), UNADFI’s President requested financial support from the Mayor “to help UNADFI set up, pursuant to the mission it was given, the European or International Federation which would centralize the works of our sister associations”, adding that “the project has been drafted, the agreement between them is total but all of them are missing finances”.<sup>4</sup>

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<sup>1</sup> “Capture d’âmes” in French.

<sup>2</sup> “Union Nationale des Associations pour la Défense des Familles et de l’Individu”.

<sup>3</sup> Around two thirds of its financing at the time was public funding.

<sup>4</sup> See their publication “*Bulles*” (Bulletin de liaison pour l’étude des sectes) n° 41, 1st Quarter 1994, 3.

Indeed, UNADFI was given the mission of “establishing and maintaining international relations”, per its articles of association. An article published in UNADFI’s magazine *Bulles* on the genesis of the association explains:

In 1982, we feel the necessity to create the National Union of ADFIs in order to represent the associations on a national and international level. However, the first international congress took place in Paris in December 1980.<sup>5</sup> Fourteen countries were represented. We nevertheless had to wait until 1994 to create the *European Federation of Research and Information on Sectarianism* (FECRIS).<sup>6</sup>

The purpose of the international conference of December 1980 is described in the very first magazine, *Bulles*, published by ADFI<sup>7</sup>:

Declaration. The problem of the totalitarian tendencies of certain religious and pseudo-religious movements has been the subject of a conference in Paris in December 1980, organized by ADFI (the Association for the Defense of Families and Individuals). [...] One of the outcomes of the conference was that an international association has been created, which will gather the national and regional associations, in the light of the transnational character of the new ideological and religious totalitarian organizations, the need being felt of a closer international cooperation on the study of this problem.<sup>8</sup>

Subsequently, the creation of FECRIS in 1994 was the outcome of a long and persistent lobbying effort of fourteen years by the French anti-sect movement.

UNADFI registered FECRIS under French law on 30 June 1994, at its own registered offices, the President of a local ADFI becoming FECRIS’ President and the President of UNADFI becoming FECRIS’ Vice President. The official purpose of FECRIS was to federate anti-sect associations throughout Europe and represent them before European institutions for the defense of families and individuals against “harmful sectarian organizations”.

Although this purpose sounds laudable because of the words “harmful” and “sectarian”, which evoke intolerance and isolation, a deeper analysis concludes that the anti-sect affiliates of FECRIS in France:

- Characterize as “sectarian” any minority religious or spiritual movement with beliefs FECRIS deems deviant from “what is usually considered as religion”

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<sup>5</sup>The text published in *Bulles* mentioned December 1981, but we believe that this is a typo: the list of participants to the congress shows that it took place in December 1980.

<sup>6</sup>*Bulles* n° 45, 1st Quarter 1995. See also *Bulles* n°41, 1st Quarter 1994.

<sup>7</sup>*Bulles* n° 0, Spring 1983, 21, 23.

<sup>8</sup>For more details on the participants, see below UNADFI, Involvement of Recognized Churches.



- Consider conversion to these faiths as undue influence or “capture of souls”<sup>9</sup>, and an infringement of human dignity;
- Collect testimonies from families or relatives of followers who disagree with their choice of life to accuse them of family break-ups;
- Compile files based on rumors, innuendo and suspicion which are used to stigmatize these groups; and
- Continue to be financed by the French public institutions to wage an ideological crusade.

These issues raise serious concerns regarding freedom of conscience and the State’s duty of neutrality in matters of religion or belief.

### I. FECRIS and its Members in France – Financing

Over the last ten years, FECRIS has been financed almost entirely by the French State, in the form of special funding by the Prime Minister. Its ratio of public funding by the French State compared to its private memberships/donations has averaged 92% since 2001.<sup>10</sup>

FECRIS has three member associations in France, which are also almost entirely funded by the French State or public institutions (tables with the precise figures are provided in the Annex to this article):

#### *The National Union of Associations of Defense of the Family and the Individual (UNADFI)*<sup>11</sup>

UNADFI has averaged 96% public funding compared to its private memberships/donations over the last seventeen years<sup>12</sup>; it has also been recognized as being of Public Utility<sup>13</sup> by Decree of the Prime Minister of 30 April 1996.

<sup>9</sup> See below developments on UNADFI.

<sup>10</sup> Private memberships of FECRIS are not totally private as they are membership fees of local member associations of FECRIS which can themselves receive public funding from their local institutions.

<sup>11</sup> “Union Nationale des Associations de Défense de la Famille et de l’Individu”.

<sup>12</sup> Like for FECRIS, private memberships of UNADFI are not totally private as they are membership fees of local ADFIs which can themselves receive public funding from their local institutions.

<sup>13</sup> Article 2–17 of the French code of penal procedure provides: “Any association of public utility lawfully registered for at least five years on the date of the offence proposing by its statutes to defend and assist the individual or to defend individual and group freedom may, where acts are committed

The status of Public Utility is granted to associations to not only enable them to receive bequests but also to give them an air of special legitimacy in their area of action;<sup>14</sup>

*The Center Against Mental Manipulations (CCMM)*<sup>15</sup>

CCMM has averaged 98% public funding compared to its private memberships/donations over the last thirteen years; and

*The Study Group on Movements of Thought for the Prevention of the Individual (GEMPPPI)*<sup>16</sup>

GEMPPPI has averaged 94% public funding compared to its private memberships/donations over the last nine years.

Considering the above figures, it can be concluded that, although these associations purport to defend families and individuals, their legitimacy stems more from government support than from civil society.

## II. FECRIS and its Members in France – Purposes and Activities

### 1. Basic Notions and Fundamental Questions

At the OSCE/ODIHR<sup>17</sup> Human Dimension Implementation Meeting from 28 September to 9 October 2009 in Warsaw, FECRIS gave the following definition of “Cults” or “Sects”:<sup>18</sup>

Most cults pose as religions or “faith” organizations, and claim to offer their adherents some form of personal or spiritual self improvement. While there are many border line cases, and it is impossible to arrive at absolute definitions of which organizations

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by a natural or legal person in the framework of a movement or organization having as its object or effect the creation, maintenance or exploitation of psychological or physical subjection, exercise the rights of a civil party in respect of offences.” The granting of this status implies a pre-determination that the group in question has such a purpose of exploitation and subjection, rendering the right to be treated as innocent until proven guilty and the right to a fair trial nugatory.

<sup>14</sup> See <http://vosdroits.service-public.fr/F1131.xhtml>.

<sup>15</sup> “Centre Contre les Manipulations Mentales”.

<sup>16</sup> “Groupe d’Etude des Mouvements de Pensée en vue de la Prévention de l’Individu”.

<sup>17</sup> ODIHR: Office for Democratic Institutions and Human Rights.

<sup>18</sup> See <http://www.FECRIS.org/>, Briefing Paper on Cults, OSCE/ODIHR Human Dimension Implementation Meeting, Warsaw 28 September–9 October 2009.

are cultic [sectarian] in their behavior, those who FECRIS regards as cults share the following characteristics: they recruit their members using deception, retain them by various forms of manipulation and mental bullying, and exploit them for financial or other benefit to the cult's leadership.

The questions which arise here are: When is proselytizing for or converting to a faith considered a “deception”? When is the continued adherence to a faith considered a “manipulation”? When is a donation to or volunteering for the group considered “exploitation”?

The concept of deception pertains to consumer law. Applying it, like FECRIS does, to “personal or spiritual self improvement”, is tantamount to imposing an obligation of result on religions or faiths. Following this conception, spiritual or religious movements should not under any circumstances “deceive” their followers and should guarantee them an objective result through their practices.

However, religions or faiths are matters of beliefs and are not bound by any obligation of result. Even if FECRIS challenges the religious nature of these minorities, no spiritual or philosophical movement, no association for self betterment – indeed, no psychologist, no physician, and no teacher – are submitted to an obligation of result under French law.

Actually, the concept of “deception” could be applied to any faith by non-believers. This concept could be applied to the miracles believed to have occurred in the Catholic religion for instance, or by apostates who have renounced their faith; so could the concepts of “manipulation” and “exploitation”.

Applying these concepts would imply making value judgments on beliefs which are inadmissible from a State funded organization under the French Constitution which guarantees that the Republic respects all creeds equally. Such assessment of beliefs is also inadmissible under the European Convention on Human Rights and Fundamental Freedoms (“the Convention” or “ECHR”) and other international human rights instruments signed and ratified by France.

In a recent decision *Jehovah's Witnesses of Moscow v. Russia* of 10 June 2010, the European Court of Human Rights confirmed its jurisprudence in this regard:

119. The Court further reiterates that the State's duty of neutrality and impartiality prohibits it from assessing the legitimacy of religious beliefs or the ways in which those beliefs are expressed or manifested [...]. Accordingly, the State has a narrow margin of appreciation and must advance serious and compelling reasons for an in-

interference with the choices that people may make in pursuance of the religious standard of behavior within the sphere of their personal autonomy.

If the State nearly entirely finances organizations like FECRIS and its members and declares one of them to be of Public Utility (UNADFI), then these organizations are bound by the same duty of neutrality as the French State.<sup>19</sup> Otherwise the State is evading its obligation by financing private organizations to pursue an ideological struggle. The question is then: are there serious and compelling reasons for the French State to interfere with the choices that people may make in the area of religion or belief?

In the above decision, the European Court explained further:

An interference may be justified in the light of paragraph 2 of Article 9 if their choices are incompatible with the key principles underlying the Convention, such as, for example, polygamous or underage marriage (see ...) or a flagrant breach of gender equality (see ...), or if they are imposed on the believers by force or coercion, against their will.

The Court found that community members had testified in the proceedings that they followed the doctrines and practices of Jehovah's Witnesses of their own free will. Consequently, no interference of the Russian State with their choice of life could be admitted under the Convention.

Contrary to this jurisprudence of the European Court of Human Rights, FECRIS and its member associations consider that some beliefs and doctrines are degrading to the individual in themselves and that the adherence to them can only result from "mental manipulation". Following their reasoning, consenting followers must have lost their own free will.

Going even further, FECRIS' President asserted at the OSCE in September 2009 that "cults" or "sects" are not "religions or even belief organizations".

In the Handbook on European Non-discrimination Law published by the European Union Agency for Fundamental Rights jointly with the European

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<sup>19</sup> Pursuant to the principle, "Nemo potest facere per alium, quod per se non potest": No one can do through another what he cannot do himself, a State cannot do through private organizations what it cannot do itself. As an example, the German Federal Administrative Supreme Court ruled on 27 March 1992 in favour of the Osho movement: "Further it must be considered that the State itself – when it makes public statements to warn against the activities of certain religious or philosophical communities – is subject to the obligations of reserve and objectivity to protect constitutional rights. The State cannot evade these legal obligations by obtaining the assistance of a private association which can make use of its own constitutional freedom of speech and expression up to the limit of malicious criticism." (Decision p.19-20 (BVerwG 7 C 21.90/OVG 5 A 584/86) On this basis the Court prohibited the Federal Republic of Germany to fund AGPF, FECRIS member in Germany.

Court of Human Rights (ECtHR), a summary is laid down of the Court's jurisprudence in this regard:

In a series of cases relating to the substantive right to freedom of religion and belief under the ECHR, the ECtHR has made clear that **the State cannot attempt to prescribe what constitutes a religion or belief**, and that these notions protect 'atheists, agnostics, skeptics and the unconcerned', thus protecting those who choose 'to hold or not to hold religious beliefs and to practice or not to practice a religion'. These cases also note that **religion or belief is essentially personal and subjective**, and need not necessarily relate to a faith arranged around institutions.<sup>20</sup> [emphasis added]

The Handbook continues:

The ECtHR has elaborated on the idea of 'belief' in the context of the right to education under Article 2 of Protocol 1 to the ECHR, which provides that the State must respect the right of parents to ensure that their child's education is 'in conformity with their own religious and philosophical convictions'. The ECtHR stated:

'In its ordinary meaning the word "convictions", taken on its own, is not synonymous with the words "opinions" and "ideas", such as are utilized in Article 10 [...] of the Convention, which guarantees freedom of expression; it is more akin to the term "beliefs" appearing in Article 9 [...] which [...] denotes views that attain a certain level of cogency, seriousness, cohesion and importance.'<sup>21</sup>

Therefore, as long as religious or belief minorities share views with some consistency, persistence and cohesion, no State, no public institution and no government subsidized organization like FECRIS can decide that these views are not really beliefs and that these groups are not "even belief organizations".

Invalidating people's power of choice and their right to believe is indeed a serious matter. There should be very strong public order arguments in support of such State interference. Otherwise, the above allegations by FECRIS and its State-funded affiliates represent a gambit for assessing the orthodoxy of beliefs and doctrines, in violation of freedom of thought and conscience guaranteed by the French Constitution and international treaties.

An analysis of the activities of the French members of FECRIS evidences what they consider as "harmful sectarian organizations".

<sup>20</sup> ECtHR, *Moscow Branch of the Salvation Army v. Russia* (No. 72881/01), 5 October 2006, paras. 57, 58; ECtHR, *Metropolitan Church of Bessarabia and Others v. Moldova* (No. 45701/99), 13 December 2001, para. 114; ECtHR, *Hasan and Chaush v. Bulgaria [GC]* (No. 30985/96), 26 October 2000, paras. 60, 62.

<sup>21</sup> ECtHR, *Campbell and Cosans v. UK* (Nos. 7511/76 and 7743/76), 25 February 1982, para 36.

## 2. GEMPPPI

Our first analysis concerns the *Study Group on Movements of Thought for the Prevention of the Individual* (“GEMPPPI”). GEMPPPI was founded in 1988, is financed by local public funding and has only one permanent member who pursues its activities, its President, who is also the Treasurer of FECRIS. FECRIS has been domiciled at the address of GEMPPPI for a number of years. GEMPPPI operates in the South of France in the region of Marseille and is associated with and a correspondent of the *Centre against Mental Manipulations* (“CCMM”) in Paris.

GEMPPPI claims on its web site to be in charge of writing the Bulletin of FECRIS which is distributed to all European registered associations. It also claims:

Regarding Europe, we contribute with FECRIS ([www.FECRIS.org](http://www.FECRIS.org)), which is an NGO in the Council of Europe and the UNO (ECOSOC), to supply documents and useful information so that the sectarian phenomenon can be estimated and treated in a more global way and adapted to its development in time, space and circumstances.

As part of its “study of movements of thought”, GEMPPPI drafted in 1995 the list of 173 sects which was included in a Parliamentary Report on Sects.<sup>22</sup> This list has been strongly criticized (it included Humanist, Buddhist, Evangelical and even Catholic groups) and Administrative French Courts ruled that it had no legal value. By a Decree of 27 May 2005, Prime Minister Mr. Raffarin instructed Ministers and Government officials to stop stigmatizing a number of movements by using any kind of list of “sects” anymore.

### *Defense of “Consumers” of Beliefs*

Nevertheless GEMPPPI continues to label minority faiths as “sects” and openly claims to assess beliefs. Its stated purpose is “the study of new beliefs, help, information and prevention against sects”<sup>23</sup>

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<sup>22</sup> See the statement of the President of the French Inter-ministerial Mission of Vigilance and Fight against Sectarian Deviances (MIVILUDES) in the *Quotidien de la Réunion et de l’Océan Indien* – 13.05.2009: <http://www.lequotidien.re/actualites/faits-divers/38147-derives-sectaires--georges-fenech-prsident-de-la-miviludes-20-des-derives-sectaires-en-outre-mer.html>.

<sup>23</sup> “Etude des nouvelles croyances, aide information et prévention contre les sectes”, <http://www.prevensectes.com/pgemppi.htm>.

It defines a “cult” or a “sect” as any “religious or philosophical movement which infringes through its practices or teachings the Universal Declaration on Human Rights and the laws”.<sup>24</sup> It describes its mission in the following way:

GEMPPPI can thus be considered as a defender of Human Rights and consumers specialized in religious faiths and spiritualistic therapies.

And it claims to pursue its mission through the following activities:

First of all our action allows to balance information about new religious movements, magic faiths, spiritualistic therapies, religious extremism, which can all be dangerous in some cases. All these movements have a strong tendency to proselytize and to do business so they use advertising. Therefore we act as a consumer defense organization, we supply contradictory information to offer the possibility of a democratic debate, and to make it possible for people to make a free and considered choice, so that they are not drawn into a dishonest or dangerous way, against their own interest by mental suggestion.

Hence GEMPPPI defines its role as that of providing critical information on new religious movements so the “consumer” is not “duped”.

The question is then: how can public funds be used for such a purpose? Is it the role of the State through public-funded organizations to advise people on what they should believe or not?

### *Assessment of “Deviant” Beliefs*

As part of its study of beliefs, GEMPPPI publishes a quarterly bulletin entitled *Discoveries on Sects and Religions*, where it proceeds to a critical analysis of various creeds. The bulletin published on 1st January 1999 was dedicated to the “The Best Scams Using the Bible”. The introduction of this bulletin explains that odd interpretation of the Bible induces people into spiritual or intellectual slavery:

Our sole purpose will be to provide arguments to those who are confronted with relatives in a “sect” or with sectarian behaviors based on an odd interpretation of the Bible. This work evidences the most famous falsifications of the texts, the most frequent theological acrobatics, and the best rhetorical arrangements designed at, most of the time relying on your Christian education, making you drift through doubt and then deviate through peremptory teachings towards what will be your spiritual, intellectual and affective slavery: for the greatest hidden pleasure of a guru, a pseudo-pastor or leaders of a sect. In this publication, **we therefore act as an association for the**

<sup>24</sup> “Mouvement religieux ou philosophique portant atteinte par ses pratiques ou ses enseignements à la Déclaration des Universelle des Droits de l’Homme et aux lois”, <http://www.prevensectes.com/pgemppi.htm>.

**defense of consumers specialized in the religious area.** You will see that we do not target only practices of sects recognized as such, but also certain religious deviances which can happen in particular situations.

GEMPPI attempts to justify its report by its intention to make the reader understand that what differentiates a religion from a “sect” is orthodox belief, compared to falsified interpretation of the Scriptures.

If certain comments that we make on sects in this report could be made on certain religions or rather on the extremes of all religions, there are constant practices of falsification or aberrant or dishonest use of the sacred texts which always reveal a sect in command of the interpretation of the Scriptures. The difference on the ground is enormous, visible and measurable.

According to GEMPPI, “What is random in religion becomes the rule in a sect”:

One example: if one surveys the Jehovah’s Witnesses on their convictions, whatever their intellectual social, etc. level can be, one can see that they are all perfect spiritual and ideological clones. They all come out of the same mould with a standard profile printed at 5 million copies by the US firm “Watch Tower Bible and Tract Society”. On the contrary, if we proceed to the same operation with Catholics or Protestants for example, we find a common spiritual background with Jesus Christ as principal character, but also a lot of variations and thus of freedom of conscience regarding the interpretation and the application of their credo [...] not to say divergences.

Opposite to this liberty, we are facing followers of sects who are made spiritually infantile and robotic. What is striking is that the same ingredients (Bible, etc.) are used in both cases. Therefore the problem is a **problem of dosage**. We do not claim, of course, determining what the right balance is in the interpretation of the texts.

On the other hand, considering the harmful effects encountered, it is easy to detect the real intellectual scams and the mental manipulation schemes used by sects through the Bible. We could do the same with any other sacred book like the Coran for example.

One could wonder, then, what acts resulting from this “religious extremism” is GEMPPI targeting? But further reading shows that no acts, no problem of public order is raised by GEMPPI. It is only concerned by beliefs which would, according to GEMPPI, produce “infantilization and robotization” of followers.

One example: in the monotheistic traditions and cultures (Christianity, Judaism, Islam) God is the creator, the primary cause distinct from the creation itself which has a beginning. This is a system which is dualistic.

On the other hand, in the Far East, the term “God” has nearly the opposite meaning in the mind of Buddhist or Hindu Asians as in these systems all is God, nothing has been created and consequently, to faithfully translate this idea of God, one would say



something like “Mother Nature”. These systems are monistic and pantheist (which has nothing pejorative in itself).

So Christian Science, Aumism of Gilbert BOURDIN, Rosicrucians of all sorts, Anthroposophy, the Christian Gnostic Movement, etc. are more similar in their beliefs to Hinduism or Buddhism than to Christianity, in spite of their use of the Bible and Jesus Christ.

So beware, when a Christian scientist reads in the Bible the word “matter”, he will understand “belief in sin”, when he reads “miracle”, he will hear “a science phenomenon”: that is to say exactly the opposite of what you will understand. The words are intentionally tricked. This is the way brains are programmed.

Financial support to “Biblical Sects” is then described as a scam:

As we previously mentioned the reference to the tithe is very useful to pump out of the followers 10% of their income: it is written somewhere in the Bible, so God wants it. If you do not pay the tithe to your Church, you are robbing God! Of course, as we underlined, this is an intellectual scam which can be very lucrative.

The *Universal Church of God*, which became after schism the *Global Church of Christ*, the *International Church of Christ* (or of Boston), the *Mormon Church* (*Church of Jesus Christ of the Latter-Day Saints*) and many others excel in applying this tax for “the greatest glory of the Highest”.

Other bulletins of GEMPPPI criticize Islam, Buddhism, Jehovah’s Witnesses, the University Bible Fellowship, the Church of the Boston Christ, the Mormons, the Pentecostal Church of Besançon, Christian Science, pseudo-Catholic Churches not under the Vatican, new religions in Japan, etc.

Their publication on Buddhism announces:<sup>25</sup>

Karma is opposite to the notion of free will which has been very popular in the West since the Enlightenment, which happened in a Christian context. How could there be a judgment-day if the human being has no possibility to choose between Right and Wrong and if his acts are so much conditioned? We will not try to compare all the Buddhist concepts and show how they oppose Western cultural values because this would be the subject of a book.

### *Faith Labeled as Spiritual Slavery*

One can conclude that GEMPPPI specializes in informing the public regarding which beliefs are deviant beliefs and in its opinion constitute a scam, and which beliefs are “good”. The argument of “dosage” of belief and that an ounce of doubt must remain for the believer to follow a religion and not a cult is

<sup>25</sup> See [http://www.gemppi.org/index.php?option=com\\_content&task=view&id=72&Itemid=45](http://www.gemppi.org/index.php?option=com_content&task=view&id=72&Itemid=45).

spurious: faith is the common denominator to all religions and can reach a high degree of devotion and discipline in traditional Catholic monasteries for example, which are not classified by GEMPPI as “cults” or “sects”.

The actual differentiation between adherence to a religion which is considered as faith and adherence to a “cult” or “sect” which is considered as “spiritual or intellectual slavery” is based on an assessment of beliefs which GEMPPI proceeds to on the concerned group, in particular comparing them to more ancient and recognized beliefs. Critical study of and critical information on new or minority beliefs is the claimed purpose of GEMPPI, which is inadmissible from a State funded organization under the French Constitution and international human rights norms which France has signed and ratified.

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

In particular, the United Nations Human Rights Committee provided in its General Comment No 22 on the interpretation to be given to Article 18 of the International Covenant on Civil and Political Rights on the Right to Freedom of Thought, Conscience and Religion<sup>26</sup>:

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

Moreover, the 1996 Annual Report by the Special Rapporteur on Religious Freedom to the United Nations Human Rights Commission provides the Rapporteur’s opinion on the broad scope of the term religion and the need for equal treatment of all religions, including so called “sects.” The Rapporteur first noted the inadequacy of labeling certain belief groups as sects:

The term “sect” seems to have a pejorative connotation. A sect is considered to be different from a religion, and thus not entitled to the same protection. This kind of approach is indicative of a propensity to lump things together, to discriminate and

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<sup>26</sup> See <http://www.unhchr.ch/tbs/doc.nsf/0/9a30112c27d1167cc12563ed004d8f15>.

to exclude, which is hard to justify and harder still to excuse, so injurious is it to religious freedom.

Then, the Special Rapporteur explained:

“Religions cannot be distinguished from sects on the basis of quantitative considerations saying that a sect, unlike a religion, has a small number of followers. This is in fact not always the case. It runs absolutely counter to the principle of respect and protection of minorities, which is upheld by domestic and international law and morality. Besides, following this line of argument, what are the major religions if not successful sects? [...]

Again, one cannot say that sects should not benefit from the protection given to religion just because they have no chance to demonstrate their durability. History contains many examples of dissident movements, schisms, heresies and reforms that have suddenly given birth to religions or religious movements.”

And the Rapporteur concluded that:

“All in all, the distinction between a religion and a sect is too contrived to be acceptable. A sect that goes beyond simple belief and appeals to a divinity, or at the very least, to the supernatural the transcendent, the absolute, or the sacred, enters into the religious sphere and should enjoy the protection afforded to religions.”<sup>27</sup>

The public financing of a group dedicated to the assessment of minority beliefs and the stigmatization of “sects” surely infringes such international human rights standards.

Unlike France, many European countries do not consider the issue of “sects” a national problem or a threat for the State. In fact even in Germany, a Bundestag Enquiry Commission concluded that new religious groups “all in all [present] no danger for the state and society, nor for important branches of society, such as business” and that the term “sect” should not be used as it is pejorative. The Dutch, Swedish and Swiss governments have taken up the issue and found there is no need for concerted government action and many other European countries have determined that this is simply not an issue necessitating government action.<sup>28</sup>

<sup>27</sup> Report E/CN.4/1997/91 of 30 December 1996, para. 95–98., see [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.1997.91.En?Opendocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.1997.91.En?Opendocument).

<sup>28</sup> In the Netherlands, for example, the 1996 Annual Report of the Internal Security Service concluded that “sects” are not a threat to security, the democratic order or other interests of the State.

*“Spiritual Healing” and “Psycho-Deviances”*

Since 2003, GEMPPPI’s ideological purpose has become even more flagrant with the extension of the scope of its activities to address “spiritual healing” or “evil holistic therapies”<sup>29</sup>.

It runs a Committee called “Health, Ethics and Ideologies,” which is mainly composed of health professionals, medical doctors and psychiatrists, who study “ideologies” in non-conventional medicine or “spiritualistic therapies” and provide critical comments on them.

In an attempt to regulate this field, GEMPPPI detains and manages a Charter and a register of “Practitioners and Actors on the Body and the Spirit”<sup>30</sup>, whereby the signatories commit to be independent from any group included in the 1995 list of “sects” or any list published later or to be published in the future.<sup>31</sup> Together with the Charter, signatories have to fill in and return a form, where legal associations have to indicate their object and activities and the **“eventual ideological orientations implied by this object”**.

At GEMPPPI’s annual Conference of 2006 entitled “Sciences, Pseudo-Sciences and Deviant Therapeutics” for example, Astrology was analyzed as being totally non- scientific, its practice potentially alienating and its use psychologically dangerous. However, no specific trouble to Law and Order was mentioned, nor were any specific damages suffered by the public.

In March 2004, GEMPPPI’s President and Treasurer of FECRIS organized a Conference for FECRIS entitled “Health and Undue Sectarian Influences” in Marseille, in the South of France, where GEMPPPI and FECRIS are located at the same address. The purpose of the Conference was to denounce “psycho-therapeutic deviances” labeled as “psycho-sectarianism”.

“Psycho-sectarianism” has been defined by GEMPPPI as follows: compared to psychological therapies validated and recognized by the scientific community, the psychotherapy of a guru would rather be a mixture of beliefs (past lives, etc.) and scientific data resulting in the dependency of and undue influence on the patient.

<sup>29</sup> The term “holistic therapies” designates therapies addressing the body and the mind or spirit.

<sup>30</sup> [http://www.gemppi.org/index.php?option=com\\_content&task=view&id=43&Itemid=47](http://www.gemppi.org/index.php?option=com_content&task=view&id=43&Itemid=47).

<sup>31</sup> See the protest of the French Federation of Psychotherapy and Psychoanalysis (FF2P) about this provision and the labelling as “sects” of psychoanalytic movements in official reports: [http://www.wmaker.net/psyresoformations/LA-CHARTE-DES-PRATICIENS-ET-ACTEURS-DU-CORPS-ET-DE-L-ESPRIT-DU-GEMPPPI-Reaction-de-la-FF2P\\_a509.html](http://www.wmaker.net/psyresoformations/LA-CHARTE-DES-PRATICIENS-ET-ACTEURS-DU-CORPS-ET-DE-L-ESPRIT-DU-GEMPPPI-Reaction-de-la-FF2P_a509.html).

One can wonder what the relation is between the belief in past lives and scientific data, and the purported dependency of the followers. The answer is again that the beliefs themselves are considered as an “undue influence” and the continued adherence to these beliefs as “dependency”.

As an example, Transcendental Meditation – which was included in the 1995 list of 173 “sects” – was included in “sectarian deviances” during the Conference because it was “mixing spiritual beliefs with psychological techniques”,<sup>32</sup> mentioning nevertheless that these kinds of methods were having great success, and that show business people had converted to them. Obviously, GEMPPPI considers that these followers are under undue influence without realizing it.

The outcome of the Conference, which was organized with the support and participation of psychiatrists from the “Health, Ethics and Ideologies” Committee, was that FECRIS was to push for the adoption of a European regulation of the “psycho-market”.

### *The Alternative of Unconventional Medicine*

The Honorary Secretary General of the National Council of Medical Doctors gave a speech at the conference entitled “The Council of French Doctors faced with sects and their relationship with unproven medical practices”. He reminded his audience that in France, the Medical Council is the national association of (elected) practitioners which is assigned by the State a mission of public service through administrative and jurisdictional functions with regard to practicing doctors.

He then explained that the purpose of “unproven medicines” and “sectarian practices” appears to be different - unconventional medicines solely aim at treating illnesses, and are prescribed by therapists, whereas “sects” advocate well-being more than health, with “pseudo-religious or pseudo-cosmological ends”. However, the reality is, according to him, much less straightforward than this: patients as well as healthcare professionals can be tempted by “esoteric medicine”.

In some regrettable and memorable cases, doctors have been accused of participating – actively participating in some cases – in the activities of sectarian movements. The Secretary General regretted that aside from specific cases which have been documented and acted upon, there are many allega-

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<sup>32</sup> See page 16: <http://www.prevensectes.com/FECRIS15.pdf>.

tions and rumours put forward in a highly emotive atmosphere which gets in the way of objective analysis.

He detailed the judicial or disciplinary remedies available when abuses are committed.

- Reprehensible activities of “sects” can be referred to Courts, criminal and civil.
- The professional jurisdiction of the Medical Council can be called into action when practices of medical doctors do not conform to the Code of Medical Ethics. A number of articles of this code can be used, depending on the case in hand. In practice, the rulings adopted by the disciplinary chambers of the Medical Council often concern failure to respect Article 39 of the Ethical Code: “Doctors may not present any fraudulent, insufficiently proven remedy or procedure as being beneficial to health to any patient or their family. All fraudulent practices are forbidden”. Article 40 deals with dangerous therapeutic treatments as follows: “Doctors must refrain from carrying out examinations and actions prescribed as therapy which may make a patient run unnecessary risks.”

He then added that the Medical Council addresses substantial information to doctors (and all healthcare professionals) on the reality of “sects” and risks associated with deviances they might cause: general information in the form of articles included in the National Medical Council newsletter, sent to all general practitioners, and targeted information about individual cases. He concluded that doctors are now much better informed about the risks related to the intrusion of “sectarian practices” in the provision of healthcare.

One can wonder then: if Medical Council is entrusted with a mission of public service and has the power to initiate criminal proceedings as a civil party and disciplinary proceedings against doctors involved in “esoteric medicine”, and if the doctors are well informed, why is there a need for further action by FECRIS and its members in this area?

The beginnings of an answer may be found in the following statement made during the same speech in question:

A case may be referred to the professional courts only when it concerns facts deemed to be contrary to the ethical code and liable to have caused damage to the patients.

A study of complaints submitted to the professional courts regarding harmful medical practices inspired by sectarian deviances bring out two aspects for consideration:

- **Complaints are uncommon, and rarely come from the victims themselves.** More often, they arise from information brought by their families and friends (which, if

proven, can bring about action of the Medical Council against the concerned practitioners).

- **They are generally not specific** complaints, but are often worrying because of the relatively systematic nature of harmful practices expounded in **the ideology of the sectarian movement concerned**. Once confirmed, the complaints dealt with become subject to disciplinary sanctions, most often through the temporary or permanent banning of the practice.

So the followers of such practices rarely complain as they freely made the choice of unconventional treatments – and the law of 4 March 2002 guaranteed the right of patients to choose or refuse certain treatments<sup>33</sup>. But the Medical Council can investigate and take action from denunciations, which are also uncommon, of relatives or friends who disagree with or are worried by the choice of certain therapies.

The fact that GEMPPPI and FECRIS invite the Medical Council at their conference where such practices are stigmatized seems then to belong more to an ideological fight rather than to the defense of victims.

### *An Attempt to Regulate the “Psycho-Market”*

At a conference of FECRIS on 17 April 2010 in London, the President of the Inter-ministerial Mission of Fight and Vigilance Against Sectarian Deviances (“MIVILUDES”),<sup>34</sup> Mr. George Fenech, after mentioning that MIVILUDES reports to the French Prime Minister who has provided material, moral and political support to FECRIS, noted that he was very concerned by a certain number of medical practitioners who actually have recourse to “unproven practices”.

He further stated that there was “a very strong action to carry out with the Medical Council and with the Ministry of Health to encourage them to tidy up their house”.

<sup>33</sup> Law n° 2002-303 of 4 March 2002 relating to the rights of patients and the quality of the health system, see [http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=3EEB77F7741E85CDFB9BDF31BAFA8283.tp\\_djo10v\\_2?cidTexte=JORFTEXT000000227015&categorieLien=id](http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=3EEB77F7741E85CDFB9BDF31BAFA8283.tp_djo10v_2?cidTexte=JORFTEXT000000227015&categorieLien=id).

<sup>34</sup> MIVILUDES is an inter-ministerial entity directly under the Prime Minister, which was created in 2002 to fight against “sectarian deviances”. It replaced the MILS (Inter-ministerial Mission of Fight against Sects) after France had been heavily criticized internationally for stigmatizing minorities of religion or belief as “sects”.

Two to three thousand French medical practitioners would be targeted as suspects of “sectarian deviances”.<sup>35</sup> In an interview given to a newspaper of La Réunion Island<sup>36</sup> on 19 May 2011, Mr. Fenech stated that there are approximately three million users of “deviant therapies” in France, amongst which 60% are people ill of cancer, and three thousand medical doctors would be linked to this movement.<sup>37</sup>

One can see with the example of medical doctors that the word “sectarian” is actually used to refer to ideologies and “charlatanism” and has nothing to do with seclusion in closed communities or total obedience to a “guru”.

MIVILUDES’ President noted at the London conference that in 2009, regulation of the title of “psychotherapist” was passed in France so that “charlatans” could not use this title to drag people along with them “in their madness and their ideology”.

However, this regulation did not seem to be sufficient for MIVILUDES, since a “Group of Technical Support” has been created under its impulse within the Ministry of Health in 2009. It is a group of experts responsible for the assessment of non-conventional practices with a therapeutic purpose, i.e. the “many psychotherapies which flower everywhere”, which do not call themselves psychotherapies, to detect those which are dangerous and inform the citizens.

The question is: Will the group of experts include in their assessment, like GEMPPI, such “psychological techniques” as meditation and yoga, which are spiritual or religious practices in Tibetan Buddhism for example, and religious beliefs like the belief in past lives and the trans-migration of souls, which are protected by Article 9 of the European Convention of Human Rights and Fundamental Freedoms?

It should be emphasized that the idea of regulating the “psycho-market” was formulated at the FECRIS conference in March 2004 by the German speaker at a time when this issue was at stake in his country.

A bill had been introduced in 1997 in Germany to regulate what they called “commercial services of assistance in overcoming life’s difficulties” (“life help”). Since 1984, FECRIS’ affiliate in Germany “AGPF” had been re-

<sup>35</sup> See the article in Futura Sciences: [http://www.futura-sciences.com/fr/news/t/medecine/d/quand-des-medecins-deviennent-la-proie-des-sectes\\_21606/](http://www.futura-sciences.com/fr/news/t/medecine/d/quand-des-medecins-deviennent-la-proie-des-sectes_21606/).

<sup>36</sup> La Réunion is a French Island in the Indian Ocean East of Madagascar and the African coast.

<sup>37</sup> See the interview at: <http://www.clicanoo.re/11-actualites/15-societe/284253-des-methodes-d-ordre.html>.



questing the adoption of such a law which they called “Psycho Contract Law”.<sup>38</sup>

In the summer of 1997, Lutheran and Catholic Church Representatives for Germany sent a joint statement to the Federal Council, the Upper House of the Parliament<sup>39</sup>, expressing their concern that the severe restrictions in the draft legislation would also apply to their Churches, specifically regarding the payment of spiritual counseling services that they delivered. They explained:

Ecclesiastical services and organizations offer their counseling not always for free. First of all everything which is not for free is for a payment in exchange, such as in the various counseling fields of marriage, life and family counseling, telephone counseling, substance abuse counseling, specialized counseling, debt counseling, advanced training and educational services for employees, the Churches and their institutions partly charge fees for participation or contributions to cover their expenses.

The Lutheran and Catholic Churches concluded that:

The current bill will have substantial adverse effects onto the entire provision of life help to the disadvantage of the person seeking help. This is serious in view of the comparably small number of abuse cases. It curtails the rights of the providers of life help in an objectionable way.

Contrary to the professed intentions of the law charitable organizations and “institutional Churches” will be affected too.

The bill was thereafter dropped. A similar attempt occurred later in 2003, with the filing of a draft “federal act governing contracts in the field of commercial life-counseling services”.<sup>40</sup> In September 2004, six months after the representative of the German member association of FECRIS mentioned it in his speech at the conference in Marseille, this new bill was definitively rejected.

Churches and religious or spiritual organizations have always had the purpose of helping people. The failed attempt in Germany illustrates that there cannot be a regulation prohibiting such activities to minority religious groups derogatorily labeled as “sects” when “Institutional Churches” are allowed to conduct the same.

<sup>38</sup> “Psychovertragsgesetz”.

<sup>39</sup> The Upper House of the Parliament (Bundsrat) is composed of representatives of the German States, while the Lower House (Federal Parliament or Bundestag) is composed members of Parliament elected by the population (Federal elections).

<sup>40</sup> “Lebensbewältigungshilfegesetz”.

All and all the classification of “sects” and the recommendations by GEMPPPI and FECRIS would only result in discrimination prohibited under international human rights standards.

### 3. CCMM

The *Centre of Documentation, Education and Action against Mental Manipulations* (“CCMM”), another member of FECRIS in France which is also a member of the Advisory Board of MIVILUDES, performs its activities focusing on the principle of secularism. It is traditionally of atheistic inspiration.

#### *Genesis – A Family Conflict*

It was created in 1981 by Roger Ikor, a writer who is a winner of the Goncourt prize, who had a twenty-year old son who adhered to a *Macrobiotic Zen* lifestyle and later committed suicide. The son was on bad terms with his father, especially concerning his philosophical choices, and was apparently anorexic as he weighed 42 kilos at 1m75 when he committed suicide.

Roger Ikor blamed *Macrobiotic Zen* for his son’s suicide because of his diet (vegan) and the fact that he would from time to time perform a four-day fast. Mr. Ikor published a book with all his grievances, entitled “I press charges”.<sup>41</sup> This determined his subsequent fight against “sects” and his violent approach to such a phenomenon. He declared to several newspapers in January and February 1981:

We have to hit, destroy these sects which proliferate on our decay. When enough people go to ransack the premises of sects, they [public authorities] will probably move.<sup>42</sup>

We will create havoc in the death lairs of sects. Throw up macrobiotic restaurants, Krishna centers and others. Then maybe public authorities will pay more attention.<sup>43</sup>

However, the discord between Mr. Ikor and his son had started years earlier. According to Mr. Ikor, the boy in his teens started “to go in a bad direction” and “the drift grew, progressively, until the break-up, which could not be more clear-cut: at the age of eighteen, having come of age, Vincent left home”.<sup>44</sup>

<sup>41</sup> “Je porte plainte”.

<sup>42</sup> Newspaper *Le Matin*, 26 January 1981.

<sup>43</sup> Newspaper *L’Unité*, 5 February 1981.

<sup>44</sup> “Je porte plainte”, Roger Ikor, 21.

Rebelling against his father and society, Vincent had pacifist dreams of non-violence and love for nature which led him, in the 1970s, to adhere to ecologist views and to go on the road. His father reports: “He had become a backpacker – this is the term which our time, so keen on words for human dignity, uses to avoid “tramp”, which smells of disdainful bourgeois. A shapeless bag on his shoulder, as only luggage, he thought he was free because he was free from any material tie; and he would sleep with pleasure on bare earth to be in harmony with earth waves.”<sup>45</sup>

The adherence of his son to *Macrobiotic Zen* two years later is not likely to have brought father and son together. Mr. Ikor states derogatorily in his book: “Zen is, they say, a religion, or a philosophy or a religious philosophy; in brief one of those extreme-oriental pataphysics [science of imaginary solutions] which the West becomes very keen of in fits and starts”<sup>46</sup>

On Christmas day in 1979, his son hanged himself. Mr. Ikor reports “Vincent was living in Saint-Malo. He decided there to kill himself but he came to do it here, in the family house where he was born, where I myself had him delivered before the arrival of the doctor.” To hang himself, he used a lasso his father had brought back for him from Argentina when he was a child.

Faced with this unbearable tragedy, Mr. Ikor attributed his son’s act to fear of the unknown because he was living in a world of utopia and accused a “sect” to have “assassinated” his son.<sup>47</sup>

### *Atheistic Inspiration*

Roger Ikor openly claimed to be a free-thinker (“libre-penseur”) or atheistic. He had a very cynical approach to religious beliefs, whether “sects” or recognized religions. He stated in *les Cahiers Rationalistes* (rationalist journal) in 1980<sup>48</sup>:

“Truly, what is striking, more than the theoretical differences between sects, is their common features. Nine times out of ten, you have a Founding Father, a guy who comes forward and claims with conviction: ‘I am the Son of God. I received the revelation.’ In brief, God talked to him from behind a pillar, or in a cave, or near his sheep. Possible variations, instead of being God’s Son, he is his Messiah, or at least

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<sup>45</sup> *Ibid.*, 22.

<sup>46</sup> *Ibid.*, 30.

<sup>47</sup> *Ibid.*, 36.

<sup>48</sup> *Les cahiers rationalistes*, December 1980, n°364.

his Prophet. [...] Between you and me, on all of these points, we could find famous precedents, Mahomet, the Christ, Moses[...].”

“No, there isn’t between a sect and a religion, a difference of nature, or rather of principle; there is only a difference of degree and dimensions.” [...] “If it was up to us, we would put an end to all these nonsense, those of sects, but also those of big religions.”

This is what inspired the *Center Against Mental Manipulations* which he created. CCMM published a *Dictionary of Sects* in 1998, which gives definitions of general concepts relating to “sects”, and gives an alphabetical list of “sects” with a brief description of the movements and their creeds.<sup>49</sup>

In 2001, the “Pastoral, sects and new beliefs” national department of the Catholic Church published a document from the French episcopate in which it criticized the classification in the CCMM Dictionary of a number of Catholic groups as “sects”.<sup>50</sup>

The French episcopate pointed out that the “anti-sect” fight was becoming an anti-religious fight. In particular, they stressed that “the definitions given for realities of the Christian faith, for example: doctrine, sin, confession, prayer, contemplation or conversion, are alarming. One can see there the usual line of thought of the ‘*Rationalist Union*’, the ‘Free Thinking’, and the Free Masonry in its atheistic version”.

Indeed, the *Dictionary* gives the following definitions:

*Confession*: Based on the principle that a follower is always guilty of whatever sin, religious or not, he has to be made to confess his sins, venial or even illusory, preferably in public, to put him at the mercy of the one who wants to dominate him and make him accomplice of the exhibition of others’ confession.

*Prophet*: Pretending to be inspired by the Divinity itself, prophets proclaim divine words, announce God’s purposes and their future manifestation. Their duplicity is only equalled by their aptitude to throw the faithful into a sacred terror, propitious to exerting unlimited power over their soul and their will.

### *Infiltration of the Minds*

Alleging that freedom goes together with critical mind, CCMM describes its role as that of informing, educating and alerting the public on minorities of religion or belief.

<sup>49</sup> “Le Dico des sectes”, Annick Drogou, Centre Roger-Ikor, Les Dicos Essentiels Milan.

<sup>50</sup> Such as Focolari, la Communauté des Béatitudes, la Prélature de l’Opus Dei, le Buisson Ardent, les Légionnaires du Christ and le Chemin Neuf. See [http://infocatho.ccf.fr/fichiers\\_html/archives/2001/20next/semaine04/20nx04europea.html](http://infocatho.ccf.fr/fichiers_html/archives/2001/20next/semaine04/20nx04europea.html).

Its objective is “to oppose any action, collective or individual, aimed at, by any means, penetrating, subjecting or enslaving people’s minds”, which is their description of what “sects” do.

To this end, they feel entitled to assess the doctrines of minorities of religion or belief in order to determine if the very nature of these beliefs makes the targeted group a sect. In the CCMM publication “*Les Sectes*” of 1987–1988<sup>51</sup>, the following was explained:

Of course, we cannot avoid presenting the doctrine peculiar to each sect; but this analysis, even short, has only one purpose: to make people understand better the practice and the acts which we only care about. After digging carefully our route through this dense and stifling jungle for the last six years, we find ourselves trapped in the tremendous apparent diversity of species which it is constituted of pseudo-Christian sects, pseudo-Hindu sects, or philosophical, scientific, ecologist, or naturalist ones, are there traits that they share in common? Drafting this publication gave us confirmation that in reality, they are all identical and quasi interchangeable. One will be convinced by comparing the specification sheet we drafted for each of them.

Then followed a review of various doctrines, for example, that of *Transcendental Meditation*:<sup>52</sup>

“*Transcendental Meditation* (T.M.) is a new Hinduism. It is the announcement of a new spiritual age. It intends to make known to the sick West the salvation forces of self-achievement through meditation (circular to the teachers of T.M. 1971). Clearly, it intends to substitute to the sick Western thinking the sane Hindu one: therefore spiritual expansionism. “The knowledge that Maharishi gives us is the only thing today which can preserve peace and bring the world out of ignorance” (circular T.M. Paris 1981); hence exclusive possession of truth, from the message of the guru.

The equivocal part lies in the ideological core itself of T.M. Its mission is to bring peace, happiness, etc. to the world in the exclusive Hindu way: the end of sufferings through the erasure of “dualism” very close to nirvana.

In order to be accepted, it acts in a covert way at the beginning and presents itself with a mask of Western ideology: for example it uses systematically scientific data, all the more hazardous. It mainly presents itself as “a natural, easy, scientifically verifiable technique” of physical and mental wellbeing whereas **it is in reality a pseudo-mysticism using insidious means to infiltrate the minds**. It is therefore decisive to examine the technique of meditation to have an idea of the doctrine.”

### *Genetic or Psychoanalytic Explanations of Beliefs*

An article currently posted on CCMM’s web site is dedicated to mysticism:

<sup>51</sup> *Les Sectes*, 1987–1988, “Qu’est-ce qu’une secte”, by Roger Ikor, 4.

<sup>52</sup> *Ibid.*, 27.

“Passion of the marvelous is one of the forms of mind eccentricity. It appears at the youngest age and is a matter of temperament and hereditary predisposition. Mystics eagerly look for the strange, the mysterious, the incomprehensible. They feel confined in realities, they need a world of dreams, fantasy and the unknowable. According to their education, their company, the fashion, they will throw themselves headlong into religion, spiritualism, magnetism, magic, occult sciences. **They will create sects, discover new mysteries, invent miracles, and even create from scratch religions unknown to this day.**

Religious mysticism is the most frequent one. It resists in some minds to the most various and complete culture. It can be met at all degrees of the intellectual scale, and if it is frequent amongst the degenerated and the dumb, it is not rare amongst superior unsteady people and even amongst people of higher intelligence who are normal in all aspects.”

Hence, what is actually criticized by CCMM is religious belief itself. And the fact that this religious belief does not have 2,000 years of history is apparently an aggravating factor. This would not be a problem if CCMM were a private group. But the financing of such an association which fights against religious beliefs by the French State is a violation of its duty to neutrality under the French constitution and human rights treaties that France has signed and ratified.

CCMM’s position on “hereditary predisposition” can be compared with MIVILUDES 2006 Report, which gave a psychologist’s explanation of the search for unusual spiritual answers, according to which the attempt to rise from one’s human condition, to believe in fusion with the Divine and in the possibility to transcend everyday reality is a psychological phenomenon which can be explained by childhood and one’s relationship with their mother.<sup>53</sup>

Like CCMM’s “hereditary” theory, this explanation pretends to give a rational explanation to religious beliefs based on references to psychology or psychoanalysis when these subjects are separate from and/or antinomic to religion. Religious beliefs “unknown to this day” or “unusual spiritual answers” are considered psychological “deviances” by MIVILUDES and CCMM.

### *Underlying Ideological Motives*

Olivier Bobineau is a sociologist of religions, in charge of the Sociology Department at the College of Economic and Social Sciences of the Catholic In-

<sup>53</sup> See Report, page 19: [http://www.miviludes.gouv.fr/IMG/pdf/Rapport\\_Miviludes\\_2006.pdf](http://www.miviludes.gouv.fr/IMG/pdf/Rapport_Miviludes_2006.pdf).

stitute of Paris. He resigned in 2005 from his position as scientific advisor at MIVILUDES and since January 2006 he has been scientific associate of the Director of the Central Office for Cults (“*Bureau Central des Cultes*”) at the Ministry of Interior.

Based on his experience at MIVILUDES, Mr. Bobineau is of the opinion that “MIVILUDES plays the role of administrative police of the mind, which searches for scapegoats and stigmatizes certain groups”. In an interview of 9 June 2009, he gave the following explanation:<sup>54</sup>

*Reporter: You also present this attitude as the result of internal tension inside MIVILUDES [...]*

O. Bobineau: Actually there are several influential groups inside MIVILUDES, in particular a Catholic conservative group, who designate evil based on their own criteria, and an atheistic left-wing group for whom evil is freedom of belief.

These two “camps” only agree on the designation of common enemies, the movements presented as sectarian.

They also agree on defending their interests: we find among the atheistic of MIVILUDES some free-masons, who try to avoid to be labeled as sectarian.

As for the Catholics, they are afraid that certain movements inside the Church might be stigmatized, as it was recently the case with the community Les Béatitudes. This seems to indicate that from now on the power struggle is more in favor of the “free-thinking” [atheistic] group.

CCMM, which sits at the Orientation Council of MIVILUDES, has adopted the same new orientation as GEMPPPI, FECRIS and MIVILUDES: they combat “deviances” in the area of health<sup>55</sup> and what they call “psycho-spiritual” practices.

This new orientation fits with its purpose as one version of its Articles of Association announced that it opposes as a matter of principle any enterprise of individuals or groups which would aim, **through psychological or physiological techniques**, at invading and controlling people’s minds.

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<sup>54</sup> See [http://www.wmaker.net/psyresoformations/Lutte-contre-les-sectes-La-Miviludes,-police-des-esprits\\_a574.html](http://www.wmaker.net/psyresoformations/Lutte-contre-les-sectes-La-Miviludes,-police-des-esprits_a574.html) and <http://www.olivierbobineau.com/Revue%20de%20presse/article/rue89.html>.

<sup>55</sup> In October 2005, they supported the organization of a conference by the “Health, Ethics and Ideologies” Committee of GEMPPPI in Marseille (South of France) on “Refusals of treatment for ideological reasons”. See: <http://www.ccmm.asso.fr/spip.php?article900>.

*“Psycho-Deviances” in Christian Religions*

CCMM has posted the following call for testimonies on its web site:<sup>56</sup>

CCMM Action Group of victims of the psycho-spiritual:

The necessity to be present and visible on the ground of respect of human and child's rights, of individual freedoms and secularism imposes itself today forcefully to the victims of psycho-spiritual deviances.

The gathering of direct and collateral victims of deviances observed in the Christian religions in particular has become a necessity for the CCMM.

This Action Group assigns itself the mission to gather testimonies in order, in particular, to be a proposition force with the Ecclesiastical and political authorities, to provide them with indisputable arguments and to give them the means to act and take their responsibilities.

To this end, CCMM has set up a private support group:

1. telephone number: [...]
2. e-mail address : [...]

This call for testimonies is telling; first because it shows that CCMM is missing testimonies on “deviances” and has to look for some, and second because it reveals the mission CCMM feels invested with concerning religions and beliefs while being funded by public finances.

The call for “direct victims” is directed at apostates from these movements and “collateral victims” is meant to denote relatives or friends who are unhappy with their relatives' adherence to a minority religious group, in this case a “deviant” Christian one.

We are aware that the use of the term “apostate” has been criticized by the “anti-sect” associations. However, it is used here following what CCMM itself publishes. In the Dictionary of Sects, the term “repentant” (“repenti”) is used which translates better in English as “apostate”, referring to an ex-follower who repented from his former adherence to the group and beliefs and who now collaborates with CCMM.<sup>57</sup> In French the term “repenti” designates someone who has repented from some turpitude, like a former criminal who now collaborates with the police.

The issue of victims will be developed further below concerning the other FECRIS member in France, the *National Union of Associations for the Defense*

<sup>56</sup> <http://www.ccmm.asso.fr/spip.php?article3130>.

<sup>57</sup> Dictionary of Sects, 13.



of *Families and Individuals* (“UNADFI”), which also sits at the Advisory Board of MIVILUDES.

In its January 1982 publication, CCMM described its relations with ADFI, at the time the only *Association for the Defense of Families and Individuals* in France, in the following way: ADFI was dedicated to receiving complaints and meeting with victims of “sects” and advising them, whereas CCMM provided “preventive” information on minority groups.

#### 4. UNADFI

##### *Genesis – A Family Disagreement*

The first *Association for the Defense of the Family and the Individual* (“ADFI”) was created in France in 1974 by Doctor Champollion whose son of 18 suddenly joined AUCM,<sup>58</sup> which was the movement known in English as the “*Holy Spirit Association for the Unification of World Christianity*”, also known as the “Unification Church” or derogatorily as the “Moonies” after the name of its founder.<sup>59</sup>

Dr Champollion’s wife was a teacher of German and spoke English, so she alerted some friends abroad and gathered information on this group which was not known in France at the time.

Their son (who was of age) did not consult them about his choice and told them by phone only a few days later that he had joined the movement. Dr Champollion and his wife studied the basic books of the group and disagreed with the beliefs they outlined which contradicted their own:

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<sup>58</sup> *Association pour l’Unification du Christianisme Mondial.*

<sup>59</sup> The Unification Church is a new religious movement founded by Korean religious leader Sun Myung Moon. In 1954, the Unification Church was formally and legally established in Seoul, South Korea. Members are found throughout the world, with the largest number living in South Korea and Japan. Church membership is estimated to be several hundred thousand to a few million. The Church and its members own, operate, and subsidize organizations and projects involved in political, cultural, commercial, media, educational, and other activities. Unification Church beliefs are summarized in the textbook *Divine Principle* and include belief in a universal God; in striving toward the creation of a literal Kingdom of God on earth; in the universal salvation of all people, good and evil, living and dead; and that a man born in Korea in the early 20th century received from Jesus the mission to be realized as the second coming of Christ. Members of the Unification Church believe this Messiah is Sun Myung Moon. Unification Church members believe that Jesus appeared to Moon when he was 16 and asked him to accomplish the work left unfinished after his crucifixion.

My husband and I plunged into this literature, painful both from its style (awkward translations) and its content. It was a series of unfounded statements on the history of humanity (since the Creation), revealing an abysmal lack of education, on history as well as on the Biblical Exegesis. The sentences were linked by numerous “therefore” followed by unproven assertions.<sup>60</sup>

After the visit of his father to the center in Lyon where he was staying, the son came back to his parents’ home in Brittany for one night, and then, according to journalists and the “anti-sect” movement, left again to join what his parents considered to be a “sect”... where he has remained for the last thirty years.<sup>61</sup> In spite of the fact that Dr Champollion and his wife totally disagreed with his choice, their son persisted and stayed in the group.

Mr. and Mrs. Champollion met other parents whose children had also left to join AUCM. Mrs. Champollion reported:

These families brought us some documentation from AUCM (they had tried to convince them) and mostly the story of their experience. Conversions were not always so sudden, they often took place over months – but one day, these young people had left, leaving everything, parents, studies, job and even boy/girlfriend. Some parents had had long discussions, Bible in hand, without any result.<sup>62</sup>

As these followers were over age, there was no possible legal action according to Mrs. Champollion, and this convinced her husband to create the first *Association of Defense of the Family and the Individual* (ADFI) and also determined what their concept of victim would be from then on. The persons considered as victims in all these cases were the parents.

### *Protection of Family Values*

This is the reason why the first articles of association of ADFI registered in Rennes (Brittany) on 18 December 1974 provided for the following object in its Article 2:

<sup>60</sup> See ADFI’s journal Bulles, n° 33, 3.

<sup>61</sup> Ibid., and newspaper Le Rennais (Renne-France) n°357, October 2004: <http://www.anti-sci-entologie.ch/temoignages-10.htm>.

<sup>62</sup> See ADFI’s journal Bulles, n° 33, 5.

This association aims at maintaining and defending all the family values, in particular the unity and cohesion of the family (then added by hand) and the respect of the individual.<sup>63</sup>

The defense of family values is the core of ADFI's fight and its *raison d'être*: unity and cohesion of the family is undermined when family members are enticed into new religious movements, away from the beliefs and values shared by the family. Eventually, respect of the individual has been included, but not in the sense of respect of the individual's own choice, rather in the sense that respect of the individual is infringed by those who entice the family member away.

This was made clearer on 12 May 1975 when members of the new board met and decided to found an association for the defense of the family and the individual with the following object:

This association aims at maintaining and defending all the family values, in particular the unity and cohesion of the family, the integrity of the individual.<sup>64</sup>

The idea that Dr Champollion's son's integrity had been violated by his conversion and the proselytism of the Moon group has set the path for ADFI's theories and has molded its fight until this day. The whole concept of "victim" as applied to followers of religious or belief minorities, which is ADFI's leit-motiv, is based on the idea that they have been manipulated or are under subjection.

Mrs. Champollion explained the choice of the name ADFI in the following way:

We did not like the one [name] that was chosen that much: family sounded rather retrograde at the time. But it was indeed true that each departure for AUCM had been a family tragedy, and that the concerned individuals were under subjection by a force which deprived them of any personal freedom, of any critical mind, at least as regards that decision.<sup>65</sup>

Soon ADFI included other "sects" such as Krishna, Guru Maharadji, etc. Conversion to such beliefs was considered by ADFI as an infringement of human integrity and even dignity.

<sup>63</sup> Articles of association of ADFI of 18 December 1974:

Cette association a pour but de maintenir et de défendre l'ensemble des valeurs familiales, en particulier l'unité et la cohésion de la famille et le respect de l'individu.

<sup>64</sup> Articles of association of ADFI adopted on 12 May 1975 and registered on 29 May 1975.

<sup>65</sup> See ADFI's journal *Bulles*, n° 33, 5.

ADFI's subsequent articles of association reflect these views. In 1977, an Article 2 bis was added after Article 2:

Article 2:

This association aims at maintaining all the family values, in particular the cohesion of the family and to defend the integrity of the individual.

Article 2 bis:

The association will initiate any judicial proceedings it deems necessary for the fulfillment of its purposes, against any person or group whose or which activities seriously prejudice the cohesion of the family or the integrity of the individual. In this regard, it will give particular attention to human rights as defined in international conventions.

In 1979, the purpose was slightly modified to replace the terms “family values” by “family interests” and “family cohesion” by “family institution” which would give a less “retrograde” image:

Article 2:

This association aims at defending the *general interests of families* and the integrity of the individual.

Article 2 bis:

The association will initiate any judicial proceedings it deems necessary for the fulfillment of its purposes, against any person or group whose or which activities seriously prejudice *the family institution* or the integrity of the individual. In this regard, it will give particular attention to human rights as defined in international conventions.

### *Rights of Victimized Parents versus Rights of Overage Followers*

The problem posed by this approach relates to the limits which can be put to freedom of religion or belief under international human rights standards. Can the right of over age followers to freedom of religion or belief be limited in the name of families' disagreements?

Article 18.3 of the International Covenant on Civil and Political Rights provides:

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Article 9.2 of the European Convention on Human Rights and Fundamental Freedoms has a similar provision:

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the inter-

ests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

No limitation is permitted to the right to adopt a religion or belief, which is part of the “forum internum”<sup>66</sup> of the individual. The only limitation permitted is to the right to manifest one’s religion or belief and this limitation is strictly construed by the European Court of Human Rights.

In its decision *Jehovah’s Witnesses v. Russia* of 10 June 2010, the Court reiterated that “the exceptions to the rights of freedom of religion and association are to be construed strictly” and that “only convincing and compelling reasons can justify restrictions on these rights”. When the Court carries out its scrutiny, it must look at the interference complained of in the light of the case as a whole and determine whether it was “proportionate to the legitimate aim pursued” and whether the reasons adduced by the national authorities to justify it are “relevant and sufficient”. In so doing, the Court has to satisfy itself that the national authorities applied standards which were in conformity with the principles embodied in the Convention.<sup>67</sup>

In the specific case of the Jehovah’s Witnesses, Russian authorities had invoked Article 14 of the Russian law on religions which provides for dissolving a religious organisation by judicial decision and banning its activity in case of: coercion into destroying the family unit, or infringement of the personal, rights and freedoms of citizens.

As concerned the destruction of families, the Court held that:

111. It further appears from the testimonies by witnesses that what was taken by the Russian courts to constitute “coercion into destroying the family” **was the frustration that non-Witness family members experienced** as a consequence of disagreements over the manner in which their Witness relatives decided to organise their lives in accordance with the religious precepts, and their increasing isolation resulting from having been left outside the life of the community to which their Witness relatives adhered. It is a known fact that a religious way of life requires from its followers both abidance by religious rules and self-dedication to religious work that can take up a significant portion of the believer’s time and sometimes assume such extreme forms as monasticism, which is common to many Christian denominations and, to a lesser extent, also to Buddhism and Hinduism. [emphasis added]

And the Court concluded:

Nevertheless, as **long as self-dedication to religious matters is the product of the believer’s independent and free decision and however unhappy his or her family members may be about that decision**, the ensuing estrangement cannot be taken to

<sup>66</sup> Conscience.

<sup>67</sup> Case of *Jehovah’s Witnesses of Moscow v. Russia*, application n° 302/02, 10 June 2010, §108.

mean that the religion caused the break-up in the family. Quite often, the opposite is true: it is the resistance and unwillingness of non-religious family members to accept and to respect their religious relative's freedom to manifest and practise his or her religion that is the source of conflict. It is true that friction often exists in marriages where the spouses belong to different religious denominations or one of the spouses is a non-believer. However, this situation is common to all mixed-belief marriages and Jehovah's Witnesses are no exception. [emphasis added]

These findings could not be clearer. An individual has the right to religious autonomy under human rights law to choose one's religious association and beliefs. As long as the adherence to new or minority religious movements is the product of a free decision, it cannot be deemed to break up families and cannot legitimate a limitation to the followers' right to religious freedom.

### *“Capture of Souls”, Also Called Mind Control*

Regarding the accusation of infringement of the individual's rights through “mind control”, the European Court found in the same decision:

128. The Russian courts also held that the applicant community breached the right of citizens to freedom of conscience by subjecting them to psychological pressure, “mind control” techniques and totalitarian discipline.

129. Leaving aside the fact that there is no generally accepted and scientific definition of what constitutes “mind control” and that no definition of that term was given in the domestic judgments, the Court finds it remarkable that the courts did not cite the name of a single individual whose right to freedom of conscience had allegedly been violated by means of those techniques. Nor is it apparent that the prosecution experts had interviewed anyone who had been coerced in that way into joining the community. On the contrary, the individual applicants and other members of the applicant community testified before the court that they had made a voluntary and conscious choice of their religion and, having accepted the faith of Jehovah's Witnesses, followed its doctrines of their own free will.

Contrary to this reasoning of the European Court of Human Rights, ADFIs and UNADFI consider that the followers of minority religious or belief groups, even though they adhere to their religious or belief association of their own free will, are somehow victims of mind control without realizing it.

UNADFI's journal *Bulles* of 30 September 2009 is entirely dedicated to the “Capture of Souls”. Under this heading, its editorial explained.<sup>68</sup>

Once engaged in the group, or having become a convinced follower of a new theory, the new recruit will do everything to adopt the behaviour and ways of thinking which

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<sup>68</sup> Bulles n° 103, “Capture d'âmes”, 30 September 2009 .

have been presented to him/her as desirable (going even sometimes beyond what is required): his/her relatives do not recognize her anymore, they feel she does not have any personal thoughts anymore. What constituted her personality seems to not be allowed to express itself anymore.

A former follower of a sectarian movement, whose testimony was published in the last publication of *Bulles*, was talking of “capture of souls”; it is indeed what it is all about, and we understand that a lot of courage, and often exterior help, is needed for the subjected follower to regain freedom.

This concept of “capture of souls”, which is central in ADFIs and UNADFI theories, evokes witchcraft, to which a remedy would be a kind of exorcism (See below “The temptation of deprogramming”). This concept is actually a pillar, common to the “anti-sect” movements in general, be it the atheistic version of “invasion and control of people’s mind” of CCMM or the “robotization” of GEMPPPI, or even the “manipulation” or “undue influence” referred to by FECRIS or MIVILUDES.

However, when can the influence of a religious or spiritual leader – inherent to any leader or prophet or messiah in any religion - be considered as “undue” has not been determined. As the European Court of Human Rights found, there is no generally accepted and scientific definition of what constitutes “mind control”, and such concept of “undue influence” is not defined under French law.

Even the so-called “About-Picard law” of 12 June 2001 which criminalizes the “abuse of a state of ignorance or a situation of weakness” of “a person under psychological or physical subjection resulting from the exercise of serious or repeated pressure likely to alter her judgement”, has not defined when a state of “psychological subjection” is characterized.<sup>69</sup> Due to the vagueness of the law, the Parliamentary Assembly of the Council of Europe in its Resolution 1309 (2002) invited the French Government to reconsider the law and to clarify the definition of the offence.<sup>70</sup>

### *When Does a New Way of Thinking Become Brainwashing?*

The Archbishop of Vienna, his Grace C. Schönborn, gave an opinion conforming to the above findings of the European Court in an article published

<sup>69</sup> See Article 20 of the Law no 2001-504 “tendant à renforcer la prévention et la répression des mouvements sectaires portant atteinte aux droits de l’homme et aux libertés fondamentales”: <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000589924&fastPos=1&fastReqId=317051310&categorieLien=id&oldAction=rechTexte>.

<sup>70</sup> See: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta02/ERES1309.htm>.

in *L'Osservatore Romano* back in September 1997. In an answer to accusations against some Catholic communities entitled “Are there sects in the Church? Reflection about a misleading wording”, he explained the following:

*Brainwashing*: Even related to the change of personality which results from the adherence to a sect, this term is inappropriate, because brainwashing implies inhuman methods applied by totalitarian regimes in order to influence or change the personality. As concerns the education of members of ecclesiastical communities, this term cannot be used. Actually, it is a freely chosen transformation, which is respectful of the dignity of the human being in Jesus Christ. It results from the call of Jesus to conversion and faith (cf. Mc 1. 14 sq.). Touched by God’s grace and in total freedom, the one who follows Christ’s call accepts a believer’s view of life in all its dimensions. Saint Paul himself speaks of this transformation in one of his letters: “Don’t take the present world as a model, but transform yourself by renewing your way of thinking in order to be able to recognize what is God’s will: what is good, what can please him, what is perfect” (Rm 12, 2). Christian tradition calls this process ‘Metanoia’ – conversion of life.<sup>71</sup> The change of life which is expressed by this word is based on the experience of being called by the living God to follow Jesus closer. It is a process which lasts the whole life, which requires all the time the renewed free decision of the Christian. Ecclesiastical communities have the duty to see that the decisions to follow Christ are made in total freedom.

Referring to “contemplative communities who live behind the walls of their convents and dedicate themselves through prayer and sacrifice to the good of men”, he expressed that:

To detach oneself from a child is certainly not always easy, even in case of marriage. However, the departure from home in total freedom to follow the call of Christ is not an avoidance of family obligations and can neither be criticized as the effect of undue influence by a community.

The following question then emerges: When does the change of views or of life of the followers of religious or spiritual movements – known as *Metanoia* in the Christian tradition - become undue influence or the “capture of souls”?

Going further, the Archbishop of Vienna explained:

“The core of consecrated life has consisted for centuries in the imitation of Christ in his virginity, obedience and poverty. The one who follows this path and compels himself to it after several years of probation and prayer, waives consequently, by a free decision of conscience, certain rights: the right to get married, the right to auto determinism, the right to manage and acquire independently own property.”

In order to make a differentiation with these centuries of recognized religious vows, MIVILUDES has introduced the criterion of “unusual” beliefs. In its

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<sup>71</sup> The word “Metanoia” means in Greek “beyond us” and refers to the change of mind which is brought about in repentance, in the sense of embracing thoughts beyond its present limitations or thought patterns.



2008 Report, the frontier between due influence and undue influence is characterized when “one or several persons start to adhere to spread ideas, different from the ideas usually shared by social consensus. The person who receives them is led to modify all her criteria, her relations and projects. Her life slips out of her hands, henceforth directed and conditioned by the psycho-sectarian manipulator”.<sup>72</sup>

But beliefs “different from ideas usually shared by social consensus” are indeed protected under Article 18 of the International Covenant on Civil and Political Rights which “is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions”, according to General Comment No. 22 of the United Nations Human Rights Committee. The notion of “belief” is to be understood broadly and the UN Committee views with concern any tendency to discriminate against beliefs deviating from traditional or institutional doctrines or practices. However, the concept of deviant doctrines or beliefs is also the criterion underlying UNADFI’s approach.

### *Distortion of Orthodox Creeds*

The theory of mental subjection allows, in UNADFI’s view, for assessment of beliefs in order to determine if they constitute undue influence on the believers.

In an article published in *Bulles* magazine in 2003<sup>73</sup>, entitled *Sects and Religions*, UNADFI explained:

Indeed, the doctrines and what accompanies them (explicitly but most often in a veiled way), i.e. the rules and the rites, participate in the motivations, and also in the behaviours. They are susceptible to generate two categories of harmful effects: their very content can compel the followers to commit offences, even crimes, under the criminal code or the general law. At the same time, and by way of consequence most often, these doctrines can lead to sectarian behaviours, i.e. which use mental manipulation or subjection of the followers. [...]

Additionally, when one digs a bit further, one often realizes that the religious character proclaimed by the sect is only a bad mask, a mediocre cover, more or less decent, of a **reality which is very far from what is usually considered as religion**. In this regard, the inventions of sects fail to come up to expectations [...]

<sup>72</sup> MIVILUDES Annual Report 2008, 59.

<sup>73</sup> *Bulles* n° 80, 4th Quarter 2003.

On this basis, UNADFI publishes articles on minority religious or belief groups with a critical analysis of their doctrines in each of its publications. As an example, in a *Bulles* magazine of 2006 entitled “Religion and Sectarian Deviances”, an article on the “Universal Church of the Kingdom of God, a sect with a planetary goal” read:<sup>74</sup>

EURD [French acronym for this Church] does not have its own doctrine. It acts as a mediator between God and the faithful. Three key ideas prevail: “wealth, health and happiness”. [...] Universal combats the “liberation theology” and recommends the “prosperity doctrine”. Its principle is simple: one has to give in order to receive. It convinces the poor to not claim their situation but [...] to refuse it and get out of it. [...] [Quoting a Brazilian historian heard on TV] People get caught by this kind of “religion”. [...]

EURD wants to prove that it is the only church capable of answering to the followers’ anxieties. It rejects the Catholic Church in an obsessive manner, stigmatizes it as “Satan’s den” and wages, through TV, a real war against it. [...] **The literal interpretation it does of the Old Testament leads to a “Christian Zionism”.**

Another article on the Rosicrucian published in 2002 gave the following assessment:<sup>75</sup>

The Rosicrucian does not deny Christianity or Jesus Christ, **but the message has been distorted**: it did not announce Redemption of men through Love, but the end of this World, which was due to happen in 2001... with the Battle of Armageddon in the Mediterranean area, men being perverted by the “three spirits of Apocalypse” (the States, the Churches, the world of Manifestation). The Gospel of John, opened at the chapter on Apocalypse, is present in all the Temples of the Rosicrucian.

Assessment of the belief in Armageddon is provided in an article on Jehovah’s Witnesses:<sup>76</sup>

What is exactly this purported famous Armageddon? The word is cited once in the Bible, more precisely at Chapter 16 on Apocalypse, verse 16. This is a quite obscure part of the apocalypse which deals with the “seven cups of the Divine wrath”. Jehovah’s Witnesses have seized it to give it a significance which has nothing fundamentalist anymore and **which is more of a fantasy.**

### *Collusion with Recognized Churches*

Apart from the references to the Bible which were used by parents to try to have followers come back to family values, the fact that ADFI, while being

<sup>74</sup> Bulles n°89, 1st Quarter 2006, “Religion et risques sectaires”, “L’Eglise Universelle du Royaume de Dieu, une secte à visée planétaire”.

<sup>75</sup> Bulles n° 74, 2nd Quarter 2002, “Let’s open our eyes”.

<sup>76</sup> Bulles n° 47, 3rd Quarter 1995, “Jehovah’s Witnesses 2nd Part”.

almost completely financed by the French State, was seeking active support from established and recognized Churches to fight against minority religion or belief groups, also raises problems.

The list of participants to the first international congress organized by ADFI in Paris in December 1980, where the creation of FECRIS was decided, shows that apart from “anti-sect” associations, there were a representative of the Evangelic Lutheran Church of Germany,<sup>77</sup> a representative of the Evangelical Lutheran Church of Bavaria,<sup>78</sup> a representative of the Lutheran World Federation in Switzerland,<sup>79</sup> a representative of the sect department of the Evangelical Lutheran Parish of Linz in Austria,<sup>80</sup> a representative of the “pastoral office” of the Austrian Catholic Archdiocese of Vienna,<sup>81</sup> a representative of the Greek Orthodox Church<sup>82</sup> and three representatives of Deo Gloria, a Christian movement from England.<sup>83</sup>

When ADFI started in Paris, it was hosted at the premises of the Catholic Parish *Notre Dame de Lorette*, 4 rue Fléchier, Paris 9th for years (at least from 1979 to 1985 from the articles of association at our disposal). An article published in the medical newspaper *Le Généraliste* in 1982 mentioned that ADFI was settled in Notre Dame de Lorette and kept by Catholic nuns.<sup>84</sup>

In another article of the Catholic newspaper *France Ecclesia*, the head of ADFI Paris explained that they were hosted by OASIS, a Catholic association<sup>85</sup>, at the above address and declared the following to the journalist:

There is a responsibility that we bear, we Christians, if we isolate ourselves in our faith and do not give any importance to the other, to the others, to the gatherings. When I was twenty, there was a reception in our parishes. [...] It is really a call to Christians. If anyone of us could think: who did I meet today? Did I have a real contact with someone today? This would change things. There used to be groups welcoming youth with superficial, intermittent, even inexistent faith. Living groups! These youth clubs that we stopped a bit too fast, by what did we replace them? It is easy for sects to occupy the space that was left free. Look at the havoc caused by Jehovah's Witnesses, attacking certain populations, in particular in the country, everywhere youth or women are bored. From there one can sell any merchandize. It's really up to us, Christians, to react, fast.

<sup>77</sup> Bendrath Detlef.

<sup>78</sup> Hanck F.W.

<sup>79</sup> Sovik Arne.

<sup>80</sup> Kohrer Helmut.

<sup>81</sup> Valentin Friederike Dr.

<sup>82</sup> Alevisopoulos Antonios Dr.

<sup>83</sup> Frampton Kenneth, Gibello Erika, Williams Caryl.

<sup>84</sup> *Le Généraliste*, n° 454, Saturday 17 April 1982, 4.

<sup>85</sup> See: <http://www.paris.catholique.fr/Solitude-organismes-de-rencontre.html>.

This statement was made by Mrs. Lassere, when she was interviewed as the official representative of ADFI.

It is not surprising then that ADFI collaborated with Father Trouslard, a Catholic priest who campaigned against “sects” for 30 years. In addition to “anti-sect” conferences, they shared some common projects, like the intrusion of the head of ADFI (Mrs. Tavernier) and Father Trouslard in the Mandarom Community with false journalist cards in 1991 for a TV program presenting the group as a “sect”.<sup>86</sup>

The Catholic Church can very well have internal debates about communities which claim to be Christian or to follow Christ and label them as “sects” if they deem that they do not conform to the Catholic doctrine and tenets. This is the role of the Congregation for the Doctrine of the Faith, which Cardinal Ratzinger, now Pope Benedict XVI, used to be in charge of.

According to the Vatican web site, this office was founded in 1542 by Pope Paul III and was originally called the Sacred Congregation of the Universal Inquisition as its duty was to defend the Church from heresy. Under its current name of the Congregation for the Doctrine of the Faith, the congregation has the duty “to promote and safeguard the doctrine on the faith and morals throughout the Catholic world” and therefore it promotes in a collegial fashion encounters and initiatives to “spread sound doctrine and defend those points of Christian tradition which seem in danger because of new and unacceptable doctrines”.<sup>87</sup>

However, if a State funded association engages in a fight against groups which deviate from “what is usually considered as religion” as UNADFI states, then this constitutes a violation of the duty to neutrality of the French State both under the French constitution and the international human rights instruments signed and ratified by France.

The fact that an association functioning almost exclusively with public finances associates with recognized Churches to attack minority religion or belief groups constitutes a violation of the European Convention on Human Rights and Fundamental Freedoms.

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<sup>86</sup> TV Program “Envoyé spécial”, France 2, 24 October 1991, entitled “Mamies contre Gourou”.

<sup>87</sup> [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_pro\\_14071997\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_pro_14071997_en.html).

*Duty of Neutrality Established by the European Court of Human Rights*

In this regard, the European Court of Human Rights has constantly ruled that the State, in exercising its regulatory power, must remain neutral and impartial. In its decision *Metropolitan Church of Bessarabia and Others v. Moldova*,<sup>88</sup> the Court had to rule on the refusal of registration of the Metropolitan Church of Bessarabia, an Orthodox Church of the Republic of Moldova, autonomous from the official Moldovan Orthodox Church, and seen as deviant and as a competitor.

In this decisive ruling, the Court found that, even though the interference with the freedom of religion of the applicant might have been prescribed by law and pursued a legitimate aim of protection of public order, it was not “necessary in a democratic society”:

What is at stake here is the preservation of pluralism and the proper functioning of democracy, one of the principle characteristics of which is the possibility it offers of resolving a country's problems through dialogue, without recourse to violence, even when they are irksome. [...] Accordingly, the role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other [...]. §116

On this basis, the Court concluded that “where the exercise of the right to freedom of religion or of one of its aspects is subject under domestic law to a system of prior authorisation, involvement in the procedure for granting authorisation of a recognised ecclesiastical authority cannot be reconciled with the requirements of paragraph 2 of Article 9” of the European Convention on Human Rights. (§117)

In the same way, involvement of ecclesiastical authorities in state funded associations for fighting against minority religion or belief groups deemed illegitimate cannot be reconciled with the requirements of the European Convention.

*A U-Turn by UNADFI – Attacks against the Catholic Church*

It should be stressed, however, that UNADFI has changed orientation in the last years. Mrs. Tavernier, who was UNADFI's President from 1993 to 2001, explained in *Le Monde* newspaper on 17 November 2006<sup>89</sup>:

<sup>88</sup> 13 December 2001, Application no. 45701/99.

<sup>89</sup> *Le Monde*, 17 November 2006, “Il faut distinguer les mouvements religieux des vraies sectes”.

Journalist: UNADFI used to be criticized because it was of Catholic inspiration, contrary to the Centre Against Mental Manipulations (CCMM), labelled more as “rationalist”. Is this true?

J. Tavernier: The association was founded by persons of Catholic origin, but with open minds. I wished to go towards more openness. Bit by bit, a lot of free-masons came into UNADFI, giving it a tendency which it did not have originally. The association had been founded by families with relatives touched by the sectarian phenomenon. Today, I have the feeling that it has become politicized.

When asked why she resigned as UNADFI’s President, she answered “In 2001, I felt that a witch hunt was starting” and she added “Today, I am worried when I hear UNADFI’s President, Catherine Picard, criticize in La Réunion [French Island] the ‘Evangelical Churches’ without any distinction”, and “I barely dare say that I cure myself with homeopathy”.

In the last years, UNADFI has worked hand in hand with the *Association Religious Life and Family* (“AVREF: Association Vie Religieuse et Famille”) to combat “deviances” inside the Catholic Church. Founded in 1998, AVREF’s main purpose as posted on its website, is to “inform the officials of the Church about the deviances which families have seen in certain religious communities”.<sup>90</sup>

One could then wonder what kind of abuses this collaboration is designed to point out, for example, if it is aimed at common law crimes like paedophilia. But this does not seem to be the case. What is primarily at stake here is the doctrine itself and its impact on followers.

In an article published in *Bulles* in 2004 on the “*Communauté Saint Jean*”, AVREF formulated that:<sup>91</sup>

No educative control has really been exerted in the congregation, for years, by the Ecclesial authorities. A bishop, in an internal document of the Church, stressed the insufficiency of the training of brothers. Errors in the doctrine have appeared clearly [...] The lack of time for oneself, the lack of inner freedom severely destabilize the minds. The person, who was valued during recruitment, is then weakened by a making guilty inherent to the system. The expectancy being very high, the person feels depreciated and ends up breaking up with her familial, spiritual and even cultural roots: a total vacuum is then created in her, rapidly filled by the “ideal” doctrine and the “master” becomes the “saviour”. The person’s destruction can be total with all the signs of mental disorder.

<sup>90</sup> See <http://www.avref-asso.com/pages/fr/qui-sommes-nous.php>.

<sup>91</sup> *Bulles* n° 81, 1st Quarter 2004, “Sects... let’s remain vigilant”.

Here is the concept of “undue influence” again, applied to the Catholic Church. This could apply to any religious community, any convents or monasteries in particular. The article goes on:

The situation is also alarming at the Marian Sisters of Israel and St Jean<sup>92</sup>, already mentioned in an earlier *Bulles*. Their ecclesial status is not clear: they have been admitted in the “St Jean Family” following the decision of a general chapter of the congregation, but the above mentioned bishop, who has long expelled them from his diocese, has requested (without obtaining it!) the erasure of their name from the liaison bulletin of St Jean. They are on the contrary welcome in the Lyon diocese as the “private association of faithful of Christ”<sup>93</sup>

And the *Bulles* article concludes:

As a conclusion, all branches of St Jean have the following in common:

- Destruction of the personality of a lot of monks/nuns following the loss of their psychological integrity and their individual freedom of thought and action.
- Destruction of families, with one or several relatives in St Jean, who might become victims: couples break up, brothers and sisters loose their landmarks and often their faith.

UNADFI and the *Association Religious Life and Families* play each their role to fight against these destructions, the former through its general knowledge of sectarian methods, the latter through its experience of tragic consequences of the deviances in the Church on individuals and families.

To this date, the Catholic Church does not seem to have taken the right measures to remedy this situation.

Apparently, the purpose of AVREF is not only to inform Church officials, but also, by collaborating with UNADFI and publishing this kind of article, to publicly stigmatize Catholic communities. This is actually a new orientation of UNADFI, as Mrs. Tavernier pointed out. Catholic communities have become a new category of “groups with sectarian deviances” UNADFI fights against.

The legal problem here is whether a publicly funded body can spend public finances to isolate “errors of doctrine” of communities which “ecclesial status is not clear”. The theories of destruction of the personality and destruction of families have been addressed by the European Court of Human Rights as concerns followers of age who have adhered freely. For the same reasons developed earlier, this activity pursued with public funding cannot be reconciled with Article 9 of the European Convention on Human Rights.

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<sup>92</sup> “Sœurs mariales d’Israël et de St-Jean”.

<sup>93</sup> “Association privée de fidèles du Christ”.

Various books are promoted on UNADFI's website. One on Opus Dei reads:<sup>94</sup>

The authors have also met with "repentant" [apostates], men and women, priests or non religious, who engaged in Opus Dei with all their might and all their heart and finally left it with "lots of regrets" and pain. These "repentant" do not fear anymore to denounce the methods of the movement and its behaviours. Opus Dei nevertheless wants to give a decent image and the Church confronted with a vocation crisis seems to accommodate with its policy of conquest of souls, or its policy of "re-Christianization". For Opus Dei, roman Catholicism is indeed the sole "true" religion and this Christian ideal will be reached through the seizure of powers (political, financial, scientific [...]).

All religions preach that they are the "real" one as religion is a matter of belief, this is not proper to one religion or religious minority in particular. And repentants or apostates have a right to not believe equal to the right they had earlier to believe.

Another article on a book entitled "Spiritual Abuses" provides: "In this book, it is as a Christian that he gave his testimony, when he realized that pastors, priests and officials of various Churches, thus authorities, used their spiritual authority to control and literally enslave the members of their community or Church, most often by using Biblical scriptures to manipulate them".<sup>95</sup>

Another comment by UNADFI of a book entitled "Religious Deviances" concludes that, if the writer criticizes esoteric groups, "we are sorry that the religious deviances inside the Church itself are not denounced because they present the same risk of trapping believers".<sup>96</sup> It seems that, if ADFI was of Catholic inspiration in its early days, times have now changed and the Church appears to be itself the new target of the fight against "sectarian deviances".

### *Consequences of ADFIs' ideology – Activities on the ground*

#### **Lack of dialogue**

As a consequence of their theory of mental subjection, UNADFI and ADFIs do not believe in dialogue with the followers of so-called "sects".

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<sup>94</sup> "L'Opus Dei, une église au cœur de l'Eglise" ("Opus Dei, a church inside the Church"), Des MAZERY Bénédicte et Patrice, Flammarion, 2005.

<sup>95</sup> See "Les abus spirituels", 2006 : <http://www.unadfi.com/les-abus-spirituels.html>.

<sup>96</sup> See "Dérives religieuses", 2003 : <http://www.unadfi.com/derives-religieuses.html>.



The Editorial of *Bulles* in 2003 set things straight:<sup>97</sup>

“Experience proves that *dialogue, consulting with the follower is impossible*. Deprived of freedom, the follower will claim that he is totally free, that he has come into the group freely and that he can go out of it freely, that it is his family or his relatives, who infringe his freedom to adhere to this group. And in case the sect is summoned to Court, he will be ready to defend despite all opposition the head and the members of the sect. In order to defend his sect, he will not hesitate to distort reality.

This behaviour can be perfectly explained analyzing the process of the specific mental manipulation practiced in a sect. Specifically because it is sectorial, which means that it impacts only one sector of life, that is to say that the follower loses his capacities of thinking, of discernment (judgment) and decision, his critical mind and free choice, solely as concerns the theories and practices of the sect. For the rest of his professional and family life, he can be totally normal. This is what explains the behaviour of the follower when he appears before a court or a psychiatrist, to whom he will show his intellectual, human, etc. qualities.

Roger Ikor, the founder of the *Centre Against Mental Manipulations*, wrote in his book entitled “Les sectes” (p. 53), published in 1984:

*How can a youth be freed when he is already subjugated by the sect? Subjugated means that the sect has stifled his critical mind and that he is not psychologically able to choose [...] In order to realize his situation, the follower must have already escaped from it; as a slave, he thinks he is free, he cannot see his enslavement unless he goes free. In fact, no argument impinges on him, in proportion to his sincerity and sectarian fanaticism: any discussion is worthless.*

**As concerns mediation with the sect, it is totally impossible.** Associations improperly designated as anti-sect are often criticized for not seeking to establish dialogue with the groups they label as ‘sects’. [...] It is obvious that parents whose child takes drugs will not get any result from discussing with their dealer. Similarly, parents whose child is caught in a prostitution network will not reach any solution by discussing with the pimps. It is the same with sects, which are a psychological drug and psychological rape. No mediation is possible.” [emphasis in the original text]

From a legal point of view, one can wonder how UNADFI can possibly maintain that followers are “sectorially” incompetent, i.e. solely in the area of their adherence to certain beliefs and groups, but are mentally sane as reported by courts and psychiatrists. To consider that one loses discernment when one adheres to certain religious or belief groups is tantamount to an invalidation of one’s power of choice and constitutes a violation of freedom of religion or belief.

<sup>97</sup> Bulles n° 80, 4th Quarter 2003, “La cage des sectes”, “L’impossible médiation”, 1–3.

*De-Conversion of Followers - The Temptation of Deprogramming*

Based on the same theory that followers of “sects” are under “mind control”, ADFI members were attracted in the early time of the association by the techniques of “deprogramming” adopted by some “anti-sect” activists in the US, which consisted of the forced de-conversion of followers and “re-programming” of their minds. These methods have long since been found to be criminal in the US and Europe.<sup>98</sup>

*Bulles* magazine of 1984 included a whole report entitled “Where deprogramming is openly talked about, the meeting of Arlington (USA)” by Claire Champollion, co-founder of ADFI.<sup>99</sup>

Mrs. Champollion participated in an “anti-sect” Congress in Arlington in October 1982. She reported:

Parents take the risk

One the subjects dealt with was the much talked-about “deprogramming”. For a European, this evokes (maybe because the media have insisted on this spectacular element) the “kidnapping” which is sometimes (not always, and less and less often) its prelude. The attacks from sects were not unrelated to this feeling: weren’t they speaking of inhuman treatments inflicted to followers to make them apostates [...] Most certainly too, in our legalistic minds, the illegal aspect of the enterprise was prevailing. Our abiding with the law, one must admit, is often only due to the fear of the police. Circumstances and mentalities are different in the US, where all are used to take their responsibilities, even if they have to bear the consequences.

More than the conferences, what struck me was the attitude of the people during meals and informal discussions. Many families had “saved” their child, sometimes through a real kidnapping, more often through a judicial decision giving them the guardianship for some time. In any case, they had obliged him to listen to the counsellor (the “exit counsellor”), to the testimonies, the information on the organization and the illicit activities of the sect and its leaders.

And Mrs. Champollion concluded: “We do not want to copy what is being done in the US, but we can follow the example of the courage, the solidarity and the practical minds of the families, the former followers and those who support them to start a new life. ‘The Lord helps those who help themselves.’”

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<sup>98</sup> See for example the ruling of 29 December 1987 by which the District Court Weilheim in Upper Bavaria, Germany, found two British deprogrammers who attempted, at her mother’s request, to forcefully de-convert a 32-year old member of the Church of Scientology, Barbara S., in Herrsching, Germany, guilty of “a jointly committed false imprisonment legally coinciding with a jointly committed bodily harm” and convicted them to three and five months suspended jail terms.

<sup>99</sup> *Bulles* n° 4, 4th Quarter 1984, 9–4.

Actually, on 3 March 1982 in the city of Besançon, France, a member of the Unification Church (Moon), Claire C., was subject to a deprogramming attempt with the participation of a member of ADFI. During a TV show<sup>100</sup>, Claire C. explained that she was kidnapped by her parents, taken to a house in the mountains where two British and American deprogrammers submitted her to what she described as psychological and physical pressures to abandon her faith. She complained in particular about the fact that she could not go to the bathroom without Alexandra Schmidt, member of ADFI, standing next to her.

Asked by the journalist why she did that, Alexandra Schmidt stated that she was well aware that some young people had tried to commit suicide in the US while subject to deprogramming. Asked also why they would try to have people recant their faith, Alexandra Schmidt answered:

Because, you have to understand, all of ADFI was based on that, it had been created by parents who suddenly faced a child who spoke a different language, who did not look the same, who did not react the same way anymore, it was like if [...] they had acquired all of a sudden a new world of meaning, everything had another meaning, and they felt that something had happened.

The first question raised by such methods is quite obvious: Doesn't the locking up of somebody in a room for several days and the non-stop imposed briefing with accusations against the targeted group, precisely constitute "brainwashing"? How can the "anti-sect" movement justify a method to "remedy" against an alleged (freely chosen) "mental subjection" with forced brain washing, through deprivation of liberty?

This cannot be justified in its very principle. However it is apparently only because these methods were declared illegal that they seemed to have been abandoned and not claimed anymore by the "anti-sect" movement. Indeed, the European Court of Human Rights decided on these deprogramming methods used in Barcelona in a case *Riera Blume and others v. Spain* of 14 October 1999. It ruled that the Spanish State, by helping the FECRIS member association in Spain *Pro Juventud*, deprive six followers of an alleged "sect" of their liberty for ten days to "deprogram" them, violated Article 5.1<sup>101</sup> of the European Convention of Human Rights:<sup>102</sup>

<sup>100</sup> "En quête de vérité", 18 December 1991, on TF1 TV Channel: <http://aava.blogspot.com/media/01/02/490413773.pdf>.

<sup>101</sup> Article 5 protects the right to liberty and security.

<sup>102</sup> Application no. 37680/97, see <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=riera%20%7C%20blume%20%7C%2037680/97&sessionid=67485103&skin=hudoc-en>.

35. In the light of the foregoing, the Court considers that the national authorities at all times acquiesced in the applicants' loss of liberty. While it is true that it was the applicants' families and the *Pro Juventud* association that bore the direct and immediate responsibility for the supervision of the applicants during their ten days' loss of liberty, it is equally true that without the active cooperation of the Catalan authorities the deprivation of liberty could not have taken place. As the ultimate responsibility for the matters complained of thus lay with the authorities in question, the Court concludes that there has been a violation of Article 5 § 1 of the Convention.

However, there is a tendency to rehabilitate deprogramming under a new label of "exit counselling".<sup>103</sup>

In August 2011, in Nice (South of France), a couple forced their 24-year old daughter into their car, handcuffed and drugged her, to take her in a wheelchair to Corsica. The parents claimed to have been advised to do so by an anti-sect association to take her away from her boyfriend's influence, who was allegedly Antoinist. Both parents were subsequently charged in September for kidnapping and sequestration.<sup>104</sup>

### *A New Form of "Legal Deprogramming"?*

A new issue of "legal deprogramming" has come up in France after certain recommendations made in a Report by the President of MIVILUDES entitled "Justice Facing Sectarian Deviances" to the Prime Minister in 2008. The Report mentioned special measures during arrest and custody of followers of minority belief groups suspected to be "sectarian".<sup>105</sup>

The main specificity of this type of operation is the handling of followers who are not conscious of being in a situation of dependency and who are susceptible to have eventually some strong emotional reactions at the time of their arrest and during the following hours. In this hypothesis, the presence during judiciary police operations of a unit of intervention composed of a psychologist and specialized and generalist associations of help to victims, allows a better handling of minors and followers of age.

The Report recommended the participation of associations specialized in sectarian deviances and specifically UNADFI and CCMM:<sup>106</sup>

<sup>103</sup> See the report of Human Rights Without Frontiers on "exit counselling" in Japan: <http://www.hrwf.org/Joom/images/reports/2011/1231%20report%20final.pdf>.

<sup>104</sup> See article in Nice Matin, 26 September 2011, "Les parents ont enlevé leur fille pour la sortir d'une secte".

<sup>105</sup> See page 19 : <http://lesrapports.ladocumentationfrancaise.fr/BRP/084000443/0000.pdf>.

<sup>106</sup> UNADFI and CCMM are specifically referred to on page 38 as associations which are not sufficiently used and supported.

This collaboration is also beneficial to ensure the follow up of victim followers at the end of the operations, in particular as concerns their supervision if they are not taken care of by some relatives. It is indeed essential to make sure that the dismantled group cannot re-form again.

What is implied by such recommendations is that the presence of anti-sect associations would be imposed on followers to work on them to make them “realize” that they were under mental subjection so they reject their former adherence to the group and its beliefs and abandon the idea of joining the group again.

This would be done, like in deprogramming, on the basis of critical, one-sided information and testimonies of apostates provided by the anti-sect associations against such a group, pursuant to the usual basis of operation of these associations (see below).

Here again we have the idea of a “mind control” or “undue influence” the follower is allegedly not aware of, and of a “dependency” to the ideas of the group which are considered as being “psychological drugs”. What is actually recommended is to remedy this situation by an enforced follow-up by anti-sect associations to de-convert the followers so the group does not reform again. This poses serious problems of infringement of freedom of religion or belief of the concerned followers.

The above recommendation has actually been implemented on MIVILUDES’ initiative. In September 2009, a national police unit of assistance and intervention in matters of “sectarian deviances” (CAIMADES)<sup>107</sup> has been created to enable the application of the provision of About-Picard law on psychological subjection, this notion not having been defined in the law as previously mentioned. This unit of six police officers is due to help the judicial police in any jurisdiction to characterize this subjection and the corresponding criminal offence. It is assisted by “experts” in sectarian matters, i.e. psychologists, psychiatrists and anti-sect associations “selected for their knowledge of the sectarian field”.<sup>108</sup>

According to the 2009 Report of the General Direction of the National Police (DGPN):

It is of course advisable that this unit intervenes with the investigators from the very beginning of an investigation, but its assistance can be obtained at any phase of the investigation, in particular during arrests and custodies. The participation of experts

<sup>107</sup> CAIMADES: “Cellule d’Assistance et d’Intervention en Matière de Dérives Sectaires”.

<sup>108</sup> See the 2009 Report of the DGPN in the 2009 Report of MIVILUDES, pages 261-262: [http://www.miviludes.gouv.fr/IMG/pdf/rapport2009\\_mise\\_en\\_ligne.pdf](http://www.miviludes.gouv.fr/IMG/pdf/rapport2009_mise_en_ligne.pdf).

is possible to allow a better handling of followers or minors when the situation so necessitates.

It appears then that “anti-sect” associations can be involved in determining whether a group can be accused of psychological subjection or not, because they know which groups are “sectarian”.

This involvement in judiciary investigations of associations dedicated to fight against “sectarian deviances” is in itself a problem because of the way these associations operate and because the concept of “mental subjection” is totally subjective. Whereas common law should be applied and criminal acts sanctioned, the enforced work of “anti-sect” associations on the followers to de-convert them per the 2008 recommendation poses a serious problem as regards freedom of conscience of the concerned group members.

### *The Use of Apostates*

The biased character of the information dispensed by such “anti-sect” associations against religious or belief minorities is particularly patent in the use of apostates from these movements to work on followers to have them quit their groups.

In its Activity Report of 1984, ADFI explained:

We now succeed to address the majority of sectarian groups and we have a specialist (former follower or parent) for the ten biggest sects whom the people can meet at ADFI or outside. We give advice adapted to the case because our knowledge is up to date thanks to documentation on each group, which allows us to determine the internal techniques of the sect.

#### **Coming out of the sect**

This year, we count 42 persons who have decided to quit the sect thanks to our intervention (meetings and talks with the follower). We insist on the fact that these meetings take place at our association and most of the time with the family of the follower. This requires both availability and mobility of ADFI’s representatives. These meetings are long, delicate and require competence both in the psychological area and in the techniques used by the sect.

Hence, ADFI uses apostates and parents opposed to the choice of their relatives in matters of religion or spirituality to combat the concerned groups as “sects”. They set them up as “specialists” of the said religions and use them to provide one-sided accusatory information to the public about them.

Apart from the “ten biggest sects” they have been fighting over the last thirty years, ADFIs and UNADFI also address new religious or belief move-

ments and purport to be competent to provide information on these movements as well.

### *Biased Basis of Operation – Devastating Consequences*

The very way of functioning of ADFIs, based on collecting information from angry or anxious relatives or receiving and compiling denunciations on groups is problematic. In its *Bulles* magazine of December 2002, UNADFI wrote:<sup>109</sup>

The groups resulting from the mixture of theosophy and new age are very numerous and characterize today the mutation of the traditional new age of the 60s and the 70s. **According to the telephone requests we receive at the association, they constitute, at our opinion, the new sectarian field.** We are not faced anymore with well constituted groups but with a number of networks which interfere with techniques of physical betterment (yoga, relaxation, kinesiologie, reiki), natural medicine, personal development, various transpersonal psychotherapies coming from the US, sometimes mind reading and mediumship, Amerindian shamanism or other. In this particular context, it is more relevant to speak of sectarian deviances than of sects.

It is on the basis of denunciations and reports that they receive from anxious or upset people on “suspect” groups that UNADFI determines the new sectarian field.

And as today there are various groups mixing new practices, UNADFI finds it more appropriate to label as “sectarian deviances” the practices which appear to them suspect or harmful on the basis of these one-sided reports. As UNADFI does not believe in dialogue with “sectarian movements”, they listen only to one side in confrontational situations involving a suspect group. This way of operation and its potential devastating consequences for the groups concerned have appeared clearly in the case of Doctor Jullien.

### *Lethal Rumors*

An article published in *L'Yonne Républicaine* newspaper of 20 June 2000 entitled “History of a Killing Rumor” reports on his suicide:

Accused of being the guru of a sect, the medical doctor has been the victim of a destructive harassment.

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<sup>109</sup> Bulles n° 76, December 2002, “The sectarian field due to the meeting of the East and the West”.

“What is the most difficult for me today is the way people look at me.” This is what Dr. Yves Jullien wrote little before his death. The meeting that took place a few days ago at the castle of L’Isle-sur-Serein (Avallonnais), where he had created a therapeutic centre in 1993 aimed at bringing to light the reasons which drove him to suicide. [...] an act apparently prompted by a persistent rumor. This rumor, spread for several years in the Yonne Region, let people think that this doctor, beyond reproach otherwise, was the guru of a sect. The members of the purported sect, Epinoia, were living at the castle of Isle-sur-Serein and, according to the accusations, were having shady and disreputable activities. Former patients, parents, colleagues and friends of Yves Jullien came to bring their testimonies in the premises of Epinoia, the centre where Dr. Jullien was taking care of drug addicts and psychotics, in particular. Purpose: rehabilitating the memory of a man whose name has been dragged to the mud although he was very respectable.

We often heard that Epinoia was a sect, even from authorized persons. [...] Curious sect indeed which was curing patients sent by the psychiatric hospital of Auxerre, but also by the judiciary authorities. [...] Why these rumors then? Why was it asserted that this doctor was not a doctor anymore, that he had been dismissed by the National Doctors Association? The rumor ran for several months. Unfounded.

But the members of Epinoia were living in community at the castle of Isle-sur-Serein. Their look of old-fashioned 70s freaks was shocking locally. From there, there was only one step to conclude that Epinoia was a sectarian movement, and the plunge was taken blithely.

The journalist concluded his article by the following words: “Yves Jullien has been trampled on because he was using therapies which were his own, because he was practicing off the beaten track with the fringe elements of society whom he cared about. He was disturbing, even though he was not openly opposing the system. He was just asking for the right to be different. This right has been denied to him.”

An interesting program was dedicated to this case on national TV Channel France 2 on 21 March 2001. The reporter interviewed Janine Tavernier, the then President of UNADFI, and asked if UNADFI had done an investigation. Mrs. Tavernier answered:

**“We do not do investigations.** Indeed our role is extremely difficult, extremely perilous because our association is there to denounce the acts of sects, of persons who trap future victims, but our role is also to meet victims of sects [...]

Journalist: But in this precise case of Maya Blache [Dr. Jullien’s wife], you have made a conclusion on all that, you say we do not do investigations, but you still gave an opinion?

Mrs. Tavernier: Well **a person called us to say that she heard that a person who heads this centre would be a member of** I think it was Sai Baba [...]

Journalist: This is an Indian guru.



J. Tavernier: He is an Indian guru, and we said that it was true that she had been for some time with Sai Baba, but that is all. But it is true that it poses certain problems. What should we say, what shouldn't we say? [...]

Journalist: So, for me to understand, Jeanine Tavernier, this is not to accuse you but you just said, when you were called, "yes, this woman knew the Indian guru".

J. Tavernier: Yes, that's all.

Journalist: That's all but it's a lot.

J. Tavernier: Yes, but this is because we are all the time solicited. It is terrible because in that case it is true that now we have to be very careful. Indeed all we say becomes so serious because we are a known and recognized association and I believe we have to be even more prudent. **We said yes, we heard that she had been in India, that she knew Sai Baba**, that's all.

Journalist: But now, do you regret it?

J. Tavernier: Yes, of course.

Mrs. Tavernier added: "I hope it's not only because of us [...] this information, but this is very interesting, it makes me think because it's a tragedy."

This is the period of time when Mrs. Tavernier resigned from her functions at UNADFI and quit the group because she realized, as she herself stated, that they were engaged in witch hunting. This mode of operation, of gathering information based on rumours and prejudice, did not stop with Mrs. Tavernier's questioning and resignation.

### *Denunciations and Police Raids*

An article published in the newspaper *La Vie* on 28 January 2010 reported on a police raid at a centre of personal development "*Terre du ciel*" ("Earth of Heaven"). The "*Terre du Ciel University*"<sup>110</sup> is a spiritualistic centre, which delivers seminars and publishes spiritualistic journals.

A priest explained their activities: "For fifteen years, I have been invited at *Terre de Ciel* to organise seminars once or twice a year. These gave me the opportunity to provide access to the Gospel and Psalms of the Bible to a population who generally does not go to Church. The attendees either do not know anything of the Christian religion, or they have fallen out with an institution which left them bad souvenirs. I am glad to be able to answer my mission: 'Go and announce the Good News'. The head of *Terre du Ciel*, Alain

<sup>110</sup> Earth of Heaven University of Knowledge and Wisdoms of the World ("Université Terre du Ciel des savoirs et sagesses du monde").

Chevillat, asks me also to speak, in total freedom, during annual forums. It is for me the opportunity to meet representatives of other traditions than mine. I have thereby been able to have a friendship with Sufis like Faouzi Skali, Hindus like Swarni Muktananda, not to mention Christians whose routes are varied (Orthodox and Protestants).<sup>111</sup>

Based on the suspicion that *Terre du Ciel* was sectarian and employed people illegally (exploitation of members), 20 policemen raided the centre on 7 January 2010, seizing all their computers and preventing the 18 salaried employees from doing their job.<sup>112</sup>

A number of personalities protested, including former UNADFI President Mrs. Tavernier who made an official statement, posted on *Terre du Ciel* web site: “My main preoccupation during my chair of UNADFI from 1993 to 2001, was that the fight against sects would not in turn become a vector of sectarianism. As people around me in the association did not share my views, I resigned as President of UNADFI in September 2001. The raid done at *Terre du Ciel* can only confirm my concerns. Considering such acts, I want to publicly support this association which pursues, in a spirit of freedom and respect of individuals, activities for individual and collective human progress. Is it reprehensible to be off the dominant ideology?”<sup>113</sup>

The fact that the anti-sect fight of UNADFI against minority belief groups like *Terre du Ciel* is based on phone calls and suspicions appeared clearly from the stands taken by the current President of UNADFI in this case.

*La Vie* reported: “For Catherine Picard, the President of UNADFI, there is however no doubt: she affirms that she has a “substantial file” on *Terre du Ciel* and declares to be “delighted to see that the authorities do their job”. **“We have received phone calls from associations and elected representatives who have doubts about this centre**, she states. This centre does not pose problems as such. But, what is highly questionable is the nature of the pro-

<sup>111</sup> See testimony of Stan Rougier: <http://www.terre-du-ciel.fr/temoignages.htm>.

<sup>112</sup> See [http://www.lavie.fr/hebdo/2010/3361/terre-du-ciel-perquisition-et-soupcons-26-01-2010-2430\\_97.php](http://www.lavie.fr/hebdo/2010/3361/terre-du-ciel-perquisition-et-soupcons-26-01-2010-2430_97.php).

<sup>113</sup> See [http://www.sapientia-portail.net/Tavernier-versus-Picard-Unadfi-contre-Unadfi\\_a1173.html](http://www.sapientia-portail.net/Tavernier-versus-Picard-Unadfi-contre-Unadfi_a1173.html).

posed seminars on kinesiology<sup>114</sup>, biological decoding<sup>115</sup>, or ‘cellular memory’. These practices have been the topic of court columns.” However, UNADFI has never received any direct testimony from participants to *Terre du Ciel*.<sup>116</sup> As stated by the journalist, UNADFI never received or asked for any testimony from participants to *Terre du Ciel* themselves.

The problem here again is: Where are the victims? UNADFI, financed by the French State, seems to operate in the name of potential victims, based on suspicion expressed by the public. And the consequences for the targeted groups and the human consequences on individuals are not minor.

Another police raid occurred more recently on 22 February 2011 in another centre of personal development. According to an article published in the newspaper *Le Dauphiné* of 26 February 2011, the raid took place at the “Training Centre in Biodynamism”<sup>116</sup> involving 70 policemen, including the previously mentioned CAIMADES (national police unit of assistance and intervention in matters of “sectarian deviances”). This followed the opening of a judicial investigation by a judge in Valence on activities potentially “sectarian or deviant” in the Centre.

According to the newspaper, four persons were put in custody and indicted for “abuse of weakness of persons under psychological subjection”, including the director of the Centre, a former physical therapist who was proposing training sessions at a certain price (between 500 and 600 Euros per week and per person) to people lacking self confidence. She would have introduced herself as the “reincarnation of Marie-Madeleine”. The Secretary General of MIVILUDES explained that it was an anti-sect association which alerted them to the practices of the Centre. After verification, MIVILUDES referred the case to the Prosecutor because the founder of the Centre seemed to have undue influence on the attendees with family break-ups and professional resignations. The activities of the Centre have been frozen for the duration of the investigation.

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<sup>114</sup> Kinesiology, also known as human kinetics, is the science of human movement. Applications of kinesiology in human health include the rehabilitation professions, such as physical and occupational therapy, as well as applications in the sport and exercise industries.

<sup>115</sup> Biological decoding is an approach of personal development that teaches to decode physical manifestations to reach well-being, i.e. when imbalances arise (tension, blockage, pain, disease, stress, worries...), both body and mind need to be taken into consideration.

<sup>116</sup> “Centre d’enseignement de biodynamisme”.

### *Denunciations and Criminal Suspicions*

In a recent criminal case where a woman and her four children were found murdered, and the father who disappeared was suspected of the murder, MIVILUDES tried to link the crime to a “closed prayer group” to which the mother of the suspect had belonged in a public statement made in *Le Monde* newspaper on 10 May 2011:

X. was the son of G., so he grew up in this context I guess. It is obvious that X. was a child close to his mother, at the time when his mother created her prayer group. He was certainly immersed in this very mystical, very anxiogenic climate.

According to its President Mr. Fenech, MIVILUDES received “denunciations from people who belonged to this group but who left, and who revealed a number of practices”, such as “the delivery of divine messages on Jesus Christ”, and “prayers designed to the Virgin Mary”, and “apocalyptic type of messages”. He reported the case of “a meeting in 1994 near Rennes where members had gathered thinking that the apocalypse would come”.<sup>117</sup>

UNADFI came in support of these declarations and stated to *Le Télégramme* newspaper on the same day 10 May 2011 that the mother had founded “The Church of Philadelphia” which presented “numerous sectarian criteria”. They said they were alerted as early as 1995 by former followers who contacted their branch in Brittany. “The group’s doctrine was so crazy that the psychiatric ward of the Rennes hospital was alerted” UNADFI said.<sup>118</sup>

However Mr. Fenech underlined in his statement that the closed prayer group initiated by the mother in 1960 was “called ‘Philadelphia’ and not ‘The Church of Philadelphia’, which is another movement”. Apart from the repression of beliefs of a Christian prayer group, this shows how unreliable UNADFI accusations can be and how the reputation of minority religious groups can be unduly damaged. Indeed, on May 11, the Public Prosecutor in charge of the criminal case underlined in a public statement to AFP that these elements [of a purported sectarian influence on the suspected murderer] had been forwarded to his office which “expertised and exploited them” but that to this day

<sup>117</sup> See the article in *Le Monde* newspaper at: [http://www.lemonde.fr/societe/article/2011/05/10/affaire-ligennes-la-grand-mere-avait-cree-un-groupe-de-prieres-de-type-sectaire\\_1519530\\_3224.html](http://www.lemonde.fr/societe/article/2011/05/10/affaire-ligennes-la-grand-mere-avait-cree-un-groupe-de-prieres-de-type-sectaire_1519530_3224.html).

<sup>118</sup> See the article in *Le Télégramme* at: <http://www.letelegramme.com/ig/generales/france-monde/france/affaire-de-ligennes-la-mere-de-xavier-dans-le-collimateur-de-la-miviludes-10-05-2011-1296405.php?xtmc=de%20ligonnès%20UNADFI&xtrcr=1>.

no evidence of a recent or past sectarian subjection of X. could be found during the proceedings.<sup>119</sup>

### *Blacklisting and Discrimination*

Another matter of concern is that UNADFI or ADFIs use the old lists of “sects” to answer the requests that they receive or even to oppose for example to the granting by Mayors of conference halls to certain associations included in these lists.

On 14 November 2009, the President of ADFI North interceded with the authorities to have a Rosicrucian meeting forbidden, which was due to be held in a city conference hall. She justified her intervention stating: “My criterion is the Parliamentary Report of 1999”.<sup>120</sup> The 1999 Parliamentary Report entitled “Sects and Money” was developing financial aspects on the movements included in the 1995 list, adding two more movements, one of them being the Rosicrucian.

As previously mentioned, the use of any such list has been condemned by the Prime Minister’s Decree of 27 May 2005. In this Decree, he stated that “experience had shown that the public authorities’ policy of labeling certain groups as “sects” and of basing their action on this sole labeling” did not respect public liberties and the secularism of the State. Rather than stigmatizing certain groups, he gave instruction to exert particular vigilance on any suspicious organization in order to identify and repress any criminal or illegal act.<sup>121</sup> The United Nations Special Rapporteur for freedom of religion or belief, Asma Jahangir, after her visit to France on 18 to 29 September 2005 also made specific recommendations in this sense.<sup>122</sup>

Her Report of 6 March 2006 provided:

112. The Special Rapporteur urges the Government to ensure that its mechanisms for dealing with these religious groups or communities of belief deliver a message based on tolerance, freedom of religion or belief and on the principle that no one can be judged for his actions other than through the appropriate judicial channels.

<sup>119</sup> See AFP wire at: [http://www.google.com/hostednews/afp/article/ALeqM5gu9N0Nu56yhUe dSLv3SmCSO\\_Nnvw?docId=CNG.f873406dde5011f7a16304d320a527b2.c31](http://www.google.com/hostednews/afp/article/ALeqM5gu9N0Nu56yhUe dSLv3SmCSO_Nnvw?docId=CNG.f873406dde5011f7a16304d320a527b2.c31).

<sup>120</sup> See article at: [http://www.lavoixdunord.fr/Locales/Lille/actualite/Secteur\\_Lille/2009/11/14/article\\_l-adfi-souhaite-l-interdiction-d-une-reu.shtml](http://www.lavoixdunord.fr/Locales/Lille/actualite/Secteur_Lille/2009/11/14/article_l-adfi-souhaite-l-interdiction-d-une-reu.shtml).

<sup>121</sup> See Decree at: <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000809117&fastPos=1&fastReqId=187996540&categorieLien=id&oldAction=rechTexte>.

<sup>122</sup> E/CN.4/2006/5/Add.4, 8 March 2006, Mission to France, 18 to 29 September 2005.

113. Moreover, she recommends that the Government monitor more closely preventive actions and campaigns that are conducted throughout the country by private initiatives or **Government-sponsored organizations**, in particular within the school system in order to avoid children of members of these groups being negatively affected. [emphasis added]

114. She urges judicial and conflict resolution mechanisms to no longer refer to, or use, the list published by Parliament in 1996.<sup>123</sup>

Contrary to these recommendations of tolerance, Government-sponsored UNADFI and ADFIs continue to use lists of sects or to compile files to stigmatize minorities of religion or belief. This situation is aggravated by defamation.

### *Hate Speech and Hate Crimes*

In 1996, the then President of ADFI North made very serious accusations against Jehovah's Witnesses on a local radio, calling them "proslavers", "dealers" and "pimps".

On July 18, 2007, the Appeal Court of Rouen found that there had been defamation against the Jehovah's Witnesses by the President of UNADFI.<sup>124</sup>

Undoubtedly, Catherine Picard, by assimilating the movement of the Jehovah's Witnesses to a mafia movement, by imputing them embezzlement of legacies and donations, by accusing them of organizing under the cover of the spiritual adherence of their members a "disguised work" evoking undeclared employment, which has occasioned criminal prosecutions, has in an outrageous manner and through a fallacious presentation discredited the Jehovah's Witnesses and thereby had excessive words exceeding the limits admissible for free opinion and exclusive of good faith.<sup>125</sup>

On 3 April 2007, the Court of Cassation found defamatory the statements which were made by Catherine Picard, then Member of Parliament, and Anne Fournier, member of the former Interministerial Mission of Fight against Sects (MILS), against AMORC association (Rosicrucian), in their book "Sects, Democracy and Globalization": Whereas, in order to reject this claim, the Court of Appeals stated, concerning the reported statements from the book, that [...] they referred to AMORC not more than to other sectarian movements and expressed generalities on the nature and the functioning of sects and that this being a general opinion, it was wrongly claimed that these excerpts were defamatory;

<sup>123</sup> The Parliamentary Report containing the list was registered in December 1995 and published in January 1996.

<sup>124</sup> See <http://www.temoinsdejehovah.org/ressource.aspx?REF=0855b4df-3f46-41f1-9008-569fa6bd3240>.

<sup>125</sup> However, the ruling was quashed by a decision of the Court of Cassation of 17 June 2008 finding the proceedings time barred due to a procedural flaw (lack of summons of the defendant in due time to appear before the Court of Appeals).

Whereas in so deciding, when the reported statements - which compared sects to “totalitarian groups”, to “Nazism” or “Stalinism” accused them of obtaining by force the adherence of their followers, on whom they exert means of pressure of such nature that they lose their free will, of creating “out-law areas”, comparing them to Mafia -, being susceptible of proof and to open debate, are defamatory to all the movements labeled as sects and therefore to the AMORC association, since it stems from the incriminated book that it is one of them, the Court of Appeals has violated the aforementioned provisions of the law.<sup>126</sup>

In his Report of 15 December 2010 to the sixteenth session of the Human Rights Council (A/HRC/16/53), Heiner Bielefeldt, the UN Special Rapporteur on freedom of religion or belief and successor of Asma Jahangir, stated:

Indeed, in many countries members of religious or belief minorities experience a shocking degree of public resentment or even hatred which is often nourished by a paradoxical combination of fear and contempt. Even tiny groups are sometimes portrayed as “dangerous” because they are alleged to undermine the social cohesion of the nation, due to some mysteriously “infectious” effects attributed to them. Such allegations can escalate into fully fledged conspiracy theories fabricated by competing groups, the media or even State authorities. At the same time, members of religious or belief minorities are often exposed to public contempt based for instance on rumours that they allegedly lack any moral values. It is exactly this combination of demonizing conspiracy projections and public contempt that typically triggers violence either directed against members of minorities or occurring between different communities. Hence the eradication of stereotypes and prejudices that constitute the root causes of fear, resentment and hatred is the most important contribution to preventing violence and concomitant human rights abuses. §29

Demonizing is pretty obvious in the examples of defamation given above. The words “infectious effects” of the Special Rapporteur are accurate in light of some public statements made by French officials. At the first national conference organized by MIVILUDES at the City Hall of Lyon on 26 November 2009, the French Secretary of State for Justice, Jean-Marie Bocquel, gave a speech where he explained that “The sectarian phenomenon can be therefore analysed as pathology of belief on a background of individuation and deregulation of belief”, adding that sectarian deviances are “comparable to mutating viruses, which spread under often insidious forms the poison of manipulation of human behaviour and spirits”.<sup>127</sup>

<sup>126</sup> The Court quashed the decision of the Court of Appeals of Paris on this basis and sent it for new judgment to the same Court but in another formation. Due to an agreement between the parties (UNADFI wrote an affidavit saying that AMORC was not a “sect”), AMORC waived its claim.

<sup>127</sup> These statements are still posted to date on the web site of the Ministry of Justice and Liberties: <http://www.presse.justice.gouv.fr/index.php?rubrique=10093&ssrubrique=11374&article=18343>.

Declaring publicly that sectarian deviances are an infection while government funded anti-sect associations stigmatize specific religious or belief minorities as “sectarian” can only fuel fear, resentment and hatred in the public towards these groups, as explained by the Special Rapporteur.

As a matter of fact, the Jehovah’s Witnesses provide very alarming figures of incidents of violence against their members or their places of worship in France. A recent survey they did throughout Europe showed that France was the European country where they recorded the highest number of hate incidents in 2008-2009, against their places of worship or their members: there have been 149 incidents altogether in that period of time, including 130 acts of vandalism, 12 burglaries or thefts, 5 arson attacks and 2 threats or assaults.<sup>128</sup>

The Office for Democratic Institutions and Human Rights of the OSCE gives the following definition of a hate crime on its web site:<sup>129</sup>

A hate crime is a crime that is motivated by intolerance towards a certain group within society. For a criminal act to qualify as a hate crime, it must meet two criteria:

- The act must be a crime under the criminal code of the legal jurisdiction in which it is committed;
- The crime must have been committed with a *bias motivation*.

“Bias motivation” means that the perpetrator chose the target of the crime on the basis of *protected characteristics*.

A “protected characteristic” is a fundamental or core characteristic that is shared by a group, such as “race”, religion, ethnicity, language or sexual orientation.

The target of a hate crime may be a person, people or property associated with a group that shares a protected characteristic.

The above incidents reported by Jehovah’s Witnesses against their believers and assets, and other incidents against other religious minorities in France are motivated by hate and prejudice, which are fueled by the stigmatization of these minorities by FECRIS’ affiliates as “sectarian” – a label used to mean ideologically “deviant”.

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<sup>128</sup> See the report of Human Rights Without Frontiers for the 4th Annual Meeting of the Fundamental Rights Agency Platform on 14-15 April 2011 in Vienna, page 4: <http://www.hrwf.net/Joom/images/papers/0413%20fra%20workshop%20broadening%20the%20scope%20of%20religious%20intolerance%20and%20discrimination%20by%20the%20fra.pdf>.

<sup>129</sup> See : OSCE/ODIHR: <http://www.osce.org/odihr/66388>.



### *Conclusion*

The purposes and activities of FECRIS affiliates and the founding association in France pose serious problems regarding freedom of religion or belief. Their writings and positions provide evidence that they lead an ideological crusade with public financing which cannot be reconciled either with the French Constitution or the international human rights instruments signed and ratified by France.

Perusal of the cases involving “sectarian movements” shows that many times the alleged victims are actually consenting followers whose philosophical or spiritual choices are at stake. However painful it can be for families to see relatives follow different ideological paths or for followers to decide to quit a movement they once adhered to and believed in, individuals must always have the right and freedom to believe or to not believe, and this right should be equally respected.

The very mode of operation of FECRIS and its affiliates in France based on collecting and spreading one-sided reports and refusing dialogue with groups they label as “sectarian” infringes upon the recommendations of tolerance and dialogue expressed by the United Nations Special Rapporteur for freedom of religion or belief. Their readiness to make accusations and value judgments and to stigmatize religious or belief minorities can only instill prejudice and result in discrimination and violence. The French State should not support such activities.

## Annex

Figures obtained through the exercise of the right of access to administrative files.

Chart 1: FECRIS FINANCING (in Euros) 2001–2011

	Private Memberships/Donations			Public Funding			Ratio Public Funding/Private Memberships and Donations
	Membership fees	Donations	Total	Funding from the Prime Minister	Others	Total	
2001	2 317		2 317	45 735		45 735	95.18%
2002	2 604	1 911	4 515	54 000	11 977	65 977	93.60%
2003	2 936		2 936	40 000		40 000	93.16%
2004	3 024	1 728	4 752	40 000		40 000	89.38%
2005	2 782	2 000	4 782	40 000		40 000	89.32%
2006*	3 200	2 000	5 200	50 000		50 000	90.58%
2007	2 957		2 957	45 000		45 000	93.83%
2008	2 498	232	2 730	38 000	4 100	42 100	93.91%
2009	3 144		3 144	36 000		36 000	91.97%
2010	2 630	25	2 655	35 000		35 000	92.95%
2011*	3 800		3 800	35 000		35 000	90.21%
<b>Total</b>	<b>31 892</b>	<b>7 896</b>	<b>39 788</b>	<b>458 735</b>	<b>16 077</b>	<b>474 812</b>	<b>92.27%</b>

Note: \*Budget Forecast only as regards memberships and donations

Chart 2/1: UNADFI FINANCING 1996–2012 (in Euros): 1996–2000

	1996	1997	1998	1999	2000
<b>Membership/Donations</b>					
Membership fees from the local ADFIs	3 952	3 630	3 960	3 227	3 031
Donations	14 384	15 333	7 603	8 417	7 518
<b>Total</b>	<b>18 336</b>	<b>18 963</b>	<b>11 563</b>	<b>11 644</b>	<b>10 549</b>
<b>Public Funding</b>					
Ministry of Youth and Sports	32 012	22 866	25 915	25 915	30 488
Ministry of Social Affairs	76 220	91 463	106 707	110 518	114 329
Ministry of National Defense	13 720	6 098	3 811	3 811	3 811
Ministry of National Education	45 732	56 402	48 780	53 354	53 354
Ministry of Higher Education and Research					
Ministry of Interior and Overseas					
Ministry of Health					
Regional Council of Ile de France					
DGEFP					
National Assembly					22 866
Ministry of Justice				30 488	30 488
Prime Minister	18 293	41 159	51 067	73 933	22 866
FONJEP	13 608	13 610	15 841	20 417	20 417
CNASEA	3 041	4 772	4 933	27 468	39 194
FNDVA	2 652	1 494	4 032	4 573	
FR Fund	10 671				
Others					76 220
Special Grant from the Prime Minister **					762 195
<b>Total</b>	<b>215 949</b>	<b>237 864</b>	<b>261 087</b>	<b>350 477</b>	<b>1 176 228</b>
Ratio Public Funding/ Membership fees from the local ADFIs and donations	92.17%	92.62%	95.76%	96.78%	99.11%

Notes: To convert in Euros from 1996 to 2000, the exchange rate 1 EUR = 6.56 FF has been used.

\*Budget Forecast

\*\* For the acquisition of new premises

Chart 2/2: UNADFI FINANCING 1996–2012 (in Euros): 2001–2005

	2001	2002	2003	2004	2005
<b>Membership/Donations</b>					
Membership fees from the local ADFIs	3 232	2 799	5 974	4 412	1 954
Donations	26 337	4 974	13 345	5 797	8 445
<b>Total</b>	<b>29 569</b>	<b>7 773</b>	<b>19 319</b>	<b>10 209</b>	<b>10 399</b>
<b>Public Funding</b>					
Ministry of Youth and Sports	33 539	33 000	33 000	33 000	20 000
Ministry of Social Affairs	114 337	114 337	121 959	125 000	125 000
Ministry of National Defense	3 811	4 000	4 000	4 000	
Ministry of National Education	53 357	56 360	60 000	60 000	55 800
Ministry of Higher Education and Research					
Ministry of Interior and Overseas					
Ministry of Health					
Regional Council of Ile de France					
DGEFP					
National Assembly					
Ministry of Justice	30 490	30 500	15 000	15 000	15 000
Prime Minister	103 665	110 000	110 000	110 000	110 000
FONJEP	21 195	21 706	16 037	19 235	21 783
CNASEA	33 067	21 249	23 842	24 911	20 268
FNDVA	5 831				
FR Fund					
Others			10 954		522
Special Grant from the Prime Minister **					
<b>Total</b>	<b>399 291</b>	<b>391 151</b>	<b>394 792</b>	<b>391 146</b>	<b>368 373</b>
Ratio Public Funding/Membership fees from the local ADFIs and donations	93.11%	98.05%	95.33%	97.46%	97.25%

Notes: To convert in Euros from 1996 to 2000, the exchange rate 1 EUR = 6.56 FF has been used.

\*Budget Forecast

\*\* For the acquisition of new premises

Chart 2/3: UNADFI FINANCING 1996–2012 (in Euros): 2006–2010

	2006	2007	2008	2009	2010
<b>Membership/Donations</b>					
Membership fees from the local ADFIs	4 572	3 305	2 289	3 770	3 780
Donations	7 157	7 773	6 324	7 662	20 766
<b>Total</b>	<b>11 729</b>	<b>11 078</b>	<b>8 613</b>	<b>11 432</b>	<b>24 546</b>
<b>Public Funding</b>					
Ministry of Youth and Sports	33 000	33 000			32 520
Ministry of Social Affairs	125 000	130 000	130 000		130 000
Ministry of National Defense	7 000	5 000	5 000		2 000
Ministry of National Education	55 800	55 800	35 000		40 000
Ministry of Higher Education and Research					
Ministry of Interior and Overseas					
Ministry of Health					22 500
Regional Council of Ile de France					
DGEFP					20 000
National Assembly					
Ministry of Justice	15 000	15 000	15 000	12 000	9 000
Prime Minister	110 000	100 000	85 000	81 000	50 000
FONJEP	21 783	16 337	27 399		21 929
CNASEA	30 436	4 311			
FNDVA					
FR Fund					
Others	8 097		36 327	287 688	
Special Grant from the Prime Minister **					
<b>Total</b>	<b>406 116</b>	<b>359 448</b>	<b>333 726</b>	<b>380 688</b>	<b>327 949</b>
Ratio Public Funding/ Membership fees from the local ADFIs and donations	97.19%	97.01%	97.48%	97.08%	93.04%

Notes: To convert in Euros from 1996 to 2000, the exchange rate 1 EUR = 6.56 FF has been used.

\*Budget Forecast

\*\* For the acquisition of new premises

Chart 2/4: UNADFI FINANCING 1996–2012 (in Euros): 2011–2012

	2011*	2012*	Total (1996–2012)
<b>Membership/Donations</b>			
Membership fees from the local ADFIs	5 000	5 000	63 887
Donations	27 000	31 468	220 303
<b>Total</b>	<b>32 000</b>	<b>36 468</b>	<b>284 190</b>
<b>Public Funding</b>			
Ministry of Youth and Sports	32 600	32 600	453 454
Ministry of Social Affairs	130 000	104 000	1 848 871
Ministry of National Defense	2 000	2 000	70 062
Ministry of National Education	40 000	40 000	809 740
Ministry of Higher Education and Research	7 000	7 000	14 000
Ministry of Interior and Overseas	7 000	7 000	14 000
Ministry of Health	28 000	20 000	70 500
Regional Council of Ile de France		15 000	15 000
DGEFP	20 000		40 000
National Assembly			22 866
Ministry of Justice	10 000	10 000	252 965
Prime Minister	50 000	50 000	1 276 983
FONJEP	21 849	21 849	314 995
CNASEA			237 491
FNDVA			18 583
FR Fund			10 671
Others			419 808
Special Grant from the Prime Minister**			762 195
<b>Total</b>	<b>348 449</b>	<b>309 449</b>	<b>6 652 183</b>
Ratio Public Funding/ Membership fees from the local ADFIs and donations	91.59%	89.46%	95.90%

Notes: To convert in Euros from 1996 to 2000, the exchange rate 1 EUR = 6.56 FF has been used.

\*Budget Forecast

\*\* For the acquisition of new premises

Chart 3: GEMPPi FINANCING 2003–2011 (in Euros)

	2003	2004	2005	2006	2007	2008	2009	2010	2011*	Total
<b>Membership/Donations</b>										
Membership Fees	1 081	813	973	1 138	1 150	1 224	978	1 484	1 700	10 541
Donations			1 008	162	83					1 253
<b>Total</b>	<b>1 081</b>	<b>813</b>	<b>1 981</b>	<b>1 300</b>	<b>1 233</b>	<b>1 224</b>	<b>978</b>	<b>1 484</b>	<b>1 700</b>	<b>11 794</b>
<b>Public Funding</b>										
City of Marseille	850	1 000	1 000	1 000	1 000	1 000	2 000	2 000	2 500	12 350
General Council of Bouches du Rhône Department	13 200	12 000	13 000	16 067	16 067	19 067	17 067	17 067	20 000	143 535
Bouches du Rhône DDE	200									200
Regional Council		5 000					8 000			13 000
CNASEA			5 820	6 580	5 072					17 471
Others				200	100					300
<b>Total</b>	<b>14 250</b>	<b>18 000</b>	<b>19 820</b>	<b>23 847</b>	<b>22 239</b>	<b>20 067</b>	<b>27 067</b>	<b>19 067</b>	<b>22 500</b>	<b>186 856</b>
Ratio Public Funding/ Private Membership and Donations	92.95%	95.68%	90.91%	94.83%	94.75%	94.25%	96.51%	92.78%	92.98%	94.06%

Notes: \*Budget Forecast

Chart 4/1: CCMM FINANCING 1999–2011 (in Euros): 1999–2003

	1999	2000	2001	2002	2003*
<b>Membership/Donations</b>					
Membership Fees	13 329	12 985	7 006	9 352	1 957
Donations					
<b>Total</b>	<b>13 329</b>	<b>12 985</b>	<b>7 006</b>	<b>9 352</b>	<b>1 957</b>
<b>Public Funding</b>					
Ministry of Youth and Sports	30 945	35 368	38 112		
Ministry of Labour	38 110	49 546	49 546	49 545	
Labour CES Financing			6 033	6 148	
Ministry of National Education	38 110	45 735	53 357	38 000	
Ministry of Health					
Ministry of Justice					
Ministry of Overseas	4 573	7 622		9 147	
Prime Minister	20 579	22 867	27 441		
FONJEP		6 752	7 111	7 261	
National Assembly	30 488				
FNVDA		5 031	2 287		
City Councils	12 637	16 144	13 685	915	
Ministry of Foreign Affairs					
Others	38 110	60 980		30 500	
Special Grant from the Prime Minister ***			705 839		
<b>Total</b>	<b>213 552</b>	<b>250 045</b>	<b>903 411</b>	<b>141 516</b>	<b>51 004</b>
Ratio Public Funding/Private Memberships and Donations	94.13%	95.06%	99.23%	93.80%	96.30%

## Notes:

For 1999, exchange rate 1 EUR = 6.56 FF

\* For 2003, 2004, 2005 and 2009, as regards Public Funding, only the total amount is available

\*\* Budget Forecast

\*\*\* For the acquisition of a building for the new headquarters



Chart 4/2: CCMM FINANCING 1999–2011 (in Euros): 2004–2008

	2004*	2005*	2006	2007	2008
<b>Membership/Donations</b>					
Membership Fees					
Donations					
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Public Funding</b>					
Ministry of Youth and Sports			30 000	30 000	30 000
Ministry of Labour					
Labour CES Financing					
Ministry of National Education			37 000	40 000	20 000
Ministry of Health			26 000		15 000
Ministry of Justice			5 000	2 500	
Ministry of Overseas			6 000	6 000	7 000
Prime Minister			30 000	27 000	23 000
FONJEP					
National Assembly					
FNVDA					
City Councils					
Ministry of Foreign Affairs					
Others			7 261	7 261	10 704
Special Grant from the Prime Minister ***					
<b>Total</b>	<b>123 861</b>	<b>130 061</b>	<b>141 261</b>	<b>112 761</b>	<b>105 704</b>
Ratio Public Funding/ Private Memberships and Donations	100%	100%	100%	100%	100%

Notes: For 1999, exchange rate 1 EUR = 6.56 FF

\* For 2003, 2004, 2005 and 2009, as regards Public Funding, only the total amount is available

\*\* Budget Forecast

\*\*\* For the acquisition of a building for the new headquarters

Chart 4/3: CCMM FINANCING 1999–2011 (in Euros): 2009–2011

	2009*	2010	2011**	Total (1999–2011)
<b>Membership/Donations</b>				
Membership Fees			10 000	54 629
Donations				0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>10 000</b>	<b>54 629</b>
<b>Public Funding</b>				
Ministry of Youth and Sports		16 000	16 000	226 425
Ministry of Labour				186 747
Labour CES Financing				12 181
Ministry of National Education		20 000	20 000	312 202
Ministry of Health		15 000	15 000	71 000
Ministry of Justice			7 000	14 500
Ministry of Overseas			7 000	47 342
Prime Minister		20 000	20 000	190 887
FONJEP		3 648		24 772
National Assembly				30 488
FNVDA				7 318
City Councils				43 381
Ministry of Foreign Affairs			10 000	10 000
Others				154 816
Special Grant from the Prime Minister***				705 839
<b>Total</b>	<b>100 956</b>	<b>74 648</b>	<b>95 000</b>	<b>2 443 780</b>
Ratio Public Funding/ Private Memberships and Donations	100%	100%	90.48%	97.81%

Notes:

For 1999, exchange rate 1 EUR = 6.56 FF

\* For 2003, 2004, 2005 and 2009, as regards Public Funding, only the total amount is available

\*\* Budget Forecast

\*\*\* For the acquisition of a building for the new headquarters

## Zusammenfassung

Hinter der Gründung der FECRIS stand die Absicht der französischen Anti-Sekten-Bewegung, ein europäisches und internationales Publikum zu erreichen und dahingehend zu beeinflussen, dass ihre Aktivitäten legitimiert und das „französische Modell“ ins Ausland exportiert werden. Indem sie verschiedene Anti-Sekten-Gruppen in mehreren europäischen Staaten miteinander in Verbindung brachten, zielten die französischen Anti-Sekten-Bewegungen auf die Verbreitung ihrer Hauptaussage, dass das „Sekten“-Phänomen ein ernstzunehmendes und weitreichendes Problem sei, und dass zur Bekämpfung solcher religiöser oder Glaubensminderheiten, die sie als „Sekten“ oder „sektiererische Bewegungen“ – wie sie seit Kurzem genannt werden – bezeichneten, sowohl Unterstützung auf Regierungs- als auch auf supranationaler Ebene notwendig sei.

FECRIS, die 1994 in Paris auf Initiative der französischen Anti-Sekten-Gruppe Nationale Union von Verbänden zur Verteidigung von Familien und Individuen (UNADFI) entstand, wird vorwiegend mittels besonderer Gelder des französischen Premierministers, und damit durch den französischen Staat finanziert. Der Anteil an öffentlichen Mitteln beträgt, im Verhältnis zu Mitgliedsbeiträgen oder Spenden, seit dem Jahr 2001 durchschnittlich 94 Prozent. FECRIS verzeichnet zwei weitere Mitgliedsorganisationen in Frankreich, die ebenfalls nahezu gänzlich durch den französischen Staat oder öffentliche Institutionen finanziert werden.

Die Argumente, die FECRIS und ihre Mitglieder postulieren, um ihre Warnkampagnen und die Sektenjagd zu rechtfertigen, nimmt die Autorin dieses Forschungsartikels Stück für Stück in Augenschein: die Verteidigung der Glaubens-„kunden“; den Schutz des Individuums vor dem „Seelenfang“ bzw. der Bewusstseinskontrolle; den Schutz von Familienwerten; den Begriff und die Bewertung von „abweichendem“ Glauben; die „psychologischen Abweichungen“ in religiösen, auch christlichen Gruppierungen; die vorgeschlagene „Regulierung“ des Psycho-Marktes; Glauben als eine neue Form „spiritueller Sklaverei“; die Anschuldigungen der Gehirnwäsche; die Rechte der victimisierten Eltern gegenüber dem Recht des erwachsenen Kindes, sich seine Religion zu wählen etc. Dieser Artikel analysiert ebenso die ideologische Dynamik der Anti-Sekten-Bewegungen. Einige wurzeln im antiklerikalen Atheismus, während andere zwar ursprünglich am Katholizismus orientiert waren, mittlerweile jedoch den Weg der Ersteren eingeschlagen haben.

Als weitere Themen werden angesprochen: die Weigerung der französischen Anti-Sekten-Organisationen und der FECRIS, mit anderen religiösen

Minderheitsgruppierungen den Dialog zu suchen; die Verlockungen der „De-Programmierung“; die Praxis der Ausstiegsunterstützung mithilfe von Abtrünnigen; der verheerende Effekt gezielter Gerüchteverbreitung; Denunziationen und Polizeirazzien; Diskriminierungen und das Führen von schwarzen Listen; Hetzreden und Verbrechen aus Hassmotiven.

Nicht zuletzt hat der Europäische Gerichtshof für Menschenrechte in Bezug auf das Thema stets entschieden, dass der Staat in religiösen Angelegenheiten neutral und unparteiisch bleiben muss. Ebenso wurde das Einbeziehen staatlich finanzierter Verbände zur Bekämpfung religiöser Minderheits- oder Glaubensgruppen als illegitim und unvereinbar mit den Bestimmungen der Europäischen Menschenrechtskonvention deklariert.

## **FECRIS AND ITS AFFILIATES IN RUSSIA THE ORTHODOX CLERICAL WING OF FECRIS**

HUMAN RIGHTS WITHOUT FRONTIERS INTERNATIONAL CORRESPONDENT  
IN RUSSIA<sup>1</sup>

For one thousand years, Russia has been an Orthodox country, a bulwark against the expansion of Catholicism and other religions. “Russian Orthodox lands” are considered canonical territories where competition by other Christian religions has never been acceptable in the eyes of Moscow Patriarchy.

With the fall of the Berlin Wall in 1989, the development of telecommunications and globalization, the “Russian Orthodox lands” have been more open but also more vulnerable to external influences. Gorbachev had opted for pluralism and fair competition between religions but very soon, reactionary religious and political forces rebuilt a wall of protectionism.

The rejection of pluralism and the persistent lack of tolerance towards the Catholic Church and new religious movements are the background colors of the current religious panorama in Russia. The anti-sect campaigns and legal actions jointly carried out by institutions of the Russian state and by organs of the Orthodox Church pursue one and the same goal: the religious purification of the Russian lands. The fight against Baptists and Pentecostals, Jehovah’s Witnesses, Mormons, Hare Krishna, Baha’is, Falun Gong, Scientology and many other faith or belief communities is part of that strategy.

The Russian member association of the anti-sect umbrella organization FECRIS (European Federation of Centres of Research and Information on Sectarianism), which was created in France in 1994 and is mainly funded by French public powers, is a major actor in a more general plan aiming to reintegrate the lost sheep into the Orthodox Church: Catholics, members of newly implanted religious movements, atheists and non-believers.

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<sup>1</sup>For the security of his career, the author who is one of HRWF foreign correspondents covering Russia wants to remain anonymous.

This research work will first focus on a historical perspective of religious diversity in Russia and on the current anti-sect policy of the Russian State before analyzing the nature and the activities of FECRIS' Russian member association, its narrow links with radical Orthodox and nationalist forces in Russia, the dramatic impact of its hate speech and its responsibility in the restrictions of freedom of religion or belief.

### **Religious Diversity in Russia**

Many of the distinctive features of Russia's religious history stem from the relationship between the Orthodox Church and the state. Under Peter the Great, the Patriarchy was abolished and replaced by a Holy Synod run and controlled by secular officials. This situation prevailed until the 1917 Revolution. On the one hand, the Holy Synod was part of the state structures and was obliged to cooperate on a number of issues but on the other hand, the Church was fully protected by the state against competition with other faiths and had a monopoly on missionary activities.

A prominent source of religious diversity in Russia was provided by domestic schismatic movements. The most significant one was represented by the Old Believers, who split off from the Orthodox Church in the middle of the seventeenth century. In the eighteenth century, other religious groups appeared in the Russian religious landscape such as the Doukhobors (Fighters for Spirit), the Khristovery (Believers in Christ), and the Molokans (Milk-drinkers).

The territorial expansion of the Russian Empire led to the inclusion of many other ethno-religious groups, such as Muslims (e.g. Tatars, Bashkirs and Chechens), Jews, Roman Catholics (mainly Poles and Lithuanians), Protestants (Finns and Estonians), Buddhists (e.g. Kalmyks and Buriats), and shamanists in Siberia and in the Volga area.

Despite the dominant position and role of the Orthodox Church, a variety of foreign religions were introduced over the centuries.

In the middle of the 18<sup>th</sup> century, Catholic and Protestant Germans settled in the Volga region at the invitation of Catherine II. The immigration of more Germans through St Petersburg and Odessa intensified throughout the 19<sup>th</sup> century. The late 19<sup>th</sup> century was marked by active evangelism by Western religious groups such as the Baptists, Jehovah's Witnesses, Seventh-Day Adventists and Pentecostals. The Russian Imperial Legal Code then allowed

non-Orthodox groups to practice their religion, but imposed various types of restrictions on their civil rights. Proselytism among ethnic Russians was forbidden by law. Conversion to a foreign religion was a criminal offence.

After a short period of hope that followed the introduction of the “Edict of Toleration” (1905), the 1917 Bolshevik Revolution brought enforced secularism and Communist ideological indoctrination, widespread persecution against all religions, including the Orthodox Church: destruction of church buildings, arrests and deportations of priests and other clergymen to labor camps, strict limitations on freedom of association, worship, assembly, expression, and so on.

On October 25, 1990, the Russian Soviet Federative Socialist Republic (RSFSR) Law on Freedom of Religion adopted under Gorbachev’s rule was one of the last, and perhaps most decisive, liberalizing legislative reforms that were introduced in the moribund Soviet system. For the first time in Russian history, practicing religion was declared “the unalienable right of Russian citizens” and this also applied to all those residing in Russia, irrespective of their citizenship. The law maintained strict separation between Church and state, stipulated the latter’s ideological neutrality, and guaranteed equal rights of all faiths, regardless of their origins and size.

One immediate result of the 1990 Law was the emergence and rapid diversification of Russia’s religious landscape. This manifested itself in a variety of forms: resurgence of the Russian Orthodox Church and religions of ethnic minorities, missionary activities of their co-religionists from abroad (Muslim, Catholic, Jewish, and Buddhist), and proselytizing efforts of religions that were new to Russia. However, this diversity was still far from being genuine pluralism. In the controversies that ensued foreign proselytism became a hotly disputed issue, with a number of Russia’s regions introducing their own local laws favoring their historical religions and restricting missionary activities of newcomers. New religious movements (NRMs) became the main subject of these controversies and the chief target of the local laws.

The Law on Freedom of Conscience and Religious Associations (1997) reflected these tensions and placed serious restrictions on registration of religious organizations and thus to the activities of religious groups of foreign origin. Religious communities registered under the 1990 law were submitted to the obligation of re-registration: many were denied the right to re-register and challenged the negative decision before domestic courts and then the European Court of Human Rights, in particular the Salvation Army, the Jesuits, Jehovah’s Witnesses and the Church of Scientology.

## The New Concept of “Spiritual Security”

The 1997 law as well as the ideological stand and policy which were thereafter adopted by Russian authorities were all inspired by the desire to ensure the “spiritual security” of Russia, a new concept expressing the purported role of the Russian Orthodox Church in safeguarding national values and security.

An article published in the *Journal of Church and State*, Oxford Journals, on 9 November 2010, explains:<sup>2</sup>

### *The Concept of Spiritual Security*

In the *2000 National Security Concept*, the Putin Administration stated:

“Assurance of the Russian Federation’s national security also includes protecting the cultural and spiritual-moral legacy and the historical traditions and standards of public life, and preserving the cultural heritage of all Russia’s peoples. There must be a state policy to maintain the population’s spiritual and moral welfare, prohibit the use of airtime to promote violence or base instincts, and counter the adverse impact of foreign religious organizations and missionaries.”<sup>3</sup>

This spiritual understanding of national security saw its beginnings in the pursuit of the 1997 Law on Freedom of Conscience and on Religious Associations, which brought to an end the brief period of religious freedom that Russia experienced following the 1990 law on Freedom of Worship. In November 1996, then Metropolitan Kirill<sup>4</sup> of Smolensk and Kaliningrad commented on the problem of proselytism facing the Russian Orthodox Church (ROC).<sup>5</sup> Once the 1990 law allowed for freedom of conscience, “hordes of missionaries dashed in, believing the former Soviet Union to be a vast missionary territory.”<sup>6</sup> Instead of aiding the ROC in its missionary endeavors,

<sup>2</sup> Daniel P. Payne, “Spiritual Security, the Russian Orthodox Church, and the Russian Foreign Ministry: Collaboration or Cooptation?” *Journal of Church and State* (2010) 52(4): 712–72, November 9, 2010. See: <http://www.agoc.org/assets/files/Papers/jcs.csq102.full.pdf> or <http://jcs.oxfordjournals.org/content/52/4/712.full.pdf+html?sid=6a3c74cb-35da-49d6-ab15-ddc196052853>.

<sup>3</sup> “2000 Russian National Security Concept,” available at <http://www.russiaeurope.mid.ru/russiastrat2000.html>.

<sup>4</sup> Patriarch Cyril. On 27 January 2009 the Local Council of Russian Orthodox Church elected metropolitan Kirill as the 16th Patriarch of Moscow and all Russia.

<sup>5</sup> Metropolitan Kirill of Smolensk and Kaliningrad, “Gospel and Culture,” in *Proselytism and Orthodoxy in Russia: The New War for Souls*, ed. John Witte, Jr., and Michael Bourdeaux, 66–76 (Maryknoll: Orbis Books, 1999).

<sup>6</sup> *Ibid.*, 73.



these proselytizing groups worked against the church “like boxers in a ring with their pumped-up muscles, delivering blows.” The blows were against the “people’s national and religious sentiments,” leading to a state where for many Russians, “‘non-Orthodox’ means those who have come to destroy the spiritual unity of the people and the Orthodox faith—spiritual colonizers who by fair means or foul try to tear the people away from their church.”<sup>7</sup> In the eyes of the religious leaders of the ROC, Russia was losing its cultural identity as an Orthodox nation. As Wallace Daniel and Christopher Marsh state, “Unless the government affirmed Russia’s traditional faiths against the aggressive actions of other religious groups and sects, the patriarch [Alexey II] maintained, the renewal of Russia’s own spiritual traditions stood little chance.”<sup>8</sup> Therefore, in this atmosphere, where the ROC believed itself as well as Russian culture to be under attack, Boris Yeltsin passed the 1997 Law, differentiating traditional and nontraditional religions in Russia.<sup>9</sup>

On June 22, 2005, the Parliamentary Assembly of the Council of Europe (PACE) had a debate on Russia’s honouring of its obligations in the field of human rights and said about the 1997 Federal Law on Freedom of Conscience and Religious Associations in Russia that it “creates a complex form of categorization of religions which has led to various forms of discrimination and to the stigmatization of ‘non-traditional’ religions.”

This stigmatization has developed further as stated in the same article of the *Journal of Church and State*:

Additionally, the idea arose that these foreign missionaries were actually covert foreign intelligence workers, gathering information about “Russian policies and strategic activities.”<sup>10</sup>

In March 2002 Patriarch Alexey II, in a low-key ceremony, consecrated a church at the Lubianka headquarters of the Federal Security Bureau, which is the successor to the KGB. According to the *Journal of Church and State*, “the ceremony focused on the need for concerted actions aimed at combating the current threats posed to Russia’s ‘spiritual security,’ as the Patriarch put it.”<sup>11</sup>

<sup>7</sup> *Ibid.*, 73–74.

<sup>8</sup> Wallace Daniel and Christopher Marsh, “Russia’s 1997 Law on Freedom of Conscience in Context and Retrospect,” in *Perspectives on Church-State Relations in Russia*, ed. Wallace L. Daniel, Peter L. Berger, and Christopher Marsh, 29 (Waco: J. M. Dawson Institute of Church-State Studies, 2008).

<sup>9</sup> *Ibid.*

<sup>10</sup> John Anderson, “Putin and the Russian Orthodox Church: Asymmetric Symphonia?” *Journal of International Affairs* 61, no. 1 (2007), 194.

<sup>11</sup> Julie Elkner, “Spiritual Security.”

This concept of spiritual security has been used by Russian ideologues of the right and left. In 2003 Viktor Zorkal'tsev, Communist parliamentary deputy, stated: "Freedom of conscience has boundaries. And these boundaries can be defined by a single expression—spiritual security."<sup>12</sup>

Spiritual security, then, serves as the basis for a campaign based on paranoia of "foreign" enemies and "foreign" ideas, and for measures to unduly restrict freedom of religion or belief of Russian citizens who have decided to follow a non-consensual spiritual path.

Members of the European Federation of Centres of Research and Information on Sectarianism (FECRIS) in Russia play prominent roles in this campaign and repressive policy.

### Russian State Anti-Sect Policy and FECRIS

Alexander Dvorkin, Vice-President of FECRIS, gave a lecture on 10 March 2010 in Novosibirsk City entitled *Totalitarian Sects as a Threat to National Security* before the officers of the Center for Counteraction of Extremism of the Novosibirsk Regional Department of Interior Affairs (so called Center "E") and before the students of the Institute of the Federal Security Bureau (successor to KGB) of Russia.

The gravest threat to non-Orthodox religious groups in Russia these days comes from the 2002 Anti-Extremism Law.

This law was originally justified by the need to combat terrorism after 9/11, but the federal government has increasingly used it in its "spiritual security" crusade to target so-called "religious extremism"<sup>13</sup> and to censor religious literature that certain "experts" deem "extremist".

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<sup>12</sup> Ibid.

<sup>13</sup> "Jehovah's Witnesses Victims of a New Harassment Campaign in Russia." The European Association of Jehovah's Christian Witnesses, page 8 (April 2009). See [http://www.forum18.org/Archive.php?article\\_id=1287](http://www.forum18.org/Archive.php?article_id=1287).

### The 2002 “Law On Fighting Extremist Activity”<sup>14</sup>

The Law grants the authorities the power to censor religious freedom of expression and to criminalize a broad spectrum of religious activities. From 2004, the government started to prosecute so-called “extremism” and to issue warnings against certain religious activities. The general argument was that the 2002 Law prohibits any form of expression which promotes the superiority of one religion over another.

Article 13 provides for the establishment of a federal list of banned extremist materials. Because any court (local, regional, federal, etc.) may add materials to the federal list, a judicial ban on a particular item in a city or a region on the grounds that it has been found “extremist” can be enforced across the entire country. Moreover, the law does not provide guidelines for removing such a ban.

The first amendment to the 2002 Law was read in the State Duma in 2006. Among other changes to the Law, the definition of what exactly qualifies as extremist activity was broadened to include non-violent acts of civil disobedience.<sup>15</sup> The worrisome amendment provided that:

- a. the definition of extremism shall include libel against state officials related to accusation in extremism or in a particularly grave crime;
- b. any act of violence (incl. hooliganism) against an official shall qualify as extremism; and
- c. not only calls to extremist activity but also “justifications” of extremist activity will be banned.

As a result, the Law now defines extremist activity as “incitement to racial, nationalistic, or religious enmity, and also social enmity”. The vagueness of this definition leaves the door open for authorities to label any religious teachings which contradict those of the “traditional religions” as “inciting to religious enmity”.

In a letter written to the Prosecutor General of the Russian Federation, dated 16 April 2009, Vladimir Lukin, Ombudsman for Human Rights in the Russian Federation, expressed concern that this is precisely what is taking place in various regional departments of the Prosecutor’s Office. Mr. Lukin

<sup>14</sup> A full version of the law in Russian can be found at: <http://www.rg.ru/2002/07/30/extremizm-dok.html>.

<sup>15</sup> For a more detailed examination of the 2006 amendment and possible reasons for concern, see the first two articles on the webpage <http://halldor2.wordpress.com/2006/07/03/>.

writes, “Despite the equality of all religious organizations provided for by Article 14 of the Russian Federation Constitution, the opinion of ‘traditional’ religious confessions is considered by the organs of the Prosecutor’s Office to be a factor that defines the relationship of the State to other confessions.”<sup>16</sup> In other words, officials have been known to give more credence to the opinions of “traditional” religious leaders than to provisions of Russian law when implementing the 2002 Law.

***Justice Ministry’s Expert Council for Conducting State Religious-Studies  
Expert Analysis***

Orders signed by Russia’s Justice Minister Aleksander Konovalov on 18 February and 3 March 2009 appointed 24 members – all but one new – to the *Ministry’s Expert Council for Conducting State Religious-Studies Expert Analysis*. They also greatly expanded the Council’s powers, allowing it to investigate the activity, doctrines, leadership decisions, literature and worship of any registered religious organisation and recommend action to the Ministry.

The Council may deem the activities or literature of a given religious organization to be in violation of the Federal Constitution, or not in compliance with that organization’s original declarations, and counsel the Ministry of Justice on the implementation of subsequent actions.

The official tasks of the Council are:

1. To ascertain the religious character of the religious organization on the basis of its charter documents, the information about the basics of its religious teachings and corresponding practices;
2. To verify and assess the reliability of the information contained in the documents of the religious organization in question, concerning the basics of its religious teachings;
3. To check the conformity of its forms and methods of activity as laid out at the time of registration with its actual forms and methods of activity.<sup>17</sup>

<sup>16</sup> Letter No. VL 12 187-37, dated 16 April 2009.

<sup>17</sup> Ministry of Justice of the Russian Federation; available at <http://minjust.lgg.ru/ru/news/events/index.php?id4=87>.

Fears by religious minorities were then exacerbated by the Justice Minister's appointments to the Council: among others, Alexander Dvorkin, Alexander Kuzmin and Evgeny Mukhtarov.

Aleksander Dvorkin, Vice-President of FECRIS but also Russia's most prominent "anti-sect" activist, was appointed to head the Expert Religious Studies Council. Dvorkin is also the director of the St. Irenaeus of Lyons Religious Studies Research Centre, FECRIS' member association in Russia.<sup>18</sup>

Aleksander Kuzmin is the head of the Saratov section of St. Irenaeus of Lyons Centre. In an open letter to Saratov residents condemning "Feel the Force of Change," a campaign promoting Christian social activism organized by local Protestant Churches, he mainly attacked the Word of Life Pentecostal Church, and portrayed it as "a horribly destructive sect". Kuzmin is also the author of a leaflet accusing Hare Krishna devotees of murder and child abuse. On 26 March 2009 Khabarovsk Central Municipal Court ruled a leaflet authored by Kuzmin extremist material...

Evgeny Mukhtarov, head of the Yaroslavl branch of St. Irenaeus of Lyons Centre, runs a website which lists Adventists, Baha'is, Baptists and the Salvation Army among "non-traditional cults" in Yaroslavl Region.

In 1994, Evgeny Mukhtarov together with Andrey Vasilchenko founded the League of Patriotic Youth public fund, which was the first to conduct anti-sect work in the Yaroslavl Region. The League of Patriotic Youth was the initiator of development and adoption of a regional law that regulated the activity of sects and foreign missionaries, and at that time was one of the first to sign a collective letter to the members of the State Duma and the Federation Council with a bid to vote for the new draft law On Freedom of Conscience and Religious Associations.<sup>19</sup>

In 1996 in Yaroslavl, Mukhtarov founded the anti-sect Civil Security Public Centre. Andrey Vasilchenko was one of the leaders of the center and he has also become now a member of the "Expert Council" of the Ministry of Justice. According to the centre's website: "Civil Security centre conducts its activity in close coordination with other Russian anti-sect organizations, first of all St. Iriney of Leon Information and Consultation Center headed by [...] Alexander Dvorkin."<sup>20</sup>

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<sup>18</sup> See details below in the section "FECRIS' member association in Russia".

<sup>19</sup> See the website [rusCAN.narod.ru](http://rusCAN.narod.ru).

<sup>20</sup> See the centre's website at: [rusCAN.narod.ru65](http://rusCAN.narod.ru65).

Other new members of the Council whose impartiality is also controversial are Orthodox priest Fr Lev Semenov, who teaches at Dvorkin's St. Irenaeus of Lyons Centre, and Vladimir Belov, who heads the Centre of Orthodox Culture and Religious Anthropology at Saratov University.

Leaders of Russia's "non-traditional" religions, including Seventh-Day Adventists, Pentecostals, the Old Believers, Baptists, and various Islamic groups, have all criticized the extensions of the Council's powers and its new membership, urging the disbanding of the Council and the resigning of Minister of Justice Konovalov.<sup>21</sup>

<sup>21</sup> These appointments provoked an unprecedented outcry in Russia :

*Andrei Sebentsov*, head of the Russian government's Department for Relations with Religious Associations, remarked to Portal-Credo religious-affairs website that the appointments of Alexander Dvorkin – "not a religious-studies scholar and de facto representing the interests of the Russian Orthodox Church (Moscow Patriarchate)" – and his assistant were "a very strange fact which could have far-reaching consequences."

*The Union of Old Believer Theologians*, a group not directly threatened, voiced strong opposition, viewing the developments as "a direct threat to the constitutional rights of the citizens of Russia to freedom of confession [which] could serve as a dangerous catalyst for inter-confessional strife, a prologue to the beginning of struggle against religious dissent, oppression of believers, the restoration of religious censorship and inquisition." The Old Believers called for the removal of some Council members, and even suggested that the best course of action would be the complete abolition of the Council. "Otherwise, the religious life of Russia will always depend upon the subjective opinion of which ever people have ended up on this body."

*Roman Lunkin*, head of the Institute of Religion and Law at the Slavic Centre, called the Council's formation "a declaration of war" to religious associations other than the Moscow Patriarchate, "at the very least, an inquisition." He subsequently published an open letter to Minister Konovalov – intended as a petition – calling for A.L. Dvorkin, Alexander Kuzmin, Yevgeny Mukhtarov, Fr Lev Semenov and Andrei Vasilchenko to be removed from the Council. Lunkin also reported that Igor Yablokov, who heads the faculty of Religious Philosophy and Religious Studies at Moscow State University and is the only previous Council member, vowed at its first meeting that he would not attend in future as it did not bear "even the remotest resemblance to a meeting of scholars."

*Yuri Sipko*, the head of the Baptist Union, maintained that the changes to the Council sought to reduce religious freedom to a level at which "everything is controlled and subordinate to a single ideology and freedom itself is banned [...]; this only underscores the helplessness of our state authorities, who, instead of following constitutional principles of freedom – including religious freedom – constantly feel the urge to curb these freedoms."

*Pentecostal Bishop Sergei Ryakhovsky* remarked that the appointment of Dvorkin – "a thoroughly odious personality in Russian religious circles" – was "a huge provocation by the Justice Ministry." He later told the Protestant TBN television channel that he expected "very unpleasant actions" from the new Council and urged Konovalov to resign. In response, Council vice-chair Silantsev suggested that Ryakhovsky should not make "rash offensive statements." The Council was "not created to flatter the gaze of the US State Department," he continued, maintaining that Council recommendations would instead be taken seriously by major government organs.

*Viktor Vitko*, vice-chair of the Seventh-day Adventist Church's Euro-Asia Division, supported Lunkin's call for Council members to be removed in an open letter to Minister Konovalov.

Russia's Ombudsman for Human Rights, *Vladimir Lukin*, warned, "It is very important that we do not allow interference in the convictions and beliefs of millions of citizens on the poorly ground-

Of the Council's former members only one remained, Igor Yablokov. However, at the Council's first meeting in April 2009, Mr. Yablokov stated that he would not be returning as it did not bear "even the remotest resemblance to a meeting of scholars."<sup>22</sup>

Justice Minister Konovalov rebuffed the criticisms as "unacceptable pressure on the mechanism of partnership taking shape between state and society," the Russian news agency Interfax reported on 21 April. He also defended his decision by sending his greetings to FECRIS conference on "totalitarian sects," held in St Petersburg on 15–16 May 2009, in which several new Council members gave speeches, including its chair, Alexander Dvorkin, Yevgeny Mukhtarov and Alexander Kuzmin, who spoke on "The Neo-Pentecostal Threat to Russia's State Security".

This means that the leaders of FECRIS' Russian member association are now in power at the Justice Ministry's Expert Council and control the state mechanism that allows them to fight against religious groups competing with the Orthodox Church on what they see as a threat to Russia's "spiritual security."

### **FECRIS' Member Association in Russia**

The Saint Irenaeus of Lyons Centre for Religious Studies was founded in 1993 with the blessing of the Patriarch of Moscow and All Russia Alexy II. The Centre is also a missionary faculty department of St Tikhon's Orthodox University in Moscow the objective of which is "to spread credible information on doctrines and activities of totalitarian sects and destructive cults." For that purpose "employees of the Centre pursue research, advisory, lecturing and publishing activity and liaise with state structures and the media." Since then, A.L. Dvorkin<sup>23</sup> has been the president of this Centre affiliated to the Russian Orthodox Church.

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ed, unproven pretext of fighting against extremism, as this really could provoke wide-scale violations of their right to freedom of belief."

Source: Forum 18

<sup>22</sup> Geraldine Fagan. "RUSSIA: Widespread Protests at New Inquisition." Forum 18 News Services (2 June 2009); available at [http://www.forum18.org/Archive.php?article\\_id=1303](http://www.forum18.org/Archive.php?article_id=1303); internet; accessed 10 June 2009.

<sup>23</sup> Alexander Dvorkin is a Russian-American anti-sect activist. He graduated doctor of philosophy in 1983 at the Saint Vladimir's Orthodox Theological Seminary in Crestwood, New York. He left Russia at the time of the Cold War and went back to his homeland in 1992. He has been on the board of FECRIS for several years and he is now its vice-president.

The Saint Irenaeus of Lyons Centre for Religious Studies is the head centre of the Russian Association of Centres for Religious and Sectarian Studies (РАЦИРС/RATsIRS).<sup>24</sup> The president of РАЦИРС is also A.L. Dvorkin; the vice-presidents are Archpriest Alexander Novopashin<sup>25</sup> and Archpriest Alexander Shabanov; the executive secretary is priest Lev Semenov,<sup>26</sup> Ph.D., associate professor.

Apart from the Saint Irenaeus of Lyons Centre, there is a global network of so-called “parents’ initiatives” and other similar organizations in Russia and the CIS (See ANNEX) the majority of which have become members of РАЦИРС in Russia (some are missionary departments of Orthodox dioceses) and created РАЦИРС representative offices abroad.

FECRIS’ member association in Russia is therefore clearly rooted in and financed by the Orthodox Church but it also receives public funding. According to the website of the Russian Public Organization “Soprotivlenie” (Resistance), the St Irenaeus of Lyons Center received a grant of 2.5 million rubles (\$ 8300) in November 2011 for its “social activity against destructive sects” which represents a part of the 1-billion grant given by the Government to “Soprotivlenie”. Alexander Dvorkin’s organization received the biggest amount from “Soprotivlenie”; all the other organizations got much less.

A usual but outrageous feature of the fight against “sects” in Russia is that the anti-sect movement officially fights against “non-traditional religions”. Even though the Parliamentary Assembly of the Council of Europe has declared in its 22 June 2005 Report about the Honouring of Obligations and Commitments by Russia that they were “alarmed by the recent trend of segregation of religious organisations into traditional and non-traditional groups” and that the Assembly adopted Resolution 1455 (2005)<sup>27</sup> urging Russian authorities to exclude any “discrimination against so-called non-tradi-

<sup>24</sup> РАЦИРС groups together regional anti-sect organizations in the post-Soviet space. The Association was established in February 2006 on the initiative of the leaders of regional centres for contemporary sectarian studies from Moscow, St. Petersburg, Novosibirsk, Tver, Ekaterinburg, Ufa, Saratov, Tula, Petropavlovsk-Kamchatsky, and other cities of the Russian Federation.

<sup>25</sup> Alexander Novopashin is the rector of Saint Alexander Nevsky Cathedral in Novosibirsk and associate member of Peter Academy of Science and Art, leader of the Information-Consulting Center on Sectarianism at the St. Alexander Nevsky Cathedral. He took position against same sex marriages (See St Nicholas Orthodox Church Bulletin 1/23/11 at <http://www.troparion.com/bulletin2.htm>).

<sup>26</sup> Lev Semenov, associate professor at Tver State University, former member of the Unification Church (Moon) and Orthodox priest (See <http://griess.st1.at/gsk/FECRIS/english%20Semenov.htm>).

<sup>27</sup> Assembly debate on 22 June 2005 (20th Sitting) (see Doc. 10568, report of the Committee on the Honoring of Obligations and Commitments by Member States of the Council of Europe (Moni-



tional confessions”, these confessions are officially fought against by the anti-sect groups in Russia, in particular those linked directly and indirectly to FECRIS.

The religious character of minorities labelled as sects is not challenged; rather, it is on the basis of their religious character that the authorities use the 1997 law to reject their applications for registration. What is openly at stake here is to preserve the monopoly of consciences by traditional religions in Russia, and especially the Russian Orthodox Church.

To this end, anti-sect movements resort not only to hate speech against non-traditional religions (see below) but also to “rehabilitation centres” held by the Orthodox Church to have followers return to traditional religious paths.

### **“Rehabilitating” Followers of “Non-traditional Religions”**

Under the pressure of families, followers are induced to go to these rehabilitation centres to be “enlightened” about the danger of sects, about how sects manipulate minds, and to accept the Orthodox religion because, according to them, if someone really believes in Christ he is protected from various sects.

Here follow a few of these centres:

- *Centre of rehabilitation of victims of non-traditional religions under the missionary department of Stavropolskaya and Vladikavkasskaya Eparchy.*

Location: Novopavlovsk.

The Centre indicates on its website: “The basis of the department is to help people in the acquisition of real, true Faith in God and the Church”.<sup>28</sup>

- *Center of rehabilitation of victims of non-traditional religions under the Church of Our Lady “Joy of All Who Sorrow”.*

Location: Moscow.

“Rehabilitation” is done by two priests and one graduate of Saint Tikhon’s

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toring Committee), Co-rapporteurs: Mr Atkinson and Mr Bindig). Text adopted by the Assembly on 22 June 2005 (21st Sitting).

<sup>28</sup> Website: <http://protigor.narod.ru/missionary/rc.html>.

Orthodox University (where Alexander Dvorkin is teaching).<sup>29</sup>

- *Rehabilitation Centre for sect victims under the Holy Trinity Monastery.*

Location: Kursk.

Priests and psychologists work there to “rehabilitate” followers.

- *Rehabilitation Centre for victims of non-traditional religions in the name of St. Joseph of St. Volotsk.*

This Centre operates under the Orthodox Eparchy of Yekaterinburg city.

Some news published on the Orthodox web-site Pravoslavie.ru<sup>30</sup> in April 2004 explained about the Centre:

“For nearly five years, in the Yekaterinburg, the Eparchy has been operating rehabilitation centres for victims of non-traditional religions in the name of St. Joseph of St. Volotsk. [...] The activity of the Centre’s staff in the name of Joseph Volotsk is to help people in finding this genuine faith in God and the Church. [...] Since the existence of the Centre, a lot of people have called for the help of Orthodox specialists. As a rule, it is relatives and friends of those who fall under the influence of totalitarian sects.”

- As concerns the Saint Ireneus of Lyons Centre for Religious Studies, FE-CRIS member association in Russia, an article on their website explains how to deal with people “caught in sects”:<sup>31</sup> The process of exit through an external influence involves a psychologist, relatives and a “sect-specialist”, to arouse critical thinking towards the “sect” and get rid of emotional dependency towards it. It then involves connecting the person to the Orthodox catechist, preferably a priest offering the true religious and ideological alternatives.

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<sup>29</sup> Website: <http://www.cespire.ru/>.

<sup>30</sup> Orthodox web-site operated since 1999. Domain registered on Sretensky Valaam Monastery of the Russian Orthodox Church. It gives Orthodox news, addresses of orthodox churches etc. See <http://www.pravoslavie.ru/news/9634.htm>.

<sup>31</sup> <http://iriney.ru/ps/001.htm>.

*Hate speech by A.L. Dvorkin against Scientology, Pentecostals, Mormons, Jehovah's Witnesses, Baha'is, Hare Krishna, Falun Gong ...*

The president of the Saint Irenaeus of Lyons Centre for Religious Studies, who is FECRIS vice-president, is the most visible person of this Orthodox institution. The targets of his criticisms are mainly religious groups which attract Orthodox believers. While it is legitimate for a Church to defend itself against competitors, this cannot be a reason to use hate speech against them in the public space. A few examples hereafter (among many) will show that this is unfortunately the case.

*28 May 2009 Vologda City, Savior-Prilutsky Monastery*

Dvorkin spoke before the audience and gave an interview for the website of the Vologda eparchy. Among other things he said:

“The USA now supports a variety of sects throughout the planet: in Russia, France, Germany, China, etc. There is, for instance, **Falun Gong**, a destructive Chinese sect. China reacted harshly to it, and its leader fled to America. If such a sect did not exist, the American intelligence agencies would need to invent it – it's a very convenient method of influence on China. They pursue energetic anti-Chinese activity across Russia, picket Chinese missions, hack websites [...] If you tell me that it's all done by half-mad sectarian fanatics, I will not believe you. In Russia, by the way, there are a lot of ethnic Russians in **Falun Gong**.”

“In fact, secret services used sects in their operations throughout history. Such a sect as the **Bahá'í**, for example, is of Islamic origin. In general, it's the fault of Russian secret services of tsarist times that this sect still exists. Because they were driven out of Persia, they came to Ashkhabad, and our Russian intelligence services provided strong support for them, as they viewed them as agents who could increase Russia's influence in Persia where there was a struggle with the British.”

“Each sect has its own social niche, each sect has its own lure which attracts a certain type of people. If somebody takes interest in oriental wisdom – **Society for Krishna Consciousness** is at his/her disposal, if somebody is career-oriented – he/she is a 'client' of Scientologists. On the other hand, it is people who are in a stressful condition who join sects, as a rule.”<sup>32</sup>

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<sup>32</sup> <http://panteleimon.info/index.php?newsid=614>.

*26 August 2009, Chelyabinsk City*

Alexander Dvorkin commented for the news agency “Access” on the refusal of the Chelyabinsk Orthodox diocese to participate in the opening day of an event because of the presence of Mormons and Neo-Pentecostals:

“I think that the Chelyabinsk Diocese made the only right decision when they refused to take part in the event in which representatives of totalitarian sects are involved. Orthodoxy is a traditional religion in our country and any collaboration with such organizations is impossible. Imagine if some crooks have arranged their get-together and invited the police to participate in it.”

“Apparently, either the people responsible for this event are incompetent in such matters, or we can assume corruption. In either case, you may question their professional adequacy.”

“**Mormons** are a huge international business corporation that operates under the guise of a religious organization. Moreover, we can recall several instances when American Mormon missionaries were spotted on the territory of secret military facilities. For many years experts speak about a close relationship of this organization with the CIA. Their interest in Chelyabinsk region is completely understandable as there are many secret and sealed facilities here. Mormons are a danger on both the state and personal level, as their rites affect psyche. We know that Mormons organize secret occult rituals, where they grossly abuse the memory of our Orthodox ancestors.”

“As for the “*New Life*”, this is one of the **Neo-Pentecostal** sects which is also known for its destructive activities. During their ceremonies people are sent into a trance state, so that they almost lose their human form. According to studies<sup>33</sup>, in 93% of cases the mental condition of members of the Neo-Pentecostal sect “*Word of Life*” has deteriorated, 63% had intrusive thoughts about a suicide, and 25% tried to commit a suicide. We may also recall the political aspect of this sect’s activity. One of the most famous Neo-Pentecostal preachers on the post-Soviet space – Alexei Ledyav – openly speaks about the necessity to create a new world order in which Neo-Pentecostals will rule with the U.S. president at the head.”<sup>34</sup>

*24 March 2010, Mirny City (Yakutia)*

During his meeting with the public Alexander Dvorkin dwelt on the topic “Sects and Children”. He attacked such organizations as **Jehovah’s Witnesses and Hare Krishna**. He stressed that “their adepts recruit failed university enrollees, and people on vacation as well; they have a wide range of psychological influence, especially on the unstable minds of adolescents and youths” Alexander Dvorkin noted that the population should take part in the fight

<sup>33</sup>No reference is mentioned about the said “studies”.

<sup>34</sup>See [http://www.dostup1.ru/comment/comment\\_8880.html](http://www.dostup1.ru/comment/comment_8880.html).

against sects, file complaints and collect raw data so that the local authorities can react quickly.”<sup>35</sup>

*Sect Studies. Totalitarian Sects, A.L. Dvorkin*

“**Falun Gong** is a strict totalitarian sect, whose members are used by its leader in his vendetta against the government of China and who, in his turn, is instrumentalized by American secret services for their external policy purposes.” – A.L. Dvorkin <sup>36</sup>

***Hate speech in the media against non-Orthodox religious groups***

The media also play a negative role in the spreading of hate speech against non-Orthodox religious groups as some examples show it hereafter.

*9 October 2009, NTV channel : Emergency, Investigation: Jehovah's Witnesses, TV show*

Before the whole country, Dvorkin in his interview to NTV paralleled **Jehovah's Witnesses** with drug dealers and called them “slaves”. Thereafter the documentary was repeatedly used as a motive for violence against Jehovah's Witnesses.

*16 May 2010, Russia 1 TV Channel, Special Correspondent, TV show*

Dvorkin said to all of Russia that sects have to be fought at the government level and that the literature of sects has to be declared extremist. He also stated that more dangerous than Satanists (“who are an obvious evil”) are **Mormons, Hare Krishna, New Pentecostals, Falun Gong**, and Jehovahists, who “conceal evil under the guise of good”.

<sup>35</sup> See [http://www.admmirny.ru/news/03\\_2010.htm](http://www.admmirny.ru/news/03_2010.htm).

<sup>36</sup> Report *Destructive Sect Falun Gong: the Science of Political Manipulations* by A.L. Dvorkin at the XVI International Christmas Educational Readings, 30 January 2008 (<http://www.iriney.ru/sects/falun/news008.htm>).

*24 May 2010, NTV Channel, Honest Monday, TV show*

Dvorkin urged people to get organized and oppose the threat of sects. He expressed his hope that the court decisions declaring the literature of Jehovah's Witnesses and **Scientologists** to be extremist would remain in force.

*Russian hate speech exported to former Soviet Union countries and beyond*

One of the activities of FECRIS' member association in Russia is to spread their message all over the former Soviet Union, in EU Orthodox countries and even in China.

*China: 12–13 May 2008, Beijing*

An article posted on 13 May 2008 on Chinadaily.com.cn<sup>37</sup> reported that “a Russian expert in sect studies, Professor Alexander Dvorkin, had tagged Falun Gong as an international cult at a forum in Beijing and said that all healthy and righteous forces in the world should unite to combat cults.”

Dvorkin added that “Followers of the cults would do anything that is beneficial to their organizations, and did not abide by laws and ethics. They would regard all the people as their enemies, and the anti-humanity nature of cults may lead to large-scale manslaughter, suicide and injuries.”

The day before, on 12 May 2008, Alexander Dvorkin had told the China Association for Cultic Studies about Falun Gong:

“They would turn individuals into tools of cults, and destroy their families. Cults harm individuals, families, societies and countries like ‘cancerous cells’ in a healthy body. Cults make no contribution to the society. But they kept absorbing human resources and wealth from it. Like cancerous cells, they obtain nutrition from the healthy body of society until it collapses.”<sup>38</sup>

It should be noted that at the time the international community and human rights organizations had issued reports exposing persecutions and atrocities committed against Falun Gong by the Chinese authorities. On 3 March 2005, the United Nations Commission on Human Rights had issued a Written

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<sup>37</sup> CHINA daily.com.cn: “Russian expert tags Falun Gong as international cult” (Xinhua), updated: 2008-05-13.

<sup>38</sup> Xinhua, “Falun Gong has Become an International Cult Organization: An Interview of Professor Alexander Dvorkin” (May 12, 2008).

Statement submitted by International Educational Development, a non-governmental organization with consultative status, reminding that since 2000, International Educational Development (IED) had raised strong concern over the situation of Falun Gong practitioners in China.<sup>39</sup>

The Statement submitted by the UN Human Rights Commission urged all States to take far more decisive action to protect Falun Gong practitioners in their own countries from direct or indirect persecution or intimidation by Chinese authorities or their agents of Falun Gong practitioners. It added that diplomats who participate should be required to leave their posts and States should make all aspects of their bi-lateral relationships with China contingent on stopping persecution of Falun Gong practitioners and an over-all significant improvement in human rights.

Far from conforming to these directives, FECRIS vice-president Alexander Dvorkin has supported the Chinese government's repression against Falun Gong and compared Falun Gong members to "cancerous cells", thereby advocating implicitly their elimination.

*Ukraine: 13–14 October 2008, Kyiv*

On 17 October 2008, Chinese People's Daily online reported that a two-day international roundtable "Information Extremism: The Truth and Falsehood of Falun Gong Cult" had been held on 13 and 14 October in Kiev, Ukraine. It added that "participants from various countries were unanimous in the view that the 'Falun Gong' is a well-organized evil cult with great destructive power, which has wrought havocs to society and general public; it is a cult organization with an intrinsic tendency of potential violence."<sup>40</sup>

Amongst the participants sharing these views were Alexander Dvorkin and also Griess Friedrich, then president of FECRIS. The roundtable appealed, among others, for the Ukrainian Justice Ministry to set up a social committee to "delve into illegal superstition activities".

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<sup>39</sup> E/CN.4/2005/NGO/132, 3 March 2005.

<sup>40</sup> People's Daily Online, 17 October 2008: "Scholars lambaste Falun Gong cult".

*Armenia: 4–10 May 2010, Erevan*

During his visit, Alexander Dvorkin lectured before the clergymen of the Ar-mavir eparchy, students of the Gevorkyan Theological Academy and St. Echmiadzin Brotherhood, students of the Erevan State University, teachers and headmasters of the Echmiadzin Region and Erevan, students of the Gavarsky State University, Sevan Theological Seminary, and youth communities of Erevan City. He also gave an interview to the Shogakat TV Channel. The lectures and talks were about various sect studies problems, both on particular “sects” such as Neo-Pentecostals, Jehovah’s Witnesses, Mormons, Hare Krishna, commercial cults, etc., and general questions of sect studies and Church history.<sup>41</sup>

*Bulgaria: 17–18 October 2009, Varna City*

An international seminar entitled *Educational Establishments as a Target for Sectarian Activity* was held in the Bulgarian Center for Studies of New Religious Movements. Alexander Dvorkin delivered a report called *Children as Hostages of Totalitarian Sects*. The report reads: “As children grow, they are perceived as a target for exploitation: as a workforce, as a subject of sexual advances, or as helpless victims for the frustrated and resentful sect members to vent their hatred toward the rest of the world.”<sup>42</sup>

*Kazakhstan: 16–18 March 2009, Astana*

Alexander Dvorkin had a meeting with the Minister of Justice of Kazakhstan and delivered lectures on sects before state and municipal officials of Kazakhstan, scientists and professors and teachers of several universities. He spoke at the national Khabar TV Channel (for 13 million people) where he said that “sects” used conscience manipulation techniques, and was quoted as saying about “*Word of Life*”:

“In Sweden a research on the sect “*Word of Life*” was conducted. Sections were created in Kazakhstan as well. 93% of its members have a sharp deterioration of their mental condition, 56% have obsessive thoughts about suicide, 25% of members attempted to commit a suicide. It means, every 4<sup>th</sup> person.

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<sup>41</sup> [http://ansobor.ru/news.php?news\\_id=984&print=1](http://ansobor.ru/news.php?news_id=984&print=1).

<sup>42</sup> <http://iriney.ru/sects/theory/028.htm>.



[...] This is a sect, an American sect created in 1966. It has a criminal record any mafia would be envious of. Drug and arms trafficking, contract killings, and what is especially horrible – pedophilia on a large scale.<sup>43</sup>

The purpose of Dvorkin's trip was stated as follows: “[...] calling the attention of the public to the dissemination and activation of non-traditional religious associations, new forms of religion and other sects of Eastern and Western type and to the necessity of measures to check the activity of destructive religious organizations in Kazakhstan.”<sup>44</sup>

*Ukraine: 30 September – 2 October 2009, Alchevsk City, Lugansk City*

Alexander Dvorkin held a meeting entitled *On New Religious Movements* with citizens of Alchevsk City in the House of Culture of Metallurgists. The next day he spoke before teachers and students of the Donetsk Basin State Technical University on the same subject matter, presenting it as a “dangerous social manifestation”. He visited Lugansk City with the same purpose, where he, beside everything else, took part in an online conference and gave an interview to regional TV channels. In the interview he spoke of “totalitarian sects”, which are characterized by “lies during recruitment, manipulations of the conscience of their adepts, their exploitation, and control of all aspects of their lives [...] Scientology, Jehovah's Witnesses, Mormons, Hare Krishna, New Pentecostals (God's Embassy, Alive Faith, New Generation, etc.), adepts of Anastasia, Vissarion, Ivanov, Sahaja Yoga, Brahma Kumaris, Falun Gong can be quoted as examples of totalitarian sects.”<sup>45</sup>

*Ukraine: 20 November 2009, Kiev*

Alexander Dvorkin gave an interview to the Religion Information Service of Ukraine, in which he insulted religion studies scholars and human rights activists, for allegedly working for “sects”.<sup>46</sup>

<sup>43</sup> No source was mentioned about the said “research”.

<sup>44</sup> See <http://www.minjust.kz/ru/node/8836> or <http://www.zakon.kz/engine/print.php?page=1&newsid=135733>.

<sup>45</sup> See <http://www.alchevsk-city.com/article.php?option=2&id=2354>.

<sup>46</sup> See [http://risu.org.ua/ru/index/expert\\_thought/interview/33106/](http://risu.org.ua/ru/index/expert_thought/interview/33106/).

*Greece: 26–29 June 2010, Veria*

Alexander Dvorkin participated in an international scientific symposium, where he gave a speech entitled “Neo-Pentecostals, an alternative Christianity for the ‘New Age.’” The participants agreed unanimously that Neo-Pentecostals are one of the most serious dangers for the Church and society.<sup>47</sup>

### **From Hate Speech to Threats, Vandalism and Aggressions**

The general atmosphere created by the hate speech of FECRIS’ Russian member association and by the media, the law on extremism misused to ban religious minority groups and to censor their literature has inevitably led to

- **Violence against persons:** verbal insults, physical threats or attacks;
- **Violence against buildings:** vandalism and attacks against places of worship, community property, houses of members of (ethno-)religious groups.

Some concrete examples will illustrate the negative impact of Russia’s policy as well as the hate speech of РАЦИРС/RATsIRS and their regional member organizations on religious movements targeted by the Orthodox Church.<sup>48</sup>

#### *Physical assaults*

Case 1: On 1 January 2010, two Jehovah’s Witnesses of Vyselki (Krasnodar) were having conversations with people about the Bible when they were attacked by a man who cut the lip open of one of them. The victim called the police but they began to laugh and refused to file a complaint.

Case 2: On June 4, 2010, unknown persons attacked a local Hare Krishna preacher in Rybinsk and inflicted upon him serious injuries. The incident occurred during a traditional procession with prayer chants in the city center. The 44-year-old victim was attacked while distributing religious brochures. He was brought to a local medical facility where doctors stated he had a bro-

<sup>47</sup> See <http://iriney.ru/sects/theory/044.htm>.

<sup>48</sup> The examples concerning Jehovah’s Witnesses are coming from their official website where they have mapped the various forms of persecution they have been exposed to in Russia. See [http://www.jw-media.org/rus/incidents\\_map\\_e.htm](http://www.jw-media.org/rus/incidents_map_e.htm).

ken jaw and nose and was then transferred to Yaroslavl Regional Hospital for surgery.<sup>49</sup>

### *Vandalism and destruction of property*

Case 1: On 20 May 2009, several members of the Holy Word of Evangelical Baptist Christians of Losevo (Voronezh Region) preached about Christ on the market singing hymns and distributing Christian leaflets around. A policewoman in civil clothes and several men approached them and warned them, “Go away, otherwise you will be beaten.” When after the end of the service the friends came back to their cars, a group of young men was waiting for them. The leader of the group started to threaten them. There was no physical violence but during the night, the car of Alexander Blinov, one of the evangelists, was set on fire.<sup>50</sup>

Case 2: On 6 January 2010, a group of youths went to the Kingdom Hall of Zima (Irkutsk) at 10:00 p.m. and removed the entry gate to the property of the hall, leaving it in the snow a short distance away. The Witnesses on guard duty found the gate and put it back in place. On the evening of January 9, 2010, the youths removed the gate again, breaking several wooden fence posts in the process. The Witness guards found the gate and again put it back. On January 10, 2010, the gate was again removed and taken away. After that, the police were called. The vandals returned later and attempted to break down the gates to the parking lot. One of them was caught by the Witnesses on guard duty and was handed over to the police when they arrived shortly thereafter. The police contacted the parents of the vandals and brought them to the Kingdom Hall. The youths and their parents returned the missing gate to its place and paid for the damage to the fence.

### *Arsons*

Case 1: On 1 January 2010, unidentified individuals threw two bottles containing a flammable mixture through a window on the second floor of the Kingdom Hall in Oblivskaya (Rostov). The fire damaged the windows and front of the building. The night watchmen called the fire department, but by the time they arrived ten minutes later, the watchmen had managed to extin-

<sup>49</sup> See <http://www.rosbalt.ru/2010/06/04/742692.html>.

<sup>50</sup> <http://iucecb.com/news/20090523-2153>.

guish the fire. The police arrived on the scene 30 minutes later. Three hours after the incident, the deputy police chief also arrived at the Kingdom Hall and ordered an investigation. Another three bottles evidently intended for use by the arsonists were found abandoned outside the building. A criminal investigation was initiated, and the Department for Fighting Extremism of the Volgograd Region Directorate of the Police was also ordered to assist with the inquiry. Press reports on January 12 and 13, 2010, suggested that youths suspected of carrying out the attack had been detained.

Case 2: During the night of 8 June 2010, unidentified individuals wearing masks broke into the Kingdom Hall of Jehovah's Witnesses in Nartkala (Kabardino-Balkaria). They attacked the two night watchmen on duty and beat them. After subduing the watchmen, the assailants spread combustible liquid in the building and lit it on fire, after which they left through the fire escape. The watchmen were able to press the alarm to alert private security. They were later hospitalized.

The same Kingdom Hall was also vandalized in the past when individuals painted neo-Nazi symbols and profanity language on the fence, threw fire bombs and stones, and two drunken thugs climbed over the fence and physically assaulted some Jehovah's Witnesses.

Case 3: On 21 June 2010, Artur Ezieva, a 26-year old resident of the village Kumysh, threw two four-liter jerry cans with a combustible mixture through the window of the *New Life* Evangelical Baptist Christian Church, thus setting it on fire. Two pastors who were in the room at that time managed to extinguish the flames but the damage caused to the place of worship was estimated at 48,000 rubles and the church activities had to be suspended for three months. A criminal case was opened against the arsonist on the basis of Art. 167, Part 2 of the Criminal Code (deliberate destruction of property).<sup>51</sup>

### **Impact of the Hate Speech on Non-Orthodox Religious Groups**

The negative impact of the hate speech of FECRIS vice-president was highlighted in a roundtable on "Opposing extremist activity and the issue of observing citizens' constitutional rights to religious freedom in Russia's regions," organized in Moscow on September 6, 2010, by the Slavic Center for

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<sup>51</sup> See <http://www.interfax.ru/society/news.asp?id=159965>.

Law and Justice and the Institute of Religion and Law.<sup>52</sup> Here below are large excerpts of their report.

“This particular roundtable was distinguished not only due to the fact that it involved representatives of the Ministry of Internal Affairs (MIA) and the Office of the Prosecutor General of the Russian Federation, but also by the presence of representatives from specific Christian churches from Khakassia, the Khanty-Mansiisky Autonomous Region (KMAR) and Blagoveshchensk. The latter participants came to Moscow in order to share their own incredibly outrageous stories about how the churches of the country’s non-traditional religions are treated in Russia’s regions.”

“It was then said that “government representatives are prone to using doubtful and pseudo-scientific materials and lists of the so-called ‘totalitarian sects’ that are published by odious ‘anti-sect’ organizations.”

“In Ugra, the Khanty-Mansiiskiy Autonomous Region, such ‘totalitarian sects lists’ began to appear suddenly when the region came to be headed by a new person and the government turned his position into that of a payrolled specialist<sup>53</sup> on relations with religious organizations. According to Igor Yanshin, the lawyer and executive director of the Union of Churches of Evangelical Christians in the Khanty-Mansiiskiy Autonomous Region, it was announced at the official level that the authorities were starting to struggle with non-Orthodox churches and believers. The labor and social development department of Ugra, the Khanty-Mansiiskiy Autonomous Region, issued an absolutely absurd order on July 30, 2010 (Order No. 05-7366/10), which suggests counteracting the activities of so-called ‘sects’ by creating voluntary public militias and checkpoints in organizations<sup>54</sup>, in addition to not allowing these organizations to rent places for public liturgy. A list of ‘sects’, including all Protestant Churches active in the Khanty-Mansiiskiy Autonomous Region, was attached to this order. Many of them have already been sent a notice about the cancellation of their respective lease agreements (this is the case for the Church of Jesus Christ in Nyagan), where organizations held public liturgy. Igor Yanshin underlined the fact that the war against the faithful – those Russian citizens, who were mentioned on that list of ‘sects’ – has already begun. Yanshin mentioned that the list does not indicate the full names of the churches, but their general names, e.g. ‘Slovo Zhyzni’ (Word of Life) and all of these organizations are now, in practice, considered to be illegal.”

“In response to Mr. Yanshin’s report, a specialist of state-church relations, Andrey Sebentsov, declared that the cause for indignation is not only the fact that some organizations were included on this list of ‘sects’, but the fact that such a list is even in existence, which can be considered extremist.”

<sup>52</sup> See full report of the roundtable at [http://www.sclj.org/press\\_releases/10-0914.htm](http://www.sclj.org/press_releases/10-0914.htm).

<sup>53</sup> The English has been slightly modified here for a better comprehension of the reader.

<sup>54</sup> Checkpoint in organizations: When a person enters the building of any official organization there would be a control point (check point) – meaning that somebody would check the documents of the person to decide if he/she can be allowed to enter or not. The idea was to have „sectarians“ stopped before they’d enter the organization (it could be any cultural and important government organization).

[...] “According to Sebentsov, an absolutely defined policy is now being pursued, and this includes the exclusion of Protestant Churches’ registration. The state does not have a clear policy, but the fact is that there are organizations that are seen as competitors to the Russian Orthodox Church (ROC). The ROC sees the work that is being carried out by Protestant churches and has noted its displeasure. That is specifically why the lists of ‘sects’ have appeared and why the freedom of religion is now being suppressed. The Prosecutors are not playing the role that they should be playing on the basis of the Russian Federation Constitution, which notes the civic character of the Russian state and the necessity of ensuring human rights. Sebentsov asked what the reason is for the state searching out extremism among Protestants – especially if they have not murdered anyone – and what is the reasoning behind forming lists of ‘sects’ if they do not, in actuality, help in addressing the problem of extremism? Thus, it appears that the most convenient way for representatives of the authorities to proceed is to search for extremism in those places where it doesn’t even exist.”

“In connection with this, Konstantin Bendas, the first Deputy Chairman of the Russian Union of Evangelical Christians (Pentecostals), added that the anti-sect stories being aired on TV intentionally create an image of dangerous ‘new evangelistic’ churches in the mind of the average person. The public liturgies of these communities are shown, accompanied by voice-overs by someone talking off-screen about Satanists. Mr. Bendas noted that such things are gradually absorbed by people’s minds and can drive society to a real social explosion.”

“Mikhail Odintsov, a professor and the Head of the Department on Religious and National Issues of the Office of Russia’s Human Rights Ombudsmen, noted that the number of complaints by believers about treatment by state authorities increased seven-fold over the last few years. At present, there are about 3,000 applications active at the Office of Russia’s Ombudsmen. In Odintsov’s opinion, the Russian State is moving away from its civic character little by little; there are no instruments for implementing state policy in the field of religion, and there is no state body that could bear responsibility for state-religion relations. The Ombudsmen’s Office sent a total of 15 applications to regional Prosecutors’ Offices, but it did not receive even one answer where the Prosecutor’s Office accepted the validity of the respective complaints. However, it is obvious that, in all of the cases filed with the Ombudsmen’s Office, there were not reasonable grounds to halt and break up public liturgy, to carry out searches and inspections of the respective churches, or to search for signs of extremism in their religion literature. As Mikhail Odintsov pointed out, one’s religious point of view does not necessarily have to match that which is held by the state.”

[...] “The fight against extremism is, in fact, a component of the activity of the Ministry of Internal Affairs, noted Denis Kornikov, the Deputy Head of the Information, Law and Methodical Division of the Department on Counteracting Extremism, Ministry of Internal Affairs of the Russian Federation. According to Kornikov, the main direction continues to be the prevention of extremist activity, and it sends related materials to authorities in Russia’s regions. In connection with this, the Ministry aims to facilitate good relations with all world religions. According to Kornikov, the Ministry’s central apparatus also does not mandatorily require quantitative rates.”

“The discussion between the participating lawyers, officers and scientists demonstrated that there is an acute problem with respect to the use of die-hard ‘sect fighters’

who are committed to Orthodox Christianity by state authorities at different levels. Within the legal community, such kind of 'sect fighters', who put together such lists of 'sects', also belong to our civil society; they bring their religious point of view to other citizens, not giving any breathing room to new religious movements. However, when their radical calls become a blueprint for action for prosecutors and police officers, then this becomes a reason for inciting inter-religious strife throughout the country."

"Along with that, it should be noted that the official position of Russian Orthodox Church (ROC) is not so radical as the statements that have been made by many of these 'sect fighters'. That is why, for non-Orthodox Christian churches, there exists a good opportunity for engaging in dialogue with the ROC. In the last few years, Protestant churches have taken a firm social and political stance more often. Unlike before, they are becoming less afraid to respond to any attacks on them, while Orthodox Christianity is becoming more enlightened and open."

### Court Cases against New Religious Movements

As part of the strategy of religious purification in Russia, complaints have been lodged by anti-sect groups and various state institutions seeking the liquidation of a number of non-Orthodox movements, including Catholic organizations.

The first tool used by the authorities has been the 1997 Law to refuse re-registration of religious communities which were already registered until the previous 1990 law. However the Russian Constitutional Court has ruled this practice unconstitutional. A review of the Constitutional Court's case law in this regard has been laid out by the European Court of Human Rights in several decisions, for example in *Church of Scientology of Moscow v. Russia* (5 April 2007):

61. Examining the compatibility with the Russian Constitution of the requirement of the Law that all religious organisations established before its entry into force should confirm that they have existed for at least fifteen years, the Constitutional Court found as follows (decision no. 16-P of 23 November 1999 in the case of *Religious Society of Jehovah's Witnesses in Yaroslavl and Christian Glorification Church*):

"8. [...] Pursuant to [...] the RSFSR Law on freedom of religion (as amended on 27 January 1995), all religious associations – both regional and centralised – had, on an equal basis, as legal entities, the rights that were subsequently incorporated in the Federal Law on freedom of conscience and religious associations [...].

Under such circumstances legislators could not deprive a certain segment of religious organisations that had been formed and maintained full legal capacity of the rights belonging to them, solely on the basis that they did not have confirmation that they had existed for 15 years. In relation to religious

organisations created earlier, that would be incompatible with the principle of equality enshrined in Article 13 § 4, Article 14 § 2 and Article 19 §§ 1 and 2 of the Constitution of the Russian Federation, and would be an impermissible restriction on freedom of religion (Article 28) and the freedom of [voluntary] associations to form and to carry out their activities (Article 30) [...]"

62. The Constitutional Court subsequently confirmed this position in its decision no. 46-O of 13 April 2000 in the case of *Independent Russian Region of the Society of Jesus*, and decision no. 7-O of 7 February 2002 in the case of *The Moscow Branch of the Salvation Army*.

Getting around this case law, the anti-sect groups and the authorities have been seeking liquidation of non-traditional religions by any means possible. Here are a few examples among many.

#### *Objective: Liquidation of the Unification Church (UC)*

In 1995 in St Petersburg, the anti-sect organizations *Interregional Committee for Salvation from Totalitarian Sects* and the *Protection of the Family and the Person* brought an action against the *Collegiate Association for Research of the Principle* (CARP), a Unification Church affiliated organization, seeking the dissolution of the group. These actions were brought shortly after the registration application of the UC was rejected in that region. Both anti-sect organizations were asking together for a total of the equivalent of USD 13 million in damages.

The case was finally won by CARP at the trial court level on March 16, 2001 but the victory was short-lived. The Supreme Court of the Russian Federation overturned the decision on May 24, 2001 and ordered the dissolution of CARP, based on its alleged failure to meet registration deadline requirements under the new law.<sup>55</sup>

#### *Objective: Liquidation of the Jesuits*

The Jesuits were properly registered in 1992 under the 1990 Law. However, when they applied, as required, for re-registration under the new 1997 Law, the application was refused. The refusal was based on four grounds: 1) the

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<sup>55</sup> The issue was whether the application needed to be submitted by the deadline, or approved by the deadline. The CARP group had submitted the application in time for the formal approval process to take place by the deadline.



Society was founded by foreigners; 2) it did not include any 'local structures' made of at least ten local Russian citizens; 3) it failed to provide evidence of having existed in Russia for at least 50 years; 4) it was not supported by at least three 'local structures' and thus could not be considered a 'centralized organization' pursuant to the requirements set in the 1997 Law.

The Jesuits brought an action in the Russian Constitutional Court seeking an order allowing them to be re-registered. They also challenged the constitutionality of some provisions of the new law.

As previously mentioned, the Court ruled on April 3, 2000 that those groups properly registered before the 1997 Law should be allowed to be registered under the same conditions as their original registration. This was an essential ruling since there was no place in Russia where 10 Jesuits resided in the same place (there were then only about 50 Jesuits in the entire country). The Jesuits were allowed registration thereafter.

#### *Objective: Liquidation of Jehovah's Witnesses (JW)*

In 1995 the anti-sect group known as *Committee for the Salvation of Youth from Totalitarian Cults* ("the Salvation Committee"), a non-governmental organisation aligned with the Russian Orthodox Church, filed a complaint against the members of the Jehovah's Witnesses of Moscow community's management with the Savyolovskiy District Prosecutor's Office in Moscow. It alleged in particular that Jehovah's Witnesses burdened their followers with exorbitant membership dues that put their families in a financially precarious situation and that they incited hatred toward "traditional" religions. On 11 August 1995 the prosecutor's office refused to institute a criminal investigation, finding no breaches of the community's registered charter, the Constitution or other laws. It was also noted that no complaints from private persons or legal entities concerning the activity of the community had been filed. However, the *Salvation Committee* filed the same complaint again and again four more times, which was dismissed every time until 1998 when finally the Salvation Committee having requested a new investigation for the fifth time, the Moscow City prosecutor's office reopened the case and assigned it to another investigator. On 13 April 1998 the new investigator found that "Jehovah's Witnesses alienated their followers from their families, intimidated believers and controlled their mind, as well as inciting them to civil disobedience and religious discord". The investigator asserted that the community acted in breach of Russian and international laws, but that no crimi-

nal offence could be established. Accordingly, she discontinued the criminal case but recommended that the prosecutor of the Northern District of Moscow lodge a civil action for the community to be dissolved and its activity banned.”

On 23 April 1998 the prosecutor of the Northern Administrative District of Moscow filed a civil action for the applicant community to be dissolved and its activity banned. The prosecutor’s charges against the applicant community were: (i) incitement to religious discord; (ii) coercion into destroying the family; (iii) encouragement of suicide or refusal on religious grounds of medical assistance to persons in life- or health-threatening conditions; (iv) infringement of rights and freedoms of citizens; and (v) luring teenagers and minors into the religious organisation.

On 15 July 2001, the Jehovah’s Witnesses finally won the case. The District Court held:

“[...] [T]he court came to the conclusion that there is no basis for the dissolution and banning of the activity of the religious community of Jehovah’s Witnesses in Moscow, since it has not been established that this community in Moscow violates the Russian Constitution or Russian laws, incites religious discord, coerces members into destroying the family, infringes the personality or rights or freedoms of citizens, encourages [others] to commit suicide or to refuse medical care for individuals who are in a life- or health-threatening condition for religious reasons.”

The court decision was however short-lived. It was quashed by a ruling of the Moscow City Court which remitted the claim for a fresh examination by a different bench and during the proceedings the Jehovah’s Witnesses were refused re-registration by officials in Moscow.

On 30 October 2001 a new round of proceedings began in the Golovinskiy District Court under a new presiding judge. On 26 March 2004 the Golovinskiy District Court of Moscow decided to uphold the prosecution’s claim, to dissolve the applicant community and to impose a permanent ban on its activities.

The applicant community appealed, but on 16 June 2004 the Moscow City Court dismissed the appeal and upheld the judgment of the Golovinskiy District Court, endorsing its reasons. An appeal was filed with the European Court of Human Rights.

On 10 June 2010, the European Court found that there had been a violation of Article 9 of the Convention read in the light of Article 11 on account of the dissolution of the applicant community and the banning of its activity; it found also that there had been a violation of Article 11 of the Convention

read in the light of Article 9 on account of the refusal to allow re-registration of the applicant community. Other suits were filed for liquidation in Kazan, Prokhladny and other cities.

*Objective: Liquidation of the Moscow Branch of the Salvation Army*

The Moscow branch of the Salvation Army was present in Russia in 1913 to 1923 and then officially registered as a religious organisation in 1992.

In 1997 the new law on Freedom of Conscience and Religious Associations was enacted which required that religious associations established before 1997 bring their articles of association in compliance with it and re-submit them for registration. Failure to submit an application for re-registration within the time-limit<sup>56</sup> entailed the termination of the organisation's legal entity status.

In August 1999 the applicant branch was denied re-registration. The Moscow Justice Department based its argument for refusal on the fact that the number of founding members was insufficient and that there were no documents to prove that the members were lawfully resident in Russia. It also held that since it had the word "branch" in its name and that the founders were foreign nationals, the organisation was ineligible for re-registration as a religious organisation under Russian law. The applicant challenged that refusal.

Before Presnenskiy District Court of Moscow the Department advanced a new argument. It maintained that the applicant branch should be denied registration as it was a "paramilitary organisation". In particular it noted that its members wore uniforms and served in the "army". It also contended that it was not legitimate to use the word "army" in the name of a religious organisation. The District Court endorsed that argument and further held that the applicant branch's articles of association failed to describe adequately the organisation's faith and objectives. Furthermore, the court concluded that it was clear that the organisation's articles of association assumed that the organization's activities would lead its members to break Russian law as it sought to limit the organisation's liability for the actions of its members. The Moscow City Court upheld that judgment on appeal. The applicant branch then

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<sup>56</sup> According to the regulations by the Ministry of Justice, – responsible for the implementation of the Law on Freedom of Conscience and Religious Associations –, religious organisations established before the law came into force (26 September 1997) had to re-register before 31 December 2000. The registration process was finally completed on 1 January 2001 as the State Duma decided to extend the deadline twice. (See ECHR decision *Jehovah's Witnesses v. Russia*, 10 June 2010, §89).

lodged an application for supervisory review with the City Court and the Supreme Court.

In the meantime the time-limit for re-registration of religious organisations expired and in September 2001 Taganskiy District Court of Moscow struck off the organisation from the State Register of Legal Entities. The applicant branch's requests to lodge an application for supervisory review were refused.

In October 2006, the European Court of Human Rights held unanimously that there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights read in the light of Article 9 (freedom of thought, conscience and religion) of the Convention.

### *Objective: Liquidation of Scientology*

In different locations in Russia, government officials have refused to allow the Church of Scientology to register as a religious entity, and in particular to re-register as a religious organization under the new 1997 Law.

The Church of Scientology of Moscow was officially registered on 25 January 1994 as a religious association having legal-entity status under the Religions Act of 25 October 1990. On 1 October 1997 the new Law on Freedom of Conscience and Religious Associations entered into force. It required all religious associations that had previously been granted legal-entity status to bring their articles of association into conformity with the Act and obtain re-registration from the competent Justice Department.

After a number of refusals in Moscow, a suit was filed and the Nikulinski Municipal Court ordered the re-registration of the Center. On 30 April 2002 the Nikulinskiy District Court refused the Justice Department's civil action for dissolution of the applicant, referring to the Constitutional Court's decision of 7 February 2002 in the case of *The Moscow Branch of The Salvation Army*, according to which a religious organisation could only be dissolved by a judicial decision if it was duly established that it had ceased its activity or had engaged in unlawful activities (for a detailed description of the decision, see *The Moscow Branch of The Salvation Army v. Russia*, no. 72881/01, §§ 23–24, ECHR 2006–...). Since the applicant had on-going financial and economic activities, maintained balance sheets and staged events in municipal districts of Moscow, and had not committed any wrongful acts, the action for

its dissolution was dismissed. On 18 July 2002 the Moscow City Court upheld that judgment on appeal.

However, Russian authorities rejected the application of the Church of Scientology of Moscow to re-register as a religious association nine times on various illegitimate grounds. In 2007, the European Court of Human Rights ruled that “the grounds invoked by the domestic authorities for refusing re-registration of the applicant had no lawful basis”, that “by the time the re-registration requirement was introduced, the applicant had lawfully existed and operated in Moscow as an independent religious community for three years” and that the community as a whole or its individual members had not been in breach of any domestic law or regulation governing their associative life and religious activities”. Therefore the Court decided that the decision of the Moscow City government’s refusal to register the Church of Scientology of Moscow as a religious organization constituted a violation of Article 11 of the Convention read in the light of Article 9.

In spite of this decision, the Russian government continues to refuse to register the Church.

In Surgut the centre of Scientology which had been initially registered as a non-religious entity was disallowed re-registration as a non-governmental organization on the ground that its activities were “religious in nature” but it was not allowed to register as religious organization on the grounds that it had not satisfied the 15 year rule (at least 15 years in existence in Russia prior to registration, as required by the 1997 law). The centre was officially dissolved as of January 2001. In Nizhnekamsk, scientologists were refused to register their local Church as a religious organization on the basis of the same 15 year rule.

The two cases were appealed at the European Court of Human Rights and on 1st October 2009, the European Court of Human Rights ruled that the refusal to register Scientology Churches in Surgut and Nizhnekamsk as religious organizations on the grounds that they had not existed for 15 years as required by the 1997 Law constituted a violation of the European Convention. This rule did not respond to any “pressing social need” and was not supported by any “relevant” and “sufficient” reasons which could justify the lengthy waiting period that a religious organisation had to endure prior to obtaining legal personality. In the light of these considerations, the Court found that the interference with the applicants’ rights to freedom of religion and association could not be said to have been “necessary in a democratic

society” and therefore there had been a violation of Article 9 of the Convention, interpreted in the light of Article 11.

Rather than registering the Surgut Church as a religious organization, the Russian government has instead organized an assault on the Surgut religious association and its founders by seizing all the basic Scientology Scriptures and declaring them “extremist”.

### Conclusion

FECRIS was created in France, a country advocating total separation of state and religions. Its vice-president is currently Alexander Dvorkin, a controversial figure in Russia and abroad, accused of hate speech towards religions competing with the Russian Orthodox Church.

FECRIS’ Russian member association headed by Alexander Dvorkin is an organ of the Orthodox Church and has been blessed by Patriarch of Moscow and All Russia Alexy II. It is a pawn in its strategy against religious pluralism. Key member organizations of FECRIS’ Russian member association are led by radical Orthodox priests and archpriests or are missionary departments of Orthodox dioceses (See ANNEX).

Alexander Dvorkin has also become the president of the Justice Ministry’s *Expert Council for Conducting State Religious-Studies Expert Analysis* the membership of which was totally replaced by Minister of Justice Alexander Konovalov, a former student of Alexander Dvorkin at St Tikhon Orthodox University.

The appointment of the new members has been widely criticized by leaders of non-Orthodox religions, the Ombudsman for Human Rights, the head of the Russian government’s Department for Relations with Religious Associations and the Slavic Center for Law and Justice. Several notorious new members have repeatedly made derogatory statements against non-Orthodox movements and one of them has even been condemned by a court for his extremist hate speech against a religious group. The question is “What has FECRIS to do with such a member association?”

It is legitimate for a Church to keep and develop its flock but not by all or any means. Spreading intolerance towards other religious groups in order to keep its faithful is not acceptable and this opinion is also shared by a number of prominent Orthodox figures in Russia and abroad.

The Orthodox Church in Russia would be well-advised to put an end to the activities of its institutions and zealous activists which damage its image on the international scene by spreading hate speech, a practice firmly condemned by the OSCE.

## ANNEX

**1) Новосибирское региональное отделение Центра религиозоведческих исследований**

**Novosibirsk Regional Department of the Centre for Religious Studies**  
The Chairman of the Regional Department Board of the Centre for Religious Studies – Archpriest Alexander Novopashin, РАЦИРС<sup>1</sup> Vice-President

**2) Саратовское региональное отделение Центра религиозоведческих исследований**

**Saratov Regional Department of the Centre for Religious Studies**  
The Chairman – Alexander Valeryevich Kuzmin

**3) Центр по вопросам сектантства при соборе св. благоверного кн. Александра Невского (Новосибирск)**

**St. Pious Prince Alexander Nevsky Cathedral Centre for the Issues of Sec-tarism (Novosibirsk)**  
The Head of the Centre – Oleg Vladimirovich Zaev

**4) Информационно-аналитический центр свт. Марка Ефесского (Тверь)**

**Saint Mark of Ephesus Informational-Analytical Centre (Tver)**  
The Head of the Centre – Archpriest Alexander Shabanov, РАЦИРС Vice-President, the Chairman of the Missionary Department of the Tver Diocese

**5) Центр по проблемам сект и оккультизма (Томск)**

**Centre for the Issues of Sects and Occultism (Tomsk)**  
The Head of the Centre – Maxim Valeryevich Stepanenko, the Head of the Missionary Department of the Tomsk Diocese  
E-mail: k-istine@mail.ru

**6) Миссионерский отдел Тульской епархии.**

**The Missionary Department of the Tula Diocese**  
The Chairman – Archpriest Oleg Kuzminov  
Secretary – Alexei Victorovich Yarasov



**7) Миссионерский отдел Санкт-Петербургской епархии**  
**The Missionary Department of the St. Petersburg Diocese**  
 The Vice-Chair – Priest Georgy Ioffe  
 Secretary – Valeria Alexandrovna Rychkova

**8) Камчатский апологетический центр свт. Патриарха Ермогена (Петропавловск-Камчатский)**

**Kamchatka Apologetic Centre of St. Patriarch Yermoghen (Petropavlovsk-Kamchatsky)**

The Head of the Centre – Priest Mikhail Neverov

**9) Просветительский отдел Ташкентской и Среднеазиатской Митрополии РПЦ**

**The Enlightenment Centre of the Tashkent and Middle Asia Metropolis of the Russian Orthodox Church**

The Chairman – Priest Sergyi Statsenko

**10) Общественный центр “Гражданская безопасность” (Ярославль)**  
 Директор

**Public Centre “Civil Security” (Yaroslavl)**

The Director – Evgeni Olegovich Mukhtarov

**11) Миссионерский отдел Рязанской епархии**

**The Missionary Department of the Ryazan Diocese**

The Chairman – Priest Arseny Vilkov

**12) Информационно-консультационный центр по вопросам тоталитарных сект (Ставрополь)**

**Informational-Consultative Centre for the Issues of Totalitarian Sects (Stavropol)**

The Head of the Centre – Anton Yurievich Skrynnikov

**13) Центр помощи пострадавшим от деструктивных сект (Казахстан)**  
**Help Centre for Victims of Destructive Sects (Kazakhstan)**

**14) Информационно-консультационный центр им. преп. Иосифа Волоцкого при Минской епархии Белорусского Экзархата**

**Reverend Joseph Volotski Informational-Consultative Centre of the Minsk Diocese of the Belorussian Exarchate**

The Head of the Centre, the Adviser on the Questions of New Religious Movements of the Minsk Diocese – Vladimir Alexandrovich Martinovich

**15) Антисектантский проект “Гнев” (Новгород Великий)**

**Anti-sectarian Project “Anger” (Veliky Novgorod)**

The Leader – Alexandr Igorevitch Chaousov

## Zusammenfassung

Seit tausend Jahren ist Russland ein orthodoxes Land, ein Bollwerk gegen die Expansion des Katholizismus und anderer Religionen. „Russisch-orthodoxe Länder“ wurden als kanonische Gebiete angesehen, auf denen das Moskauer Patriarchat die Konkurrenz anderer christlicher Religionen nicht duldete. Mit dem Fall der Berliner Mauer im Jahre 1989, der Weiterentwicklung der Telekommunikationstechnologie und der zunehmenden Globalisierung haben sich die „russisch-orthodoxen Länder“ zunehmend nach außen geöffnet, wurden jedoch gleichzeitig verwundbar. Gorbatschow förderte zwar Pluralismus und fairen Wettbewerb zwischen den Religionen, doch reaktionäre religiöse und politische Kräfte errichteten schon bald eine neue Mauer des Protektionismus.

Dieser Artikel bietet eine historische Perspektive auf die religiöse Vielfalt in diesem Land und nimmt die aktuelle Anti-Sekten-Politik des russischen Staates in den Blick. Er analysiert das Wesen und die Aktivitäten der FECRIS-Tochterorganisation in Russland (Zentrum für religiöse Studien St. Ireneus von Lyon), ihre engen Verbindungen zu radikalen orthodoxen und nationalistischen Kreisen, die dramatischen Auswirkungen ihrer Hetzreden und ihre entscheidende Rolle bei der Einschränkung von Religions- und Glaubensfreiheit.

Die Ablehnung von Pluralität und die weiterhin fehlende Toleranz gegenüber der katholischen Kirche und neuen religiösen Bewegungen bilden die Grundierung für das derzeitige religiöse Bild in Russland. Sowohl der Feldzug gegen Sekten als auch rechtliche Initiativen, welche russische Staatsbehörden zusammen mit der orthodoxen Kirche unternehmen, verfolgen ein und dasselbe Ziel: die religiöse Bereinigung des russischen Staatsgebiets. Der Kampf gegen Baptisten und Pfingstler, Zeugen Jehovas, Mormonen, Hare Krishna, Bahai, Falun Gong, Scientology und zahlreiche andere Glaubens- und Bekenntnisgemeinschaften ist Teil dieser Kampagne, für die sich hauptsächlich die FECRIS-Tochterorganisation verantwortlich zeichnet. Geleitet wird sie vom FECRIS-Vizepräsidenten Alexander Dvorkin. Dieser sowohl in Russland als auch im Ausland umstrittenen Figur werden Hetzreden gegen andere mit der russisch-orthodoxen Kirche konkurrierende religiöse Gruppen vorgeworfen.

Das Zentrum St. Ireneus von Lyon ist eine Einrichtung der orthodoxen Kirche, die von Alexius II., dem Patriarchen von Moskau und dem ganzen Land, geweiht wurde. Sie spielt eine Schlüsselrolle im strategischen Vorgehen gegen religiösen Pluralismus. Zudem werden wichtige Mitgliedsorganisatio-

nen der russischen FECRIS-Tochterorganisation von radikalen orthodoxen Priestern und Erzpriestern geleitet oder fungieren als Missionsabteilungen anderer orthodoxer Diözesen.

Diese Forschungsarbeit befasst sich mit der Frage: „Welche Verbindungen bestehen zwischen FECRIS und ihrer klerikal-orthodoxen Tochterorganisation; zwischen einer Organisation, die in Frankreich – einem Land der strikten Trennung von Staat und Religion – gegründet wurde und die mehrheitlich von der französischen Öffentlichkeit finanziert wird, und ihrem russischen Ableger?“

# **FECRIS AND ITS AFFILIATES IN AUSTRIA STATE AND MAINLINE RELIGIONS AGAINST RELIGIOUS DIVERSITY**

CHRISTIAN BRÜNNER / THOMAS NEGER

## **Austria – A Country where Freedom of Religion is in Danger**

For almost one thousand years, the Roman Catholic Church has established its dominance over the current territory of Austria. This privileged situation was challenged by the Protestant Reformation and was fought against under the rule of Emperor Joseph II but was more or less restored after these periods.

Throughout its history, Catholic Austria has had to face the issue of the increasing religious diversity.

The proliferation of Christian denominations in Austria can be traced to the second half of the 19<sup>th</sup> century. In 1867, religious freedom was granted to all inhabitants by the Fundamental Law of the State and in 1874, another law opened the possibility for religious communities to obtain official acknowledgment by the state. The Roman Catholic Church, the (Lutheran) Evangelical Church and the Jewish community were the first religions to attain this status. The Old Catholic Church of Austria followed in 1877. Islam was acknowledged in 1912 as a result of the Muslim community in Herzegovina then being part of the Austrian Empire.

After World War I, with the end of the Austrian monarchy, the new government established a policy of separation between state and religions which however did not affect the dominant position of the Roman Catholic Church. Despite this new orientation, the system of state recognition of religions was not abrogated and the system of hierarchy of religions put in place in the 19<sup>th</sup> century was used to accommodate a dozen more religions which did not develop missionary activities that could be to the detriment of the Catholic Church.

The rapidly increasing religious diversity now poses a new challenge to the mainline churches and religious communities and show that the Austrian model of separation between state and religions is not a guarantee of equal treatment of new religious groups and their members.

Resistance to the new mission-oriented faiths is originated from the established religious communities (e.g. the Catholic Church and the [Lutheran] Evangelical Church), from parliamentarians and various groups of society. In front of this alliance, hundreds of small religious groups and their members fight with modest means for their right to exist and to not be discriminated against. They are demonized by the religious and political establishment.

In 1997, the then Minister of Education estimated that in Austria 500 to 600 religious groups were in operation and constituted “a potential danger for people”<sup>1</sup> and furthermore estimated that there were 200,000 sympathizers and 50,000 “followers” of so-called “sects” (1996).<sup>2</sup>

In 1998, Austria passed a harsh religion law designed to exclude minority faiths from the rights and privileges afforded favored religions. This tiered recognition system excluded religious organizations from the preferred status of “religious groups” unless they had been in existence in Austria for at least 20 years with membership equaling at least .02 percent of the population (approximately 16,500 persons). The tiered system and duration requirements in this law were found to contravene the European Convention by the Human Rights Court in *Religionsgemeinschaft der Zeugen Jehovas and Others v. Austria* (July 2008, Application no. 40825/98) and the respective provision was repealed by the Austrian Constitutional Court in 2010. Yet, the July 2011 amendments to the 1998 Law retained the tiered system and population requirements and amended the duration requirements that continue to discriminate against new and minority faiths.

This research work will highlight the leading role that Austria has been playing for several decades in the fight against the new religious diversity through the dozens of anti-cult organizations created by the Catholic Church, the (Lutheran) Evangelical Church and various state institutions. It will also examine the contribution of the Society against Dangers of Sects and Cults (GSK), FECRIS association member in Austria, to the extension of that fight

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<sup>1</sup> Quote of the Minister of Education, Mrs. Elisabeth Gehrler, from an interview to a newspaper in 1997.

<sup>2</sup> The figures must be considered in relation to the fact that Austria has a population of more than 8 million inhabitants.

at the European level during a GSK member's presidency of FECRIS from 2005 to 2009.

### The History of the Anti-Sect Policy in Austria<sup>3</sup>

During the last thirty years, several laws and policies targeting “sects” have been adopted by various Austrian governments. Not only this development but also activities of numerous public, faith-based and private anti-sect groups have paved the way for the emergence and development of a national sect-phobia.

On the initiative of the Parents' Council<sup>4</sup> a brochure on “Youth Religions in Austria” – a concept developed in the German-speaking area of Europe to designate new religious movements that have expanded among young educated people – was published in 1982 by the former Federal Ministry of Education and Art.<sup>5</sup> Subsequently in 1987, the Federal Ministries dealing with family, education, health issues and consumer protection published a second edition of this brochure “informing anxious parents, teachers, youth counselors as well as young people on ‘so-called youth religions’ that were currently very active in Austria”.<sup>6</sup> Target groups were inter alia the Unification Church (Moon-Sect), Scientology, the Bhagwan-Movement, the International Society for Krishna-Consciousness, The New Akropolis Movement (based upon theosophical teachings) etc.

In the beginning of the 1990s the sect issue was brought by anti-sect movements to the European level.<sup>7</sup> In 1994 and 1996 the Austrian Parliament<sup>8</sup> de-

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<sup>3</sup> For an overview of the anti-sect movements in Austria see Brünner/Neger, Country Report Österreich, in Religion-Staat-Gesellschaft (RSG) 2011, No. 1, 79.

<sup>4</sup> “Elternbeirat” in German. The Parents' Council is an advisory commission representing the interests of a number of parents' associations that is consulted by the Ministry of Education on a number of issues. Its decisions are not binding. Some of the purposes of the Parents' Council are counseling on a number of societal issues; the sect issue has become one of them following sensational stories run by the media.

<sup>5</sup> „Jugendreligionen“ in Österreich. Die pseudoreligiösen Aussteiger, edited by the Federal Ministry of Education and Art (Bundesministerium für Unterricht und Kunst).

<sup>6</sup> Jugendreligionen. Psychokulte. Guru-Bewegungen, edited by the Federal Ministry of Education, Art and Sports (Bundesministerium für Unterricht, Kunst und Sport) and the Federal Ministry of Environment, Youth and Family (Bundesministerium für Umwelt, Jugend und Familie).

<sup>7</sup> See Potz, Preface (Geleitwort), in Brünner, „Sekten“ im Schussfeld von Staat und Gesellschaft. Ein Angriff auf Religionsfreiheit und Religionspluralismus (2004), 19 (20) f.

<sup>8</sup> Nationalrat.

bated for the first time on “sects” and “pseudo-religious” groups.<sup>9</sup> As a consequence of a debate on “matters of current interest”<sup>10</sup> in Parliament in December 1996, a brochure named “Youth Religions, Sects, Destructive Cults”<sup>11</sup> was published by the Social Science Study Group, a private association focused on a research-based discussion on current social issues.<sup>12</sup>

Later in 1997 the Federal Ministry dealing with environmental, youth and family issues published a brochure entitled “Sects – Knowledge Protects!”<sup>13</sup> A second edition followed in 1999. A few years later the Ministry stopped distributing the brochure.<sup>14</sup> Nevertheless the brochure can still be downloaded from the homepage of the “Society against Dangers of Sects and Cults”<sup>15</sup>, which is the Austrian member organization of FECRIS (European Federation of Centres of Research and Information on Sectarianism).

The brochure has been severely criticized. One of the main objections to the brochure was that it provided a vague and inconsistent concept of sects. One example for this concept is the Jehovah’s Witnesses: On the one hand Jehovah’s Witnesses’ “history and practices” are described in the brochure “Sects – Knowledge Protects!”, which suggests that they are considered a dangerous sect from which people need to be protected. On the other hand, the brochure explains that the Jehovah’s Witnesses have gained the status of a legal entity as a “registered confessional community”<sup>16</sup> in Austria. Yet this status can only be obtained if the administrative authorities cannot identify a possible danger for public security, public order, health and moral values as

<sup>9</sup> See the “comments on the government-draft of the law” (Erläuternde Bemerkungen zur Regierungsvorlage) providing for the creation of a Federal Agency for Sect Issues, 1158 BlgNR 20. GP 6.

<sup>10</sup> Aktuelle Stunde.

<sup>11</sup> “Jugendreligionen, Sekten, Destruktive Kulte”.

<sup>12</sup> Social Science Study Group (Sozialwissenschaftliche Arbeitsgemeinschaft), Study Paper (Studienarbeit) Nr. 112 (1997). This group does not exist anymore.

<sup>13</sup> Under the German title: “Sekten – Wissen Schützt!”.

<sup>14</sup> No reason was ever officially given to the interruption of the distribution of the brochure but criticisms by Austrian academics and religious freedom advocacy organizations might have played a role in this decision.

<sup>15</sup> “Gesellschaft gegen Sekten- und Kultgefahren (GSK)”: <http://www.sektenberatung.at/index.php?page=broschuere> (Apr 19, 2011).

<sup>16</sup> In Austria there exists a distinction between various categories of religious communities: legally recognized churches and religious communities (Gesetzlich anerkannte Kirchen und Religionsgesellschaften), registered confessional communities (Eingetragene religiöse Bekenntnisgemeinschaften), religious communities with the corporative status as an association (Verein) and religious communities without a corporative status.



well as the rights and freedom of others<sup>17</sup> as listed in Article 5 of the Registered Confessional Communities Act.<sup>18</sup>

The brochure divides the targeted groups in five categories: “Guru-Movements”<sup>19</sup>, “Psycho-Groups”<sup>20</sup>, movements which are based on a “new revelation”<sup>21</sup>, groups with some connections to Christianity<sup>22</sup> and other groups.<sup>23</sup> The definitions of these categories are quite vague as well. Two examples shall provide proof of that.

“Psycho-Groups” for instance are described as groups which propose a positive change in life by influencing the human mind by methods which do not reflect the scientific methods of psychology and psychotherapy. In short, “Psycho-Groups” are designed at enhancing people’s life through methods which are alternative to psychology or psychotherapy and could be considered as competitors to them.

“Guru-Movements” are portrayed as “different groups stemming from the Hindu tradition which worship a master” (Guru). Important key words among others are: “yoga, tantra or concepts of karma and reincarnation”, which relate to religious beliefs.

On September 1, 1998, the Austrian Parliament adopted a Law on the “Establishment of a Documentation and Information Centre on Matters Related to Sects”. Thereby, the Federal Agency for Sect Issues<sup>24</sup> was born. The comments on the government draft of the law cited anti-sect initiatives in the Austrian parliament and in the Council of Europe as justification for the law but also warned against cases of mass suicides, or murders, of the Peoples’ Temple Sect in Jonestown/Guyana, of the Davidian Sect in Waco/USA, or the Order of the Solar Temple in Cheryl/Switzerland. Even though such instances had never occurred in Austria, these were used as justification for reporting and publicizing information on so-called “sects”.<sup>25</sup>

<sup>17</sup> So-called “protected values”.

<sup>18</sup> Bekenntnisgemeinschaftengesetz.

<sup>19</sup> e.g. Brahma Kumaris, Sahaja Yoga or Sri Chinmoy.

<sup>20</sup> e.g. Landmark Education or Scientology.

<sup>21</sup> „Neuoffenbarungsbewegungen“, e.g. Fiat Lux.

<sup>22</sup> e.g. Unification Church (Moon-Sect) or Jehovah’s Witnesses.

<sup>23</sup> e.g. the European Workers’ Party (Europäische Arbeiterpartei)/Civil Rights Movement Solidarity (Bürgerrechtsbewegung Solidarität) or New Akropolis.

<sup>24</sup> Federal Agency for Sect Issues – Bundesstelle für Sektenfragen, BGBl I 1998/150.

<sup>25</sup> 1185 Blg NR 20. GP 6; cf. also OSCE/ODIHR Supplementary Human Dimension Meeting on Freedom of Religion or Belief, 17–18 July 2003, (Hofburg, Vienna), Statement of the Austrian Delegation.

This law introduced the notion “sect” as a general legal concept in Austria. The objective of this law is the establishment of a public institution which is entrusted with the task of documenting the dangers which would proceed from minority religious movements derogatorily designated as “sects”, and in particular from their belief systems or doctrines<sup>26</sup>, and to provide information on them. Legally recognized churches and religious communities are exempted from this law. Consequently all other religions or communities are perceived as “sects” and therefore considered dangerous.

## FECRIS and Austria

### *Activities*

In May 2005 an international conference about “Cults, Education and Training” was held in Vienna by FECRIS<sup>27</sup> and its Austrian member association, the “Society against Dangers of Sects and Cults” (GSK). The goal of this conference was to strengthen the resilience against alleged manipulations by sects in the field of education or training. Such manipulations were said to be carried out not only in the framework of training facilities put in place inside religious groups but also by attempts to provide learning opportunities for outsiders while conveying their own ideology under cover. On its homepage FECRIS expressed its gratitude to the French government under its Prime Minister Raffarin for its financial contribution to that conference.<sup>28</sup>

FECRIS’ activities in general and that conference in particular are questionable and problematic for various reasons:

First of all, Friedrich Griess<sup>29</sup>, President of FECRIS from May 22, 2005 until May 17, 2009 and member of the GSK<sup>30</sup>, made various disparaging statements. Mr. Griess and the GSK were sued by persons and associations linked

<sup>26</sup> See the section below “The Federal Agency for Sect Issues”.

<sup>27</sup> Fédération Européenne des Centres de Recherche et d’Information sur le Sectarisme.

<sup>28</sup> Cf. Homepage of FECRIS <http://www.FECRIS.org/> – Hyperlink “Conferences” – Wien 21.5. 2005 „Cults, education and training” (Apr 19, 2011).

<sup>29</sup> Mr. Friedrich Griess holds an engineering degree (Diplomingenieur: DI). He was IBM system analyst in Vienna. He is retired. For more information see Mr. Griess’ homepage: <http://griess.st1.at/> (Apr 19, 2011).

<sup>30</sup> Cf. homepage: <http://griess.st1.at/> (Apr 19, 2011); <http://foref.info/news/oesterreich/wien-subventionierung-der-gsk-gesellschaft-gegen-sekten-und-kultgefahren-durch-die-stadt-wien-in-2006-mit-10-000/> (Apr 19, 2011); <http://www.FECRIS.org/> – Hyperlink “Conferences” – Wien 21. 5. 2005 „Cults, Education and Training” – “Participants of the Conference” (Apr 19, 2011).

to the “Norwegian movement“, a neo-Pentecostal denomination of Norwegian origin, and told by the Courts to refrain from making unfounded accusations as shown in the section “Lawsuits” below. Even today, Mr. Griess is unwilling to refrain from making disparaging statements. This was shown for example in a television interview on the Austrian private television channel “Puls 4”, during which Mr. Griess repeated his usual accusations but refrained to name the Norwegian-movement explicitly.<sup>31</sup>

The second reason is that “criticized religious groups” usually do not get a chance to speak in events which are organized or co-organized by FECRIS and the GSK. Furthermore the cases of these groups, which are considered problematic, are generalized without sufficient empirical basis. Consequently it is questionable whether the analysis is a factual and impartial one.

A third aspect is that the generally negative assessment of religious groups which do not belong to mainstream churches is often based upon narrations of former members and apostates. These testimonies should in themselves be suspected to be biased; however usually no empirical validation of their critique has been conducted.

Lastly, no investigation has been carried out with the view that the fundamental right of freedom of religion (Art 9 para 1 of the European Convention of Human Rights) guarantees religious convictions and practices and that restriction of this freedom is only legitimate if one of the protected values listed in Art 9 para 2 of the European Convention of Human Rights is violated.

### *The Society against Dangers of Sects and Cults (GSK)<sup>32</sup>*

FECRIS’ member association in Austria is the “Society against Dangers of Sects and Cults” (GSK)<sup>33</sup>, which was established in 1977 as the “Association for the Protection of Spiritual Freedom”<sup>34</sup> and renamed under its present name in 1992.<sup>35</sup>

<sup>31</sup> See the „Puls 4“ broadcasting show of April 4, 2011, „Austria Undercover: Dangerous Faith (Österreich Undercover: Gefährlicher Glaube)“ available at <http://www.puls4.com/video/play/1143999> (Apr 19, 2011).

<sup>32</sup> Gesellschaft gegen Sekten- und Kultgefahren – GSK.

<sup>33</sup> Cf. Homepage of FECRIS: <http://www.FECRIS.org/> – Hyperlink “Members” (Apr 19, 2011).

<sup>34</sup> Verein zur Wahrung der geistigen Freiheit.

<sup>35</sup> Gesellschaft gegen Sekten- und Kultgefahren, <http://www.sektenberatung.at/index.php?page=ueber-uns> (Apr 19, 2011).

### *Legal Status and Range of Functions*

According to its statute, GSK is organized as an association under the Austrian law on associations.<sup>36</sup> Pursuant to this law, associations are legal entities governed by private law. According to Art 1 para 1 of the Association Act 2002<sup>37</sup> an association is a voluntary affiliation of at least two people organized with the objective of pursuing a common idealistic purpose and agreeing on a statute, which requires a clear and detailed description of the objectives of the association, its activities to achieve these objectives, the capability to raise funds or the rights and duties of its individual members.<sup>38</sup>

GSK headquarters are located in Vienna with activities in the rest of the country aiming at the establishment of local branches in other federal provinces<sup>39</sup> of Austria. GSK as a legal entity governed by private law needs organs and a representative who or which are officially entitled to deal with third parties.

The register of associations held by the responsible authority (i.e. the Central Police Department Vienna)<sup>40</sup> indicates two representatives for the GSK, namely Univ.-Prof. Dr. Brigitte Rollett, an Austrian psychologist who is the Chair of the association – she is also founder and President of the Austrian Society of Psychology and the Austrian Federation of Associations of Psychologists<sup>41</sup>, and therefore has an interest in fighting “psycho-groups” seen as competitors to psychology – and Dkfm. Erika Peikoff, also a psychologist, who functions as its secretary.<sup>42</sup>

In its statutes, the objective of the association is described as follows: “The association aims at helping parents and young adults to free themselves from religious paternalism (a concept in the anti-cult language referring to alleged psychological dependency to a religious leader or leadership) and to be able to reintegrate into society. Primarily the work of the association focuses on the group of people directly affected by the so called “New Youth Religions” which take advantage of their victims’ mental crisis in order to attract new

<sup>36</sup> Vereinsrecht.

<sup>37</sup> Vereinsgesetz 2002 (VerG).

<sup>38</sup> Cf. Art 3 para 2 VerG.

<sup>39</sup> „Bundesländer“. The Federal State of Austria is made up of 9 provinces (in German: Bundesländer).

<sup>40</sup> Bundespolizeidirektion Wien.

<sup>41</sup> For further information concerning her see [http://de.wikipedia.org/wiki/Brigitte\\_A.\\_Rollett](http://de.wikipedia.org/wiki/Brigitte_A._Rollett) (Apr 19, 2011).

<sup>42</sup> Extract from the register of associations (Zentrales Vereinsregister – ZVR) in ZVR-number 066524109 from Nov 4, 2010.

members. Additionally the association aims to provide public preventive information. It can cooperate with Austrian private and public institutions on a federal, provincial and local level as well as with similar associations in other countries.”

According to its statute the association makes use of material as well as non-material means in order to achieve its objectives. Information, speeches, talks, meetings, the publication of a newsletter and the distribution of informative literature are mentioned as non-material methods. To fulfill necessary material needs, the statutes enumerate membership fees, donations and other forms of voluntary contributions. However, most of its actual funding comes from public institutions (see “Financing” below).

According to its homepage, the GSK intends to provide a “safe haven to persons who seek help on their own behalf to cope with the effects caused by destructive cults”.<sup>43</sup> In practice, it is most of the time under the urge of relatives who disagree with or are anxious about their religious or philosophical choices that followers go to such anti-sect groups to receive critical information and “help” to exit.

The GSK’s homepage<sup>44</sup> includes various chapters such as information on “sects”, criteria to characterize “sects”, manipulation, mind control, dangers and various documents labeled as professional articles. Additionally a bibliography and links to homepages of former members and apostates of Jehovah’s Witnesses or Scientology are provided. The activities of the GSK and its underpinning philosophy are questionable and problematic as they are more or less similar to the ones mentioned in the chapter on France.

### *Activities*

According to its statute the GSK is active in various directions – organization of conferences and symposia, psychological counseling and exit assistance, support to next of kin and former members of cults, compilation of studies – as well as providing general information on new religious movements.

<sup>43</sup> See homepage: <http://www.sektenberatung.at/index.php?page=ueber-uns> (Apr 19, 2011).

<sup>44</sup> See homepage <http://www.sektenberatung.at/> (Apr 19, 2011); a short English version can be found at <http://www.sektenberatung.at/index.php?page=homeenglish> (Apr 19, 2011).

Apart from the mentioned conference about “Cults, Education and Training”<sup>45</sup>, other activities are worth mentioning and deserve to be analyzed.

On March 9, 2005, a symposium entitled “Sahaja Yoga and Child Welfare” was organized by the Agency of Lower Austria for Sect Issues<sup>46</sup> together with the Federal Agency for Sect Issues (both are state institutions), in Maria Enzersdorf, Lower Austria. The objective was to inform about the alleged dangers of Sahaja Yoga. The evaluation of this movement<sup>47</sup> was frankly biased and partial, raising fear about Austrian parents being lured to send their children to a kindergarten under the authority of a guru in Rome or to a Sahaja Yoga primary school in Dharamsala in India. Inter alia the managing director of the GSK, Mag. Martin Felinger, Doctor of Psychology<sup>48</sup>, was invited as a lecturer. A well-known child psychiatrist was member of the panel; in the discussion after his presentation, he had to admit that his negative judgment on Sahaja Yoga was (only) based upon three cases he had dealt with.

The main problem of the conference was that members of the mentioned Yoga group were neither consulted nor officially invited. This was even more problematic as the organizers were public authorities and the participants were mainly officials of public institutions. Such institutions are bound to the principle of a factual and impartial analysis and to the respect of fundamental rights such as the right to freedom of religion as well as the principle of equal treatment. Similarly, if such an event is organized by a public authority in cooperation with a private organization the public authority is still responsible to ensure a factual and impartial presentation and the observance of fundamental rights.

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<sup>45</sup> See Chapter II.0.

<sup>46</sup> Niederösterreichische Landesstelle für Sektenfragen.

<sup>47</sup> Among others, the main accusations were that children are being educated in boarding schools – some of which are located in India – and that meditation is practiced by children.

<sup>48</sup> Martin Felinger is also visiting lecturer at the Department of Psychological Basic Research of the University of Vienna. Cf. homepage: <http://online.univie.ac.at/pers?zuname=Felinger%2CMartin> (Apr 19, 2011); <http://foref.info/news/oesterreich/esterreichst-pelten-ne-landtag-nennt-jugendkongress-sucht-and-sekten/felinger-brief/> (Apr 19, 2011); <http://www.FECRIS.org/> – Hyperlink “Conferences” – Wien 21.5.2005 „Cults, education and training” – “Participants of the Conference” (Apr 19, 2011). He is a member of the expert team of the daily Barbara Karlich Talk Show on ORF Television (Austrian national public service broadcaster) addressing issues such as psychology, psychotherapy, religion, paranormal phenomena, esotericism, and so on.

On the homepage of the Lower Austrian Government<sup>49</sup> a course entitled “Cults – Peril for Young People”<sup>50</sup> is promoted.<sup>51</sup> The trainers are members of GSK. The main objective of the promoted service is to develop criteria that enable parents to identify possibly dangerous religious groups. Furthermore alleged strategies and techniques of these groups are described as well as hints given on how to prevent young adults from joining groups labeled “dangerous”. Another goal is to provide information on how to properly deal with people who are already members of so-called “sects”.<sup>52</sup>

In this case the public authority has to guarantee the commitment to fundamental rights, as mentioned above, notably concerning the selection of speakers. Yet, it needs to be stressed that representatives of new religious movements, lawyers or sociologists dealing with religions are not invited to such activities during which new religious movements are usually portrayed negatively and are deprived of the right to defend themselves against all sorts of accusations, and of course the scope of religious freedom is usually not explained

In March 2004 a study<sup>53</sup> on the topic “Dangers of Sects and Cults for Children and Young Adults”<sup>54</sup> was presented to the media by the GSK in St. Pölten, Lower Austria. Whereas Univ.-Prof. Dr. Brigitte Rollett was the project manager, Mag. Martin Felinger and Maria Adamek<sup>55</sup> functioned as the authors of the study. The survey was financed by the Federal Ministry for Social Security and Generations.

This study served as the basis for a “campaign against sects” by the province of Lower Austria<sup>56</sup> and appears to be problematic in various ways. First of all the study is based on an inadequate definition of “sects”. The notion “sect” is defined in the study as follows: “The term derives from the Latin word ‘secta’ (school, teaching, party; secta is the noun for the verb sequi,

<sup>49</sup> Niederösterreichische Landesregierung.

<sup>50</sup> “Sekten – eine Gefahr für junge Menschen”.

<sup>51</sup> See homepage: [http://www.noel.gv.at/Gesellschaft-Soziales/Familien/Elternschule/Elternschule\\_Spezialmodul.wai.html#128357](http://www.noel.gv.at/Gesellschaft-Soziales/Familien/Elternschule/Elternschule_Spezialmodul.wai.html#128357) (Apr 19, 2011).

<sup>52</sup> [http://www.noel.gv.at/Gesellschaft-Soziales/Familien/Elternschule/Elternschule\\_Spezialmodul.wai.html#128357](http://www.noel.gv.at/Gesellschaft-Soziales/Familien/Elternschule/Elternschule_Spezialmodul.wai.html#128357) (Apr 19, 2011).

<sup>53</sup> The study was based on a survey during which 1308 juveniles (from the age of fourteen to seventeen years) were interviewed.

<sup>54</sup> “Sekten- und Kultgefährdung bei Kindern und Jugendlichen”.

<sup>55</sup> She is an expert on adolescence and a contributor to the Encyclopedia of Adolescence published by Amazon (Editor: Jeffrey Jensen Arnett).

<sup>56</sup> See „Initiative des Landes gegen Sekten und Kulte“, in: meine family. Das NÖ Familienjournal 2/2004, 10.

which means 'to follow'). A crucial aspect of sects is therefore the act of teaching and the existence of a leader. Colloquially the word sect is often linked to 'secare' which means 'to separate' or 'to cut'. Accordingly 'sect' is a minority that is separated from the majority by their teaching and practical methods (Gasper, Müller & Valentin, 1994). Many sects are just of a superficial religious nature and often pursue financial or political goals (Rollett & Kaminger, 1996)."

It is obvious that the criterion "importance of teaching" in the context of sects is not specific enough and is in fact meaningless. Further the definition "a minority that is separated from the majority by their teaching" could apply to all religious groups in Austria which are different from the Catholic Church and consequently could be designated as "sects". Therefore the term "sect" in this study lacks any valid definition and is actually discriminatory insofar as it is only applied to minority religious groups in which their beliefs are derogatorily and arbitrarily labeled as "superficially religious".

Furthermore, the survey fails to differentiate between the different types of religious groups.<sup>57</sup> It was not pointed out to the interviewed teenagers that the "legally recognized churches and religious communities" and the "registered confessional communities" are not regarded as dangerous sects by law. Harmlessness of the respective community is a prerequisite for its legal recognition as well as for registration. This aspect is especially questionable in combination with some questions in the survey concerning experiences teenagers might have had with sects. An example is question 21 "Have you seen advertising undertaken by sects in the streets" which will probably have caused most people to think of proselytism by the Jehovah's Witnesses in their answers. At the time of the inquiry Jehovah's Witnesses were a "registered confessional community"; they could only get that status because they were no danger to the "protected values"<sup>58</sup> as stated in Art 5 of the Registered Confessional Communities Act.<sup>59</sup> Still the answers were used in an undifferentiated way in the study report in which the threat to people by "sects" was proclaimed. Furthermore, and although the results of the survey served for a public campaign, the public had only limited access to the details of the study report.<sup>60</sup>

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<sup>57</sup> See FN 16 above.

<sup>58</sup> These protected values ("Schutzgüter") are the given interests of a democratic society such as public security, public order, health and moral values as well as the rights and freedom of others.

<sup>59</sup> Bekenntnisgemeinschaftengesetz.

<sup>60</sup> Cf. also Brünner/Neger, Country Report Österreich (note 3).



An alarming article was published by an Austrian daily newspaper based upon this Lower Austrian survey only four days after its presentation. This article demonstrates how such a problematic survey can serve as the basis for an alarming anti-sect campaign. The headline of the article written by journalist Michael Pommer in the “Kronen Zeitung”<sup>61</sup> of March 23, 2004 (page 14) was: “One out of two teenagers was already lured by a sect. Around 600 religious groups in Austria. Peril for pupils”<sup>62</sup> In the text he writes about some 600 sects located in Austria.<sup>63</sup> The statement that one out of two teenagers was lured by a sect was (according to Pommer) the result of a recent survey about dangers of sects and cults for teenagers and children in Lower Austria.<sup>64, 65</sup>

In the context of counseling and warning against the dangers of sects the following has to be noted: Psychologists and psychiatrists should refrain from the temptation to define what is right and what is wrong in religious belief systems and concerning rituals and cultic practices.

### *Financing*

According to the information on its website financial support for the GSK is provided by the Municipal Administration of Vienna<sup>66</sup>, Directorate 13 (MA 13) “Education and Extra-School Youth Care”<sup>67</sup> as well as by the Family Office of the Lower Austrian Government.<sup>68, 69</sup> Until 2005 the GSK also received subsidies by the Federal Ministry of Family Affairs and Consumer Protection.<sup>70</sup> Heavy criticism by affected members of religious minorities might

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<sup>61</sup> The “Kronen Zeitung” is a daily tabloid newspaper with the highest circulation in Austria. Its style is often biased and polemic concerning minorities like Moslems or homeless people.

<sup>62</sup> “Jeder zweite Jugendliche wurde schon von einer Sekte geködert. Rund 600 religiöse Gruppen in Österreich. Gefahr für die Schüler”.

<sup>63</sup> This number has been circulating for a long time in the Austrian media without a link to a proper survey.

<sup>64</sup> Cf. also Brünner/Neger, Country Report Österreich (note 3).

<sup>65</sup> Recently Mr. Felinger participated in a TV series on „sects“. See the „Puls 4“ show of April 4, 2011, „Austria Undercover: Dangerous Faith (Österreich Undercover: Gefährlicher Glaube)“ available at <http://www.puls4.com/video/play/1143999> (Apr 19, 2011).

<sup>66</sup> Magistrat der Stadt Wien.

<sup>67</sup> “Bildung und außerschulische Jugendbetreuung”.

<sup>68</sup> Familienreferat der Niederösterreichischen Landesregierung.

<sup>69</sup> See homepage <http://www.sektenberatung.at/index.php?page=kontakt> (Apr 19, 2011).

<sup>70</sup> Bundesministerium für soziale Sicherheit, Generationen und Konsumentenschutz, now: Bundesministerium für Arbeit, Soziales und Konsumentenschutz.

have been a reason that financial support from the latter has been withdrawn.<sup>71</sup>

According to the data base of the “Viennese Landtag and local government”<sup>72</sup> – the local government (community council)<sup>73</sup> of Vienna approved the financial support – the GSK received approximately € 210.230 – of financial support from the city of Vienna from 1992 to 2008.

The amount of financial support by the province of Lower Austria is unknown. The GSK also received direct or indirect financing for specific projects or activities.<sup>74</sup> Lectures by GSK trainers for the “Lower Austrian Parents’ School”<sup>75</sup> were also financed.

Unfortunately, there is no information available concerning the whole budget of the GSK and the ratio of public funding compared to private financing, but it can be assumed that the subsidies by the public institutions are essential for the GSK to maintain their activities. The financial support by public authorities mentioned above is called subsidization.<sup>76</sup> The GSK as a legal entity governed by private law is only partly committed to the fundamental right of freedom of religion.<sup>77</sup> However if public authorities grant subsidies, these authorities take the responsibility that the institution receiving them acts in accordance with fundamental rights and freedoms. Consequently public authorities are obliged to guarantee the observance of fundamental rights by the subsidized institution in the contract of subsidization. When asked about whether such a provision was mentioned in the contract with GSK, the relevant authorities failed to answer. Noteworthy is the general lack of transparency concerning the public financing of the anti-sect movements in Austria.

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<sup>71</sup> See homepage <http://foref.info/news/oesterreich/wien-subventionierung-der-gsk-gesellschaft-gegen-sekten-und-kultgefahren-durch-die-stadt-wien-in-2006-mit-10-000/> (Apr 19, 2011).

<sup>72</sup> Informationsdatenbank des Wiener Landtages und Gemeinderates “Infodat Wien”, <http://www.wien.gv.at/infodat/> (Apr 19, 2011). The organ is the regional parliament for Vienna and at the same time the council of the community of Vienna.

<sup>73</sup> Gemeinderat.

<sup>74</sup> Cf. the projects and activities of the association mentioned above.

<sup>75</sup> “Niederösterreichische Elternschule”.

<sup>76</sup> “Subventionierung”. Subsidization is a monetary aid for private initiatives with the obligation to use it only for the defined purposes that are of public interest.

<sup>77</sup> See the section “The Commitment to Fundamental Rights and Freedom of Religion of Private Organizations Providing Information and Warning on ‘Sects.’”

## Practical Examples of Disparagement<sup>78</sup>

### *Disparaging Statements*

Various statements made by anti-sect representatives, who were directly or indirectly (via the GSK) linked to FECRIS, resulted in legal suits filed by the victims.<sup>79</sup>

The “Norwegian movement”<sup>80</sup>, also called “Smith’s Friends” (named after its founder), a worldwide Christian Church, was criticized several times by Mr. Griess and also by the GSK. The background of the accusations was that the son of a medical doctor belonging to the “Norwegian-movement” met Mr. Griess’ daughter<sup>81</sup>, Wiltrud Griess, during their university studies. Through this contact Wiltrud Griess gained insight into the movement of Smith’s Friends and subsequently adhered to it. When the doctor met her “she was in a state of mental instability [...] and suffered from a lack of concentration and depression”; supposedly she also intended to commit suicide.<sup>82</sup> Although she attributed her psychological problems to a family situation (incest committed on her by her brother without their parents’ knowledge) and was thankful to her religious community for helping her in those difficult times, Mr. Griess held the “Norwegian movement” responsible for the mental state of his (adult) daughter, and he publicly accused and disparaged the movement and its members.<sup>83</sup>

<sup>78</sup> This term should under no circumstances be understood in the sense of the Austrian penal code.

<sup>79</sup> See the section „Lawsuits“.

<sup>80</sup> See homepage [www.norweger.at](http://www.norweger.at) (Apr 19, 2011). The “Norwegian movement” (“Brunstad Christian Church”) was established in Norway early in the 20th century by Johan Oscar Smith. Cf. [http://en.wikipedia.org/wiki/Brunstad\\_Christian\\_Church](http://en.wikipedia.org/wiki/Brunstad_Christian_Church) (Apr 19, 2011).

<sup>81</sup> In Austria the “Norwegian movement” is neither a “registered confessional community” (“eingetragene Bekenntnisgemeinschaft”) nor a “legally recognized religious community” (“gesetzlich anerkannte Religionsgesellschaft”). Nevertheless the regulations protecting the fundamental right of religious freedom apply to the “Norwegian movement”.

<sup>82</sup> Later on, Mr. Griess became a leading figure, press aide, webmaster and motor of the GSK and from 2005 to 2009 he also was President of FECRIS. Cf. <http://foref.info/news/oesterreich/wien-subventionierung-der-gsk-gesellschaft-gegen-sekten-und-kultgefahren-durch-die-stadt-wien-in-2006-mit-10-000/> (Apr 19, 2011); <http://griess.st1.at/> (Apr 19, 2011).

<sup>83</sup> This was a finding in a decision of the “Austrian Medical Chamber’s disciplinary panel” (Disziplinarrat der Österreichischen Ärztekammer, Disziplinarkommission für Wien, Niederösterreich und Burgenland) of March 21, 1986, number: Dk 50/85 W, which was based on a complaint about the medical doctor who was treating Wiltrud Griess.

<sup>83</sup> According to information posted on the internet (<http://www.hotforum.nl/forum/anderekant/539351/opheldering-door-wiltrud-griess/> [Apr 19, 2011]), Wiltrud Griess had a difficult relationship with her family, especially with her father, after joining the Norwegian movement

Thereafter Mr. Griess made the following public statements about the “Norwegian-movement” which were quoted in various lawsuits and settlements:<sup>84</sup>

- in Norway the average suicide rate within the “Norwegian-movement” is higher than among the total population; as regards to women it is twice as high;
- members are recruited by the method of “flirty fishing”;
- the “Norwegian-movement” deliberately caused mental damage to his daughter and drove her into suicide thus constituting a criminal act.

Besides the disparaging statements of Mr. Griess and the GSK concerning the “Norwegian movement”, two further examples of disparagement should be mentioned in this context. The first is a CD-ROM produced by the diocese of Linz with a public subsidization provided by the province of Upper Austria. More than 300 movements are described in the CD-ROM. In many cases the descriptions are not up to date, do not rely on facts and offend the principle “audiatur et altera pars” (“the other party has to be heard”). The CD-ROM was uploaded to the intranet of the school network (EDUHi) of Upper Austria<sup>85</sup> retrievable directly by pupils and teachers, indirectly (with a code) by others. The CD-ROM has since then been removed from the intranet.<sup>86</sup>

The second example of disparagement is a publication entitled “Brain poison and soul murder. The shadow economy of sects and other belief markets”<sup>87</sup>, written by the journalist Günther Zäuner in 2009. Aside from the negative aspect of not being factual and impartial, the publication mentions followers of minority religious groups with their names; as a consequence these individuals faced difficulties in their professional advancement as a result of their membership in groups labeled as “sects”.

The problem is that activities undertaken and statements given by anti-sect counseling bodies, sect information centers, “sect experts” etc. often give the

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although she made her choice when she was an adult. On his homepage (<http://griess.st1.at/> [Apr 19, 2011]) Mr. Griess sees himself as a dedicated Catholic.

<sup>84</sup> “Gerichtlicher Vergleich”, concerning lawsuits of the “Norwegian movement” against Mr. Griess <http://www.norweger.at/griess-handelsgericht> (Apr 19, 2011) see the section “Lawsuits”.

<sup>85</sup> Oberösterreichisches Schul-Netzwerk (Education Highway – EDUHi).

<sup>86</sup> The CD-ROM was heavily criticized; see Brünner, „Sekten“ im Schussfeld von Staat und Gesellschaft. Ein Angriff auf Religionsfreiheit und Religionspluralismus (2004).

<sup>87</sup> “Hirngift und Seelenmord. Die Schattenwirtschaft der Sekten und anderer Glaubensmärkte”.

impression of seriousness. Their assessments are used and spread by media<sup>88</sup>, often without giving the respective religious community a chance to express their own views. This is one of the main reasons why a negative image is conveyed with respect to religious communities that are not part of the mainstream religions in the public opinion, thereby fueling social hostility and discrimination against religious minorities among the public.

### *Lawsuits*

In the following lawsuits against Mr. Griess and the GSK initiated by the “Norwegian movement”, disparaging statements have been investigated. The chart gives an overview of the various lawsuits.<sup>89</sup>

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<sup>88</sup> A recent example is an article in the newspaper “Der Standard, May 5, 2011, U12” on the criticized activity of the Austrian branch of Scientology, which in fact can not explicitly be assigned to Scientology. The activity under scrutiny was a stress-test that was conducted especially with students in the close neighborhood of the University of Vienna. On the information desk publications by L. Ron Hubbard were displayed. Out of this activity the journalist concluded that the main but hidden intention of this activity was not to inform but rather to recruit students into Scientology (the journalist used the word “roped”/“keilen”). In the article the journalist referred to similar assessments by Mr. Felinger and Mr. Handl, a former member and apostate of Scientology.

<sup>89</sup> For further information on the trials in German language see homepage <http://www.norweiger.at/griess-handelsgericht> (Apr 19, 2011).

Year	Case	Plaintiff	Defendant	Subject	Result/ Outcome
1996	Causa 17 Cg 15/96d at the Commercial Court <sup>90</sup> of Vienna	1) Christian Family Association <sup>91</sup> 2) Styrian Christian Family Association <sup>92</sup> 3) Association: "Life" <sup>93</sup> 4) Prof. Mag. Dietrich Huemer <sup>94</sup> 5) Dr. Peter Koller <sup>95</sup>	1) GSK 2) DI Friedrich Griess 3) Prof. Mag. Leopoldine Griess		Compromise/ settlement obliging the defendants to refrain from making certain statements about the plaintiffs and the "Norwegian movement" immediately
1997	Lawsuit at the Commercial Court of Vienna; details are – based on a legal agreement – available only on demand at Steirischer Christlicher Familienverein, Bahnhofstraße 326, A-8962 Gröbming.				

<sup>90</sup> Handelsgericht – HG.

<sup>91</sup> Christlicher Familienverein.

<sup>92</sup> Steirischer Christlicher Familienverein, which is an association connected with the "Norwegian movement".

<sup>93</sup> Verein: "Das Leben".

<sup>94</sup> Prof. Mag. Dietrich Huemer was chairman of the Styrian Christian Family Association.

<sup>95</sup> Dr. Peter Koller is a member of the "Norwegian movement".

Year	Case	Plaintiff	Defendant	Subject	Result/ Outcome
1998	Causa 17 O 85/98 at the Regional Court <sup>96</sup> of Stuttgart (Germany)	Association "Life" e.V. <sup>97</sup>	DI Friedrich Griess	Disparaging statements of Mr. Griess about the "Norwegian movement"	Compromise/settlement, obliging Mr. Griess to refrain from making the statement that in Norway the average suicide rate within the "Norwegian movement" is higher than among the total population and that as regards women it is supposed to be twice as high
1998	Causa 37 Cg 77/98x at the Commercial Court of Vienna	1) Christian Family Association 2) Styrian Christian Family Association 3) Association "Life"	DI Friedrich Griess	Various disparaging statements by Mr. Griess about the plaintiffs as well as the "Norwegian movement"	Compromise/settlement, obliging Mr. Griess to refrain from making various disparaging statements about the plaintiffs as well as the "Norwegian movement" immediately

<sup>96</sup> Landgericht.

<sup>97</sup> Verband „Das Leben“ e.V.

Year	Case	Plaintiff	Defendant	Subject	Result/ Outcome
2000	Causa 37 Cg 19/00y at the Commercial Court of Vienna	Christian Family Association	DI Friedrich Griess	Publication of an article entitled "Our experience with the sect 'Smith's Friends'" (in Norwegian language) on the homepage of Mr. Griess	Compromise/settlement, obliging Mr. Griess to publish a statement on this article made by the plaintiffs on his homepage as well as to add a link to the homepage www.Norwegian.at
2000	Causa 37 Cg 77/98x at the Commercial Court <sup>98</sup> of Vienna	1) Christian Family Association 2) Styrian Christian Family Association 3) Association "Life"	DI Friedrich Griess	Various disparaging statements by Mr. Griess about the plaintiffs as well as the "Norwegian-movement"	Compromise/settlement, obliging Mr. Griess to refrain from making various disparaging statements about the plaintiffs as well as the "Norwegian-movement" immediately
2004	Causa 8 E 2687/02s at the District Court of Klosterneuburg			Compulsory enforcement of causa 17 Cg 15/96d	

<sup>98</sup> Bezirksgericht – BG.



Year	Case	Plaintiff	Defendant	Subject	Result/ Outcome
2000 to 2006	Copyright-lawsuit: Provincial Court <sup>99</sup> of Klosterneuburg (16 Cg 115/02v); High State Court <sup>100</sup> of Vienna (4 R 315/04d); Supreme Court <sup>101</sup> (4 Ob 146/05g)	1) Sigurt J. Bratlie  2) Skjulte Skatters Forlag	DI Friedrich Griess	Translation and distribution of writings of the “Norwegian movement“ by Mr. Griess without permission	

Consequently Mr. Griess and the GSK have had to refrain from making the disparaging accusations which they were sued for. In this regard some examples should be given.

During the lawsuit 17 Cg 15/96d before the Commercial Court of Vienna<sup>102</sup> in 1996, GSK had to commit to refrain from making the following accusations or statements of similar content: Wiltrud Griess was like many other people severely mentally damaged, destroyed and driven mad by the intrigues of the “Norwegian movement“; the suicide rate is high within the “Norwegian movement“; the “Norwegian movement“ claims they are morally superior to members of all other Christian confessions; in fact incest, adultery, defraud and lies are common within the “Norwegian-movement“. Moreover Mr. Griess had to commit to refrain from making a number of insulting statements about the movement or single members of it during the lawsuit.

In 1998 Mr. Griess had to commit before the Commercial Court of Vienna (lawsuit 37 Cg 77/98x) to refrain from making the following accusations: the “Norwegian movement“ sustains such a regime of terror that two girls had to

<sup>99</sup> Landesgericht – LG.

<sup>100</sup> Oberlandesgericht – OLG.

<sup>101</sup> Oberster Gerichtshof – OGH.

<sup>102</sup> Due to the Austrian regulations the Commercial Court of Vienna was cognizant.

run away from home because apparently they couldn't cope with this terror anymore; the "Norwegian movement" deliberately caused mental damage to his daughter up to the point that she wanted to commit suicide<sup>103</sup>; the suicide rate of the Austrian members of the movement is above average.

In summary, the defendants were obliged to refrain from making various insulting and untrue accusations against the "Norwegian movement" or individual members of it. However, Mr. Griess sometimes failed to respect the court decisions and therefore enforcement measures had to be taken.<sup>104</sup>

From 2002 on, the "Norwegian movement" started taking legal action against Mr. Griess due to copyright infringements. Mr. Griess had spread and translated text fragments and quotations of the "Norwegian movement" without permission of the owner of the copyrights and posted them onto his homepage.<sup>105</sup> In 2005 Mr. Griess was sentenced to refrain from duplicating certain translated texts of the "Norwegian movement" and ordered to delete these texts from his homepage by the Austrian Supreme Court<sup>106</sup> on the basis of a violation of the copyright law.<sup>107</sup> Then in 2006, Mr. Griess was sentenced by the State Court of Klosterneuburg to stop duplication, distribution or any other use of certain translated texts of the "Norwegian movement". Anew Mr. Griess was sentenced to delete a text of the "Norwegian movement" from his homepage.<sup>108</sup>

Despite a widespread discriminatory attitude towards minority religious communities and their members, relatively few court decisions are available in this regard. The reason for this is that the procedures and legal instruments for bringing discrimination issues in front of a court are hardly developed: access to records, right to have discriminatory statements withdrawn, compensation of immaterial damages caused by "information" and warnings about so-called "sects" are not up to European standards.

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<sup>103</sup> See the daughter's version above under the title "Disparaging Statements": she explains that the temptation of suicide was coming from the incest committed on her by her brother and that the "Norwegian movement" helped her overcome this trauma.

<sup>104</sup> E.g. in 2004 Mr. Griess distributed a brochure written by him concerning the "Norwegian movement" during a lecture. He wrote the following: "in fact incest, adultery, defraud, lies and brutality are common among them according to the present reports". Thereafter a coercive penalty of € 600,- was imposed on Mr. Griess and he had to bear the procedural costs. Cf. BG Klosterneuburg, 008 E 2687/02 s.

<sup>105</sup> Partly the texts were not cited in the respective context. Mr. Griess also commented some of these texts pejoratively.

<sup>106</sup> Oberster Gerichtshof der Republik Österreich – OGH.

<sup>107</sup> Cf. OGH, 4 Ob 146/05g.

<sup>108</sup> Cf. homepage <http://www.norweger.at/de/urheberrecht-ig-knbg.-2006.html> (Apr 19, 2011).

## An Overview of the Austrian Anti-Sect Scene<sup>109</sup>

### *New Religious Movements/“Sects”*

To combat illegal behavior of individuals or associations the Austrian legal system provides a variety of common legal instruments. These include penal and civil law regulations as well as trade/commercial law, medical law including legal regulations concerning psychotherapy, psychology and consumer protection.<sup>110</sup> The efficiency of such instruments, however, has been questioned because the alleged “victims” usually do not want to make use of them and others such as family members often do not have the legal authority to use these instruments.

On the one hand the reason for this situation is that “victims” are not really victims and they do not want to complain about something they adhered to by choice being consenting members of minority religious groups in the first place. On the other hand families are often skeptical about the religious choice of their family members and might wish to hold the religious groups responsible for certain things. However the right to sue is usually not open for family members.

This would explain the families’ desire of information, detection and warning systems provided by the public authorities.<sup>111</sup> This demand again is used to justify anti-sect engagement by the government and to support the anti-sect campaign, sometimes violating the duty of neutrality and the fundamental right of freedom of religion.

New religious movements are often marked as “sects”. As it is a notion that automatically generates negative connotations one should refrain from using it at all.<sup>112</sup>

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<sup>109</sup> For a summary of anti-sect movements in Austria see Brünner/Neger, Country Report Österreich (note 3).

<sup>110</sup> Cf. Kalb/Potz/Schinkele, Religionsrecht (2003) 144 ff.

<sup>111</sup> Cf. Mayer (Hrsg), Staat und „Sekten“ – staatliche Information und Rechtsschutz (2001); Brünner, „Sekten“ im Schussfeld von Staat und Gesellschaft. Ein Angriff auf Religionsfreiheit und Religionspluralismus (2004).

<sup>112</sup> The „Enquete-Commission of the German Bundestag“ („Enquete-Kommission des Deutschen Bundestages“), „Sogenannte Sekten und Psychogruppen“, BT Drucksache 13/10950, refuses to use the term “Sekte” (“sect”) in their final report as it carries negative connotations. Cf. also a recommendation by Human Rights Without Frontiers International to the Austrian Federal Government (“Bundesregierung”) in the brochure „Religionsfreiheit, Intoleranz, Diskriminierung in der Europäischen Union. Österreich 2003–2004, Brüssel, August 2004; cf. further Wartsch, „Schlagwort Sekte (2008).

### *The Federal Agency for Sect Issues*<sup>113</sup>

In 1998 a Federal Law on the “Establishment of a Documentation and Information Centre on Matters Related to Sects” (the “Law”) was enacted. The main objective of the law was to create an institution (the Federal Agency for Sect Issues) entrusted with the task of gathering information and documentation on the possible dangers<sup>114</sup> arising from so-called “sects” or similar organizations.

The activities of the Federal Agency for Sect Issues are defined and clarified in the Law as consisting in documentation and information about belief systems and doctrines, communities and activities that are potentially dangerous as stated in Art 4 para 1 of the Law. Documentation and information take place if there is a reasonable suspicion and if the alleged possible danger concerns one of the five “protected values”.<sup>115</sup>

The Federal Agency for Sect Issues is an independent institution of public law. To fulfill its tasks, it is legally bound by various “commitments”, which are the preservation of tolerance towards all religious communities and ideologies as well as the respect of fundamental freedoms and human rights including the fundamental right of freedom of religion for all citizens – commitments which are violated from the outset since its stated purpose is assessing the dangerousness of belief systems and doctrines, in violation of all the case law of the European Court of Human Rights which compels neutrality of the State and prohibits assessment of beliefs. The Federal Agency for Sect Issues is obliged as a matter of principle to provide factual, objective and truthful information by all means.<sup>116</sup>

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<sup>113</sup> Bundesstelle für Sektenfragen.

<sup>114</sup> According to the “comments on the government draft of the law” (Erläuternde Bemerkungen zur Regierungsvorlage), danger is assumed even if legal charges cannot be or are not yet brought (1158 BlgNR 20. GP 12).

<sup>115</sup> “Schutzgüter”. According to Art 4 para 1 the protected values are:

- the life or physical or mental health of persons;
- the free development of human personality, including the freedom to join or to leave religious or belief communities;
- the integrity of family life;
- the property or the financial autonomy of persons or
- the free spiritual and physical development of children and young people.

<sup>116</sup> See Art 4 para 2 of the Federal Law on the “Establishment of a Documentation and Information Centre on Matters Related to Sects”.

The Law is questionable in various ways. Nevertheless, critical statements about the Law<sup>117</sup> and alternative suggestions fall on deaf ears.

Neither does the Law meet constitutional standards nor does it conform to the principle of equal treatment. The Law does not provide any precise information on what constitutes a “sect”; additionally the notion “sect” is used pejoratively. The Law does not concern “legally recognized churches and religious communities”.<sup>118</sup> Independence and freedom from government instructions of the Federal Agency for Sect Issues are mentioned in the “comments on the government draft of the law” but are not guaranteed by the Law. The Federal Agency for Sect Issues does not have a scientific panel of experts to guarantee an objective foundation of its activities. The Law does not provide for procedures to control the activities performed by the Federal Agency for Sect Issues.

There have been cases in which the Federal Agency for Sect Issues even acted at the fringe of its legal possibilities, for instance when it included a religious community in its “sect report”<sup>119</sup> which was a “registered confessional community”.<sup>120</sup> One has to be aware of the fact that a “registered confessional community” is only permitted to be registered as a religious group if it does not constitute any threat to the “protected values” stated in Art 5 para 1 No. 1 of the Registered Confessional Communities Act, the content of

<sup>117</sup> Further literature concerning this matter can be found in: Brünner, Religionsfreiheit – ein gefährdetes Gut auch in Österreich, in: Christian Brünner (ed.), Diskriminierung aus religiösen Gründen (2009), 19 (20).

<sup>118</sup> The “comments on the government draft of the law” explain this by the right of legally recognized churches and religious communities to govern their own internal affairs: “Therefore it may be assumed that it is the duty of legally recognized churches and religious communities to take corrective action against abuses within their groups.” (1158 BlgNR 20. GP 10). Recent cases of abuse within the Catholic Church show that this hypothesis is wrong. The “clerical” view, to be a state within the state, corresponds with the view by the Staat (state authorities), as shown by the following statement made by Dr. Martin Bartenstein, Federal Minister of Environment, Youth and Family in 1998 during a meeting of the family committee of the Austrian parliament: “If any dangers according to Art 4 of this law within legally recognized churches and religious communities as well as their institutions should be noted by the Federal Agency for Sect Issues, the leading church organs have to be informed. Individuals affected by such threats must be offered support by the Federal Ministry of Environment, Youth and Family and the Bundesstelle für Sektenfragen respectively.” (See the respective report of the family committee in StenProtNR 1287, 20. GP 1 f). The “clerical” view and the statement by the Federal Minister must be opposed. Legally recognized churches and religious communities are not exempted from law and it is the duty of state authorities to pursue abuses, not only to inform or to provide support.

<sup>119</sup> “Sektenbericht”.

<sup>120</sup> About Jehovah’s Witnesses, at that time a registered confessional community, the latest information was published in 2005 by the Federal Agency for Sect Issues in its activity report for that year (62 ff).

which is similar to the term “protected values” stated in Art 4 para 1 of the Federal Law on the “Establishment of a Documentation and Information Centre on Matters Related to Sects”. Any threat to the “protected values” is a legal condition for the Federal Agency for Sect Issues to start documenting and informing about a certain group. (Art 1 para 1 in connection with Art 2 of the Law”).<sup>121</sup> Therefore it was illegal to include Jehovah’s Witnesses into the “sect report”.

Furthermore the Federal Agency for Sect Issues acted illegally when it included an association in its report that neither endangered the “protected values” mentioned in Art 4 para 1 of the Law, nor constituted a religious or belief community, thereby infringing a second condition for the Federal Agency for Sect Issues to initiate action (Art 2 of the Federal Law on the “Establishment of a Documentation and Information Centre on Matters Related to Sects”).<sup>122, 123</sup>

### ***Other Governmental, Church-Based and Private Anti-Sect Institutions***

Apart from the Federal Agency for Sect Issues there are numerous other information centers specializing in “questions on sects and world view matters”.<sup>124</sup> The 2008/2009 activity report of the Federal Agency for Sect Issues enumerates seven other state institutions, nine centers run by the Catholic Church<sup>125</sup>, seven centers run by the Protestant Church, three private fa-

<sup>121</sup> Cf. Brünner, Religionsfreiheit – ein gefährdetes Gut auch in Österreich, in Brünner (Hrsg), Diskriminierung aus religiösen Gründen (2009) 21.

<sup>122</sup> In this way, information was illegally published in the “2005 Activity Report by the Federal Agency for Sect Issues“ (65 f) about the association FOREF (Forum Religionsfreiheit – Europa), because FOREF is neither a religious or a belief community nor does it develop any dangerous activities.

<sup>123</sup> Cf. Brünner, Religionsfreiheit – ein gefährdetes Gut auch in Österreich, in Brünner (Hrsg), Diskriminierung aus religiösen Gründen (2009) 22.

<sup>124</sup> For the issue „Sekten“ (sects) in Austria cf. further Kalb/Potz/Schinkele, Religionsrecht (2003) 136 ff; Brünner, „Sekten“ im Schussfeld von Staat und Gesellschaft. Ein Angriff auf Religionsfreiheit und Religionspluralismus (2004); Warty, „Schlag“-wort Sekte (2008); Vldar, Öffentlich-rechtliche Anerkennung und Sektensigma, in Hetzenauer (Hrsg), Jehovas Zeugen in Österreich als Körperschaft des öffentlichen Rechts (2010).

<sup>125</sup> Since 1983 the Department of World View Matters of the archdiocese of Vienna has been editing a series of brochures “Sects, special religious communities, world views” (Werkmappe “Sekten, religiöse Sondergemeinschaften, Weltanschauungen”), see homepage <http://www.weltanschauungsfragen.at/publikationen> (May 6, 2011). At present the series consists of 98 brochures. As regards the descriptions of religious communities, these are drafted in a detailed and informative manner and although the communities have not been given the opportunity to describe themselves in the brochures, they appear to be impartial.

cilities and eight family information centers focusing on “counseling for families concerning sect issues”.<sup>126</sup> The family information centers are partly private, partly public and partly church-based. All together there exist 34 sect information centers.

For lack of reliable information we cannot assess the activities of the sect information centers which are carried out indoors, like for instance the counseling of parents and relatives of converts to new religious movements or the information provided in case of an investigation (non-public). It would be desirable if these activities were conducted impartially and within the legal frame of the fundamental right of freedom of religion. However, it occurs from time to time that religious communities complain about having been discriminated against after counseling or an investigation, for instance by having been refused a room rental for the purpose of an event because the community had been characterized as a “sect” by the respective sect information centre.

An outstanding positive example of information activities has to be mentioned, in particular the brochure “Churches and Religious Communities in Tyrol” published by the Association Youth and Society which contains lectures held at different events organized by the Tyrolian Governmental Cult Information Centre.<sup>127</sup> The brochure describes the legally recognized churches and religious communities which are resident in the province of Tyrol. This brochure is exemplary since the religious communities are described by themselves providing a deeper and more authentic insight into the community’s beliefs and teachings. Furthermore one contribution to the brochure emphasizes the fundamental right to freedom of religion as an individual and collective right.

It needs to be stressed that the commitment to fundamental rights including the principle of equal treatment also applies to all other public institutions which publicize information and advice even if it is not explicitly laid down for these institutions. The same is true for corporations of public law, for instance legally recognized churches and religious communities when they provide public services.

<sup>126</sup> Cf. Bundesstelle für Sektenfragen, Tätigkeitsbericht 2008 – 2009 (III-192 BlgNR 24. GP 81 ff).

<sup>127</sup> „Kirchen und Religionsgemeinschaften in Tirol“ published by “Verein Jugend und Gesellschaft”, second edition, 2003. The brochure contains lectures held at different events organized by the Tyrolian Governmental Cult Information Centre called Kult & co Tirol, headed at that time by Peter Schulte. The Association Youth and Society is a private association under the respective Austrian Law, but has been founded by the Tyrolean Government. It has organs, but no members.

When private information centers are subsidized by public authorities for providing public services, these authorities have to enforce the respect of fundamental rights including the principle of equal treatment by these centers.

There is a private institution called Association against Dogmas and Psychological Dependency, (GDPA)<sup>128</sup> which was founded by Wilfried Handl, a Scientology former member and apostate. This association intends to be a contact point for all individuals that are or were in some way related to Scientology to provide guidance and information. In 2009 the institution supposedly had more than 100 cases of consultation. According to its homepage, the GDPA cooperates very closely with the GSK. Another aspect of the tasks of the GDPA is “awareness-raising” through so-called “awareness training sessions” in the form of lectures at schools or for interested groups.<sup>129</sup> As far as this institution relies upon former members of a religious community and apostates there is a high probability that the activity is biased.

Last but not least the so-called “sect education”<sup>130</sup> provided by videos during religious classes at school needs to be mentioned. The objectivity of some of these films can be doubted as they do not match the basic principle “audiat et altera pars” (“the other party has to be heard”).<sup>131</sup>

Anti-sect material is also produced by faith-based anti-sect organizations – sometimes with public money. One example is a CD-ROM produced by the diocese of Linz with a public subsidization provided by the Province of Upper Austria.<sup>132</sup>

### ***The Commitment To Fundamental Rights And Freedom Of Religion Of Private Organizations Providing Information And Warning On “Sects”***

The State is bound to respect human rights not only when it acts as public entity vested with public power but also when the State or Territorial Authorities<sup>133</sup> act as “private persons” (Art 17 and Art 116 of the Austrian Con-

<sup>128</sup> Gesellschaft Gegen Dogmen Und Psychische Abhängigkeit – GDPA.

<sup>129</sup> Cf. homepage: <http://www.wilfriedhandl.com/> (Apr 19, 2011).

<sup>130</sup> “Sektenuaufklärung”.

<sup>131</sup> Cf. e.g. the films that can be rented at the library of the University of Education of Styria (Pädagogische Hochschule Steiermark).

<sup>132</sup> As long as the information is not factual and objective, human rights are violated. It has to be pointed out that the Land of Upper Austria is bound to respect fundamental rights.

<sup>133</sup> “Gebietskörperschaften”.



stitution<sup>134</sup>). This fundamental principle called “Fiskalgeltung” (the obligation to respect fundamental rights even when the State or Territorial Authorities act as “private persons”) in German is largely supported by legal specialists and jurisprudence.

This issue concerns e.g. the allocation of subsidies or providing property on municipal areas for information and advertising purposes. Religious communities may not be excluded from such services; otherwise this could be a case of violation of the principle of equal treatment in combination with the fundamental right of freedom of religion.<sup>135</sup> What is valid for the Territorial Authorities is equally valid for other legal entities regulated by public law when they accomplish public tasks through private law. This could be the case for those religious communities which are entities of public law and run information centers on “sects and beliefs”.

Territorial Authorities or other entities of public law might try to avoid the “Fiskalgeltung” (the obligation to respect fundamental rights) by transferring tasks of public interest to private organizations. However it is not possible to escape this obligation. If a Territorial Authority (or a public authority) wants to transfer tasks of public interest to private organizations (as for example information on “sects” or warning about “sects”) this also requires transferring the obligation to respect fundamental rights to the private entity.<sup>136</sup>

Further, the question of “third-party implementation” of fundamental rights arises, that is to say the enforcement of fundamental rights between the citizens themselves. Relevant examples would be the refusal to conclude a contract (e. g. service contracts, leasing contracts) or to ban someone from a pub on religious grounds as a consequence of his/her so-called “sect” membership. This is a subtle legal issue which cannot be clarified in all its variations in this context. Among other things, what is at stake is the balance with the fundamental right of privacy.

Yet, it has to be emphasized that the impact of fundamental rights in private law is the object of mediation. For example Art 879 of the Austrian Civil

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<sup>134</sup> B-VG.

<sup>135</sup> For instance the Austrian Family Federation for World Peace and the Upper-Austrian Family Federation for World Peace (both are associations pursuant to the Austrian law on associations) planned to set up a street-information desk in the city of Linz. In their capacity of landowner, the municipal authorities of Linz refused to approve this project. One of the letters with which this activity was rejected contained a hint towards the “Moon-Sect” implying the assumption that the refusal of the info-desk was based on aspects of religious affiliation rather than other reasons.

<sup>136</sup> In the case of GSK this was not achieved and this failure violates fundamental rights.

Code<sup>137</sup> states that a contract offending moral values – these values could be human rights – is invalid. This is known as “indirect third-party applicability”.<sup>138</sup> It also has to be mentioned in this respect that there exists one European Union Directive which prohibits discrimination on the basis amongst others of religion or belief. However, it only has a limited impact as it concerns only discrimination in the workplace.

### **Austria – A Country where Freedom of Religion is in Danger**

It must not be ignored that religious communities, including mainline churches, might cause serious harm to their members. Examples for such a harmful behavior are cases in which members of religious communities are hindered to leave the community, or even threatened to go to hell. There have also been cases in which religious communities took advantage of a member’s personal crisis in order to exert psychological pressure or even to benefit financially from such a situation. Yet, these cases do not justify a collective suspicion of religious communities, especially those which are not part of the mainstream, of being harmful and dangerous.

As a summarizing statement it can be concluded that in Austria two things are striking as regards the complex issue of “sects”.

First of all the term “sect” is used widely and in an undifferentiated way, which appears to be rather problematic since in Austria the term has in itself a negative connotation. This aspect is further aggravated when the term “sect” is used in political documents, such as shown in the recent example of the dossier “Austrian Security Doctrine”<sup>139</sup> published by the Federal Minister for National Defense<sup>140</sup> and the Social Democratic Party of Austria.<sup>141</sup> In this publication, “sects” are cited as examples of non-state actors threatening the security of Austria and are compared to terrorist or criminal groups.<sup>142</sup>

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<sup>137</sup> Allgemeines Bürgerliches Gesetzbuch – ABGB.

<sup>138</sup> “Mittelbare Drittwirkung”.

<sup>139</sup> “Österreichische Sicherheitsdoktrin”.

<sup>140</sup> Bundesminister für Landesverteidigung.

<sup>141</sup> Sozialdemokratische Partei Österreichs – SPÖ.

<sup>142</sup> The “Austrian Security Doctrine” says: “Dangers such as subversive attacks on facilities of strategic value, acts of terrorism, threats of blackmail to achieve certain political goals, in combination with the necessary means (weapons of mass destruction, information technology – cyber risks) are becoming more and more important. These threats can emerge from state or non-state actors such as terrorist movements, groups of organized crime, sects and single perpetrators”. Cf. also Seidl, SPÖ will Neutralität aufwerten, in: Der Standard, Dec. 27, 2010, 7.

Secondly, it is hard for members of non-mainstream religions to “live” their guaranteed freedom of religion in Austria. Acts of discrimination on a religious basis can frequently be observed in everyday life and unfortunately instruments to fight discrimination such as the access to records, the right to have discriminatory statements withdrawn, the compensation for immaterial damages due to biased and disparaging information and “warnings” about so-called “sects” do not meet European standards.

As this article tried to demonstrate, the result of this alarming situation is that religious pluralism – which stems from the fundamental right of freedom of religion and is an indispensable element of democracy – is endangered in Austria today.

## Zusammenfassung

Seit fast eintausend Jahren hat die römisch-katholische Kirche ihre Dominanz über das heutige Gebiet von Österreich behauptet. Diese Vorherrschaft wurde von der protestantischen Reformation infrage gestellt und unter der Regentschaft von Kaiser Joseph II. bekämpft, jedoch nach dieser Phase im Großen und Ganzen wiederhergestellt. Die rasch anwachsende religiöse Vielfalt nach dem 2. Weltkrieg stellt nunmehr eine neue Herausforderung für die großen Kirchen und Religionsgemeinschaften dar und zeigt, dass das österreichische Modell der Trennung von Staat und Religion keine Gleichbehandlung von neuen religiösen Gruppierungen und deren Mitgliedern garantiert. Widerstand gegen die auf eine neue Mission ausgerichteten Glaubensrichtungen kommt von den etablierten Religionsgemeinschaften (z. B. der katholischen Kirche und der evangelischen Kirche), von Parlamentariern und diversen gesellschaftlichen Gruppierungen. Gegenüber dieser Allianz stehen hunderte kleine religiöse Gruppen und ihre Mitglieder, die mit bescheidenen Mitteln für ihre Existenzberechtigung und gegen Diskriminierung ankämpfen. Sie werden vom religiösen und politischen Establishment geradezu dämonisiert. Im Jahr 1997 schätzte der damalige Bildungsminister, dass in Österreich 500 bis 600 religiöse Gruppen aktiv seien, die „eine potentielle Gefahr für die Gesellschaft“ darstellten; des Weiteren nahm er an, dass 200.000 Sympathisanten und etwa 50.000 Anhänger dieser sogenannten „Sekten“ existierten.

1998 wurde ein „Bundesgesetz über die Einrichtung einer Dokumentations- und Informationsstelle für Sektenfragen“ erlassen. Der Hauptzweck des Gesetzes war, eine Institution zu schaffen (Bundesstelle für Sektenfragen), deren Auftrag es ist, Informationen und Fakten über die möglichen Gefahren, die von sogenannten „Sekten“ oder ähnlichen Organisationen ausgehen könnten, zu sammeln. Derzeit bestehen 35 verschiedene Anti-Sekten-Organisationen, die aufgrund der Initiative staatlicher Institutionen (8), der katholischen Kirche (9), der evangelische Kirche (7), privater Organisationen (3) oder als Familienberatungsstellen für Sektenfragen (8) ins Leben gerufen wurden. FECRIS wird in Österreich von der „Gesellschaft gegen Sekten- und Kultgefahren“ (GSK) repräsentiert.

In Österreich wurde im Jahr 1998 kurzfristig ein restriktives Religionsgesetz (Bekennnisgemeinschaftengesetz) erlassen, das darauf abzielt, religiöse Minderheiten (Bekennnisgemeinschaften) von einer staatlichen Anerkennung wie sie etwa der katholischen Kirche zuteil wird, auszuschließen. Das dreistufige System, das damit implementiert wurde, garantierte, dass Glau-

bensgemeinschaften nur dann für eine Anerkennung in der oberen Kategorie infrage kamen, wenn sie seit zumindest 20 Jahren in Österreich existierten und über eine Mitgliedschaft von mindestens 0,2 Prozent der Gesamtbevölkerung (ca. 16.500 Personen) verfügten. Der Europäische Gerichtshof für Menschenrechte stellte im Fall *Religionsgemeinschaft der Zeugen Jehovas und andere vs. Österreich* fest, dass durch dieses Stufensystem und die Bestimmungen über die Mindestbestanddauer die Europäische Menschenrechtskonvention verletzt wird. Dennoch wurden im Zuge der Novellierung des Bekenntnisgemeinschaftengesetzes im Juni 2011 das Stufensystem und seine Mitgliedschaftsanforderungen beibehalten – obgleich die Anforderungen an die Bestanddauer auf 10 Jahre herabgesetzt wurden – und dies führt noch immer zu einer Diskriminierung neuer religiöser Minderheitsgruppen.

Dieser wissenschaftliche Beitrag betreffend Österreich hebt die führende Rolle, die Österreich in den letzten Jahrzehnten im Kampf gegen neue religiöse Vielfalt durch dutzende Anti-Sekten-Organisationen der katholischen Kirche, der evangelischen Kirche und verschiedener staatlicher Institutionen eingenommen hat, hervor. Die Arbeit beschäftigt sich primär mit der Gesellschaft gegen Sekten- und Kultgefahren (GSK). Aufgezeigt wird insbesondere die Intoleranz eines Mitglieds der GSK, der seinerzeit auch Präsident von FECRIS war, indem alle Gerichtsurteile, die aufgrund von Diffamierungen gegen ihn vorliegen, aufgelistet werden.



# FECRIS AND ITS AFFILIATES IN GERMANY THE COUNTRY WITH THE MOST ANTI-SECT ORGANIZATIONS

GERHARD BESIER

## Introduction

Freedom of religion in Germany is guaranteed by the Basic Law. Religion and state are separate but a special partnership exists between the state and those religious communities that were given the *born* status of a “corporation under public law” (PLC) in 1919 – namely the two mainstream Churches: the former Protestant State Church (until 1918) and the Roman Catholic Church. Since 1949, the decision to grant PLC status has been made at the level of the *Länder* on the basis of certain requirements: a guarantee of permanence, the membership of the organization, and the respect of the constitutional order and fundamental rights.

The most important source of income for the mainline Churches in Germany is constituted by the church tax and additional payments by the state to compensate expropriations that took place in 1803. Taxpayers, whether Roman Catholic, Protestant or members of other tax-collecting communities, pay between 8% (in Bavaria and Baden-Württemberg) and 9% (in the rest of the country) of their income tax to the church or other community to which they belong. In 2008, the tax provided the Roman Catholic Church with a net income of 5.1 billion Euros (£4.79bn)<sup>1</sup> and provided the Protestant Churches (Lutheran, Reformed and United) with a net income of 4.7 billion Euros. Moreover, the additional payments by the state amount to 9 billion Euros per year. Finally, the state forbears from raising taxes and other rates from the churches to the amount of 10 billion Euros annually. These extensive privileges have made the two German mainstream Churches the wealthiest in the world.

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<sup>1</sup> See <http://www.secularism.org.uk/germanys-outrageous-church-tax-u.html>.

Collection of church tax may be used to cover any church-related expenses such as founding institutions and foundations or paying ministers.

The Catholic Church and the Lutheran Church have created more than a hundred agencies to warn against sects at the regional and local level. Numerous ministries and public institutions at the federal level and at the level of the *Länder* have also put in place similar agencies.

Anti-sect organizations are therefore well-funded in Germany. Five of them are affiliated with FECRIS (European Federation of Centres of Research and Information on Sectarianism), an international umbrella organization which was founded in 1994 as a non-profit organization in France. FECRIS currently comprises 44 associations in 27 countries and is an accredited non-governmental organization (NGO) to the Council of Europe. In Germany, it is represented by the following associations: Campaign for Mental and Psychological Freedom<sup>2</sup>, Parents' Initiative of Lower Saxony against Abuse of Religion<sup>3</sup>, Sect Consultancy Bremen<sup>4</sup>, Sect-Info North Rhine-Westphalia<sup>5</sup> and Article 4 – Initiative for freedom of belief.<sup>6</sup>

### The German Anti-Sect Scene

The Bavarian religious minister Friedrich-Wilhelm Haack (1935–1991)<sup>7</sup> was a key figure in initiating the fight against “sects”, including so-called “youth religions”. He introduced the concept of “youth religions” to designate new religious movements and gave the following definition: “religious and para-religious movements that have appeared in Europe since the end of the 1960s, that appeal to youth and grown-ups between 19 and 35, and that in teaching and in practice have the infantile regression of the followers as a purpose”<sup>8</sup>. He used national media right from the start, wrote books and pressed politi-

<sup>2</sup> Aktion für Geistige und Psychische Freiheit (AGPF).

<sup>3</sup> Niedersächsische Elterninitiative gegen den Missbrauch der Religion (EGMR).

<sup>4</sup> Sektenberatung Bremen.

<sup>5</sup> Sekten-Info Nordrhein-Westfalen.

<sup>6</sup> Artikel 4 – Initiative für Glaubensfreiheit e.V.

<sup>7</sup> Friedrich Wilhelm Haack became a pastor and an “adviser on sects and worldviews” in the Lutheran Church in 1965. In 1969, he started working full-time as “adviser on sects and worldviews” for the Lutheran Church of Bavaria. In 1985, he was one of the co-founders and vice-president of the anti-cult organization “Dialog Center International”. In 1985, he became a member of the board of directors of the “American Family Foundation” (today named International Cultic Studies Association).

<sup>8</sup> See Haack's book „Neue Jugendreligionen“ (New Youth Religions) published in 1974, 52.



cians “to participate in the great battle”<sup>9</sup> against the community of Universal Life<sup>10</sup>, according to a paper of that religious community. Haack systematically sought to discredit this religious community in public, for example by portraying the members as “victims”. “They are in a way helpless and dependent, but this is exactly why their business with the following groups is particularly dirty and detestable.”<sup>11</sup> In more than 40 books and in his infamous “Munich Series”<sup>12</sup> as well, Haack marched – with the help of like-minded persons – against Jehovah’s Witnesses<sup>13</sup>, the Sri Chimnoy movement, the Moon religious community<sup>14</sup>, Scientology<sup>15</sup>, his so-called “youth religions”<sup>16</sup> and many other religious or secular ideologies which he considered “dangerous”<sup>17</sup>.

### FECRIS and Anti-Sect Traditions in Germany

The 1919 constitution of the Weimar Republic did not establish a state Church in Germany.<sup>18</sup> Other regulations of state-church law, however, circumvented the principle of separation of state and church. Traditional elements of the relations between state and church were carried over into the new republic. The state assured the churches that their existing status under public law would remain unchanged. Nominally, all religious and ideological

<sup>9</sup> See also Der Steinadler und sein Schwefelgeruch. Das neue Mittelalter, Würzburg 2003, Kap. 3, Abschnitt 8 (Ein „Pfarrer“ wühlt in Mülltonnen).

<sup>10</sup> See also Christian Sailer/Gert-Joachim Hetzel, Petition der Glaubensgemeinschaft Universelles Leben zum Schutz vor Diskriminierung und gesellschaftlicher Ausgrenzung (24.08.1998), in: Gerhard Besier/Erwin Scheuch (eds.), Die neuen Inquisitoren. Religionsfreiheit und Glaubensneid, vol. 2, Edition Interfromm: Osnabrück 1999, 377–438.

<sup>11</sup> Geo 12/1989.

<sup>12</sup> Since 2008 conferences about politics and society, churches, faith, spirituality, personal development have been organized in Munich under the name of “PUBLIC-FORUM Munich Series” (See <http://www.publik-forum.de>). A magazine, reproducing such presentations, is published every second week. It presents itself as critical, Christian and independent.

<sup>13</sup> See also Friedrich-Wilhelm Haack/Thomas Gandow, Jehovahs Zeugen (Ev. Pressverband) 1993.

<sup>14</sup> See also Haack, Das Mun-Imperium. Beobachtungen – Informationen – Meinungen, München 1991.

<sup>15</sup> See also Friedrich-Wilhelm Haack, Scientology, Die Magie des 20. Jahrhunderts, München 1982.

<sup>16</sup> See also Friedrich-Wilhelm Haack, „Führer und Verführte. Jugendreligionen und politreligiöse Jugendsektten“ [Leaders and Seduced. Youth religions and political religious youth sects], München 1980.

<sup>17</sup> See the obituary in Der Spiegel from 3.11. 1991.

<sup>18</sup> See in detail Gerhard Besier/Renate-Maria Besier, Jehovah’s Witnesses/Wachturm-Gesellschaft: A “Pre-Modern” Religious Association in a “Modern” Society? In: Gerhard Besier/Erwin K. Scheuch (eds.), The New Inquisitors, Bergisch Gladbach 2003, 265–346.

associations were granted equal opportunities to acquire the same legal status under public law as the established churches, but in reality the old hierarchy of religious associations was maintained. Conversely, the Reich Government and certain state governments did not want to completely relinquish the state's sovereignty over the mainstream Churches and, through corresponding legislation, tried to preserve relics of state control. During the time of the Weimar Republic, concordats and church treaties enabled the mainstream Churches to remain "powers controlling the social order". The parties' political struggle for supremacy, especially with the role of the Catholic Center Party in the Weimar Coalitions, had largely contributed to this positive development for the mainstream Churches.

Due to compromise with political parties the regulations concerning the state's policy towards the mainstream Churches were again carried over into article 140 of the Constitution of the Federal Republic of Germany in 1949. The Western occupying powers were satisfied with this uninterrupted continuity since they awarded the mainstream Churches with the status of resistance organizations during the Third Reich and viewed them as educators of the people. In the view of the Anglo-American nations, re-education, re-Christianization and the democratization of the German people were closely linked.

Principally, one must note that all socio-political transformations between 1919 and 2000 hardly affected the status of so-called Free Churches, Christian "special associations"<sup>19</sup> and the so-called "sects". They remained on the social periphery and, due to latent reservations, had to endure many professional disadvantages. While more and more German citizens emancipated themselves from the traditional mainstream Churches by leaving them, the mainstream Churches, in cooperation with the state, tried to save the vertical structure of denominations that was established when the state had authority over the Churches. On top of this hierarchy of religions are the Catholic Church and the Lutheran Church; clearly beneath are the Free Churches (such as the Baptists, the Methodists and the Quakers) which in the 1920s were still counted among the "sects". Special groups – for example, the Seventh Day Adventists – are placed below the Free Churches because they support specific doctrines with partly "sectarian features". "Sects" are placed one level further down. Among these range the New Apostolic Church, Jehovah's Witnesses and Christian Science. Even below these, we have esoteric and neo-gnostic ideologies or movements like Rudolf Steiner's anthro-

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<sup>19</sup>They are Christian denominations with "additional" traditions that do not stem from the Bible or from old Christian traditions of the first 500 years.

posophy. On the penultimate level of the scale are Eastern missionary religions, new religions and so-called “youth sects”, including Transcendental Meditation and Hare Krishna. Organizations labeled as “Psycho-groups”, like Scientology, stand at the very end. These groups are called “Psycho-groups” by the “advisers on sects and worldviews” to deny their religious character and to reduce their activity to a mere psychological influence on their followers.

This hierarchy in effect relativizes considerably the freedom of religion that is guaranteed in the constitution of the Federal Republic of Germany since there are “churches” and “others” which have a lower status. The mainstream Churches are closer to the state because they have the legal status of a “corporation governed by public law” and are considered to have expertise in religious matters, as could be seen in the fact that church commissioners for sect issues were members of the Enquete Commission on So-called Sects and Psychogroups, appointed by the German Parliament in 1996.

After two years of work, the Enquete Commission on So-called Sects and Psychogroups published its final report in mid-June 1998.<sup>20</sup> A grand party coalition between CDU/CSU, SPD and FDP<sup>21</sup> approved it; only Alliance 90/The Greens<sup>22</sup> presented a minority opinion. Research and expert opinion made by the Enquete Commission concurrently showed that new religions and ideological movements do not harbor more danger than comparable social bodies. An open society must be able to withstand conflicts, which will naturally arise. Misuse of freedom is to be punished with the existing legal means. Consequently, one would have expected the Enquete Commission to give an “all-clear signal” after all these years of hysteria about “sects” in Germany. The majority of the commission’s members, however, resolved to recommend legislative actions that contradicted the actual findings of the commission. The majority report with its indistinct wording and unproven assertions served existing latent public prejudices and antagonistic concepts regarding religious minorities. Only 0.7 percent of the German population are members of one of the “so-called sects and psychogroups” or are closely connected to them. Thus, we are dealing with a peripheral phenomenon. Despite these facts the German Parliament appointed the costly Enquete Commission.

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<sup>20</sup> Cf. Hubert Seiwert, *The State as a Religious Party Faithful? About the Contradictions of the Majority Report of the German Enquete Commission*, in: Besier/Scheuch (eds.), *The New Inquisitors* (note 18), 180–191.

<sup>21</sup> Christian Democratic Union/Christian Social Union and Free Democratic Party.

<sup>22</sup> Bündnis 90/Die Grünen.

These anti-sect traditions in Germany which have persisted until now have provided FECRIS with a favorable environment for its implantation in Germany.

### German Member Associations of FECRIS

AGPF, Action for Mental and Psychological Freedom, an association founded in 1978 with its headquarters in Bonn, describes itself as a national federal association currently comprising 17 associations<sup>23</sup> and which “critically deals with sects, cults, psycho-groups, and the psycho-market.”<sup>24</sup> Ingo Heinemann, managing director of the AGPF, is an otherwise unemployed lawyer who seems to run the website of the association on a full-time basis. Numerous government information brochures regarding sects refer to the AGPF as a point of contact, or cite it as a source. For example the Ministry of Education of the state of Mecklenburg-Vorpommern refers to AGPF in the brochure titled “Sects and Sectarianisms.”<sup>25</sup>

In the center of the AGPF’s “market watch” are Scientology, Jehovah’s Witnesses, and various psychological training organizations. AGPF has also issued so-called “information services” on Transcendental Meditation (TM), Maharishi-Ayurveda, Landmark, Baghwan-Osho, VPM<sup>26</sup>, The Family International, and the Dalai Lama, the leader of Tibetan Buddhism.<sup>27</sup>

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<sup>23</sup> Arbeitskreis Sekten e.V. (Herford), Artikel 4 – Initiative für Glaubensfreiheit e.V. (Bochum), BBS – Bürger beobachten Sekten e.V. (Wertheim/Main), Delphin e.V. (Schwabstedt), EBIS – Baden-Württembergische Eltern- und Betroffeneninitiative e.V. (Großbottlingen), EL – Elterninitiative zur Wahrung der geistigen Freiheit e.V. (Leverkusen), Flügelschlag e.V. (Bad Oldeslohe), FKP – Forum kritische Psychologie e.V. (Hörgertshausen), GSK – Gesellschaft gegen Sekten- und Kultgefahren (Wien), KIDS – Kinder in destruktiven Sekten e.V. (Leverkusen), Kontakthilfe bei Sektenproblemen e.V. (Goch-Hassum), Netzwerk Sektenausstieg e.V. (Müncheberg), Odenwälder Wohnhof e.V. (Seckach-Zimmern), SADK – Schweizerische Arbeitsgemeinschaft gegen Destruktive Kulte (Baar), Sektenberatung Bremen e.V. (Bremen), Sekten-Info Nordrhein-Westfalen e.V. (Essen), SINUS Sekten Information und Selbsthilfe e.V. (Frankfurt/M.), VITEM – Verein für die Interessen terrorisierter Mitmenschen e.V. (St. Ingbert).

<sup>24</sup> Quoted from: <http://www.AGPF.de/Verbraucherschutz.htm>.

<sup>25</sup> Ministry of Education, Science and Culture Mecklenburg-Vorpommern (Hg.), *Von Sekten und Sektierereien*, Schwerin 2003.

<sup>26</sup> The “Verein zur Förderung der Psychologischen Menschenkenntnis/VPM” (Association for the Promotion of the Psychological Knowledge of Man) was dissolved in 2002. Regarding the attacks against the VPM by FECRIS members, see also: Rainer Rothe, *Petition der Vereine zur Förderung der Menschenkenntnis e.V. Köln* (et al.), in: Besier/Scheuch (eds.), *Die neuen Inquisitoren* (note 10), 280–334.

<sup>27</sup> See in particular <http://www.AGPF.de> and <http://www.agpf.de/Rheinland-Pfalz79.htm#2.2.1>.

**EGMR, Parents' Initiative of Lower Saxony against Abuse of Religion**, is also a registered association that has hardly ever appeared in public. The given e-mail address belongs to Ingolf Christiansen, a deacon and so-called ideology representative of the Lutheran environment<sup>28</sup> who in the past has appeared mainly by speaking out against small religious communities. He has had to sign several cease-and-desist letters<sup>29</sup> because of remarks he made about these communities. His brochure "The significance and explosive nature of sects, destructive cults, and ideologies for the youth in our society"<sup>30</sup> (Göttingen 1996) published in the state of Thuringia, contained false assertions about small religious communities and therefore had to be withdrawn.<sup>31</sup>

**Sect Consultancy Bremen:** No information is available on this organization.

**Sect-Info North Rhine-Westphalia** was founded in 1984 and registered as an association under the name Sects Information Essen.<sup>32</sup> Its objective is to provide information and advice to persons who have been in contact with new religious/ ideological communities and psycho-groups. This association is partly financed by public funds and mainly employs church workers; priests serve as advisers. In the first phase of the history of the association, its founder and director Heide-Marie Cammans spoke out very aggressively against smaller religious communities. This led to legal conflicts with resulting court judgments and cease and desist orders. Today, Sect-Info North Rhine-Westphalia has legal advisors who operate in a more subtle manner.

According to its homepage, Sects Information North Rhine-Westphalia offers advice and information on Scientology and other so-called "psycho-groups", Christian-fundamentalist movements (Brotherhood of Saint Pius X), syncretic new religions (Jehovah's Witnesses, Mormons), and esoteric movements (Raëlism). On the homepage of its website, a report can be found in which Jehovah's Witnesses' children at school are said not to socialize with other students. Despite well documented academic research works to the

<sup>28</sup> Ingolf Christiansen introduces himself as the representative for ideology issues of the Evangelical-Lutheran Church district of Göttingen/Hannover. He was a member of the Enquete Commission of the German Bundestag on „Sogenannte Sekten & Psychogruppen“ [so-called sects and psycho-groups] and is the author of books against sects, particularly on Satanism. See also (critical): [www.anouphagos.com/?tag=ingolf-christiansen](http://www.anouphagos.com/?tag=ingolf-christiansen).

<sup>29</sup> A cease-and-desist letter is an order or request to halt an activity (cease) and not to resume it later (desist) or else face legal action.

<sup>30</sup> Die Bedeutung und Brisanz von Sekten, Destruktiv-Kulten und Weltanschauungen für Jugendliche in unserer Gesellschaft.

<sup>31</sup> Note of the Thuringian Ministry of Education and Art to the Watchtower society from 03.04.1998 (AZ Z 8/51452).

<sup>32</sup> Sekten-Info Essen.

contrary, Jehovah's Witnesses are also described on the website as being, suspected of not having resisted the Nazi regime during World War II but instead having behaved like the majority of German citizens.<sup>33</sup> Under the headline "Christian Fundamentalism, Esotericism: Enlightenment passé?"<sup>34</sup>, "fundamentalist groups" are criticized for their belief in absolute "knowledge" which would make a dialogue impossible.<sup>35</sup> An article in *Welt-Online* dealing with Sects Information North Rhine-Westphalia says that this organization "also thoughtlessly brings serious religions into disrepute".<sup>36</sup>

**Article 4 – Initiative for freedom of belief:**<sup>37</sup> This association does not show any distinctive characteristic. According to a self-description, it consists of "sect dropouts and former fundamentalists" that have joined together in order to come to terms with the various experiences in some kind of "self-help organization". Creating analogies with drug addiction has become a frequent tool of the anti-cult activists.

This short overview reveals that the German anti-cult organizations which are members of FECRIS are not powerful associations emanating from a popular movement but are rather small one-man enterprises supported by powerful financiers and lobby groups that prefer to remain in the background. These associations would not be able to survive without support from the state and the mainstream Churches. Furthermore, close networking with the so-called "advisers on sects and worldviews" of the mainstream Churches and the *Länder* play a crucial role as well. Only amateurs are at the frontline of these anti-sect associations. They simply use the terminology and the quite effective clichés of the full-time professional church and state "advisers on sects and worldviews" and mobilise their contacts in the media as well. Another benefit for the anti-sect organizations is the fact that freedom of speech weighs heavier than freedom from defamation in the Federal Republic of Germany, and therefore all intended defamatory language beyond a factual assertion can hardly be legally punished. Despite its actual low profile in the population, the anti-sect movement had a remarkable success in the 1990s with the appointment of an Enquete Commission of Enquiry in the German Parliament on so-called sects and psycho groups (1996–1998).<sup>38</sup>

<sup>33</sup> [http://sekten-info-nrw.de/index.php?option=com\\_content&task=view&id=98&Itemid=46](http://sekten-info-nrw.de/index.php?option=com_content&task=view&id=98&Itemid=46).

<sup>34</sup> *Christlicher Fundamentalismus, Esoterik: Aufklärung passé?*

<sup>35</sup> [http://sekten-info-nrw.de/index.php?option=com\\_content&task=view&id=126&Itemid=46](http://sekten-info-nrw.de/index.php?option=com_content&task=view&id=126&Itemid=46).

<sup>36</sup> [http://www.welt.de/wams\\_print/article3581422/Die-Hilferufe-nehmen-zu.html](http://www.welt.de/wams_print/article3581422/Die-Hilferufe-nehmen-zu.html).

<sup>37</sup> Artikel 4 – Initiative für Glaubensfreiheit e.V.

<sup>38</sup> *Ibid.*

Unlike the “advisers on sects and worldviews” of the mainstream Churches who fight as agents of their institutions to maintain their dominant role in the religious market, the actors of the anti-sect groups mostly act out of highly personal motives. A good example of such an anti-sect group is the organization KIDS<sup>39</sup> (Children in destructive sects). The organization was founded in January 1995 by Jutta Birlenberg, a woman who did not accept that her grandchildren were members of the Jehovah’s Witnesses.<sup>40</sup> Other sect-fighters have been members of such communities themselves and were allegedly seriously harmed by these communities, psychologically as well as financially. It is not uncommon that anti-sect crusaders were disappointed by what they see as unrealistic or excessive expectations given to them by religious organizations. After big disappointments and experiences of failure, these excessive expectations turned into a burning hatred and desire to take revenge on the previously admired religious community and to destroy it. Such personal experiences make it more difficult to objectify the problematic area and enable the creation of deep-rooted scenarios of hatred. Therefore these associations fail to properly inform on the phenomenon and do not serve freedom of thought but rather contribute to the solidification of stereotypes, prejudices and hostility. It can be said that these anti-sect groups are inspired by the very sectarian spirit which they say they combat.

### **German Participation in FECRIS Conferences**

FECRIS attracts public attention by their annual conferences held in major European cities with the purpose to popularize their views. On those occasions, FECRIS always succeeds involving well-known persons in the respective country – an indicator of the fact that there are influential powers in European societies that want to limit the fundamental right of freedom of religion. In 2001, immediately after the passing of the About-Picard law in France, FECRIS declared at a conference that it would fight for the introduction of a similar legislation throughout Europe. However, the odds are against them since the traditions regarding freedom of religion in numerous European countries might not allow such a development. FECRIS is also engaged outside of Europe, such as in China where it participated in a Chinese sym-

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<sup>39</sup> Kinder in destruktiven Sekten e.V.

<sup>40</sup> See also Besier/Besier, Jehovah’s Witnesses/Wachturm-Gesellschaft (note 18), 345 f., note 318.

posium on destructive cults. This conference had the purpose to justify the persecution, arrest and murder of Falun Gong members in China.<sup>41</sup>

At the FECRIS conference in Vienna in 2005 organized under the motto “Cult – Education and Training”, German participants were Ingo Heinemann, managing director of AGPF<sup>42</sup> Uwe Hipp, member of Sekten Information und Selbsthilfe e.V. in Frankfurt/M. (SINUS)<sup>43</sup>, and Tanja Speer, member of Sekten-Info Essen.

In 2006, the annual FECRIS conference took place in Brussels under the title “The internationalisation of cults: a danger to human rights in Europe?”

In 2007, FECRIS held its conference in Hamburg with the subject “Sects and Esotericism: New challenges for the civil society in Europe”. After a welcome speech by Udo Nagel, then Senator of the Interior of the Hanseatic city of Hamburg, presentations were given by Antje Blumenthal, CDU-member of the parliament, on “The public relations work of the psycho cults”, by Ursula Caberta,<sup>44</sup> the director of the Hamburger Working Group on Scientology, on “The state work on the psycho-market, Example: Scientology”, and by the TV reporter Rainer Fromm<sup>45</sup> on “The black-occult youth culture: From the graffiti movement to NS-black-metal”.

In 2008, the FECRIS conference took place in Pisa. The conference’s title spoke for itself: “The state’s Responsibility for the Protection of Citizens against Destructive Sects – Analysis of current and possible future models”.

In mid-May 2009, FECRIS hosted a convention with the title “Destructive Sects and Human Rights” in St. Petersburg. The agenda listed the University of St. Petersburg and the French government as supporters. According to the

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<sup>41</sup> The organization Persecutio writes: “The participation of FECRIS in a Chinese symposium on destructive cults is particularly revealing regarding the classification of religious groups by FECRIS. This already occurred after the murders, beatings and incarcerations of hundreds of Falun Gong members in China. This practice is still taking place today, not only against Falun Gong, but also against numerous other groups, including Christians.”

<sup>42</sup> Ingo Heinemann, born in 1942, lawyer, “works for consumer protection” since 1971. He worked for ABI – Aktion Bildungsinformation e.V., located in Stuttgart. Between 1982 and 1995, he was a full-time managing director at AGPF. Since then he has been working for AGPF as a volunteer. Taken from Heinemann’s biography: „Wer ist Ingo Heinemann?“ (<http://www.ingo-heinemann.de>).

<sup>43</sup> The only information available about Uwe Hipp is that he is a former follower and apostate of Scientology.

<sup>44</sup> Ursula Caberta y Diaz, born in 1950, was director of the Hamburg Working Group Scientology. Her avowed goal was to have Scientology banned.

<sup>45</sup> Rainer Fromm is a journalist who fights on radio, TV and in magazines against small religious communities and other real or potential “threats” to society.



agenda, German Hans-Werner Carlhoff, the director of the Interministerial Working Group on issues regarding so-called sects and psycho-groups, Baden-Württemberg spoke on “Sects and Psycho Groups in Baden-Württemberg: Situation – Threat Potentials – Challenges”. The second German speaker was the Berlin religious minister Thomas Gandow<sup>46</sup> who was listed on the agenda as a “Sect advisor of the Lutheran-Evangelical Church of Berlin-Brandenburg”. He gave a speech on “Sects or foreign lobby groups?” Former Jehovah’s Witness and Chairman of the network “Sektenausstieg e. V.” (“Sect exit”)<sup>47</sup> Michael Drebing reported on “The Jehovah’s Witnesses and the mental networking”. The convention was run by the Orthodox Russian anti-sect activist Alexander Dvorkin<sup>48</sup>. The participants to the conference tried to prove that “totalitarian-led cults and sects particularly attack, infiltrate and exploit young democracies in Eastern Europe under the cover of freedom of religion”. It was the goal of the conference “to inform the responsible decision-makers of the municipalities, of the administrative districts and of the state, to provide them with appropriate background information about the cults’ danger, and to demand state protection against them”.

The St. Petersburg conference is a good example of the course of action as well as the objective of FECRIS. There is no doubt that under the roof of FECRIS, religious-political alliances are being forged between democratic and un-democratic countries. Therefore, government representatives of the state of Baden-Württemberg met with Russian counterparts on Russian soil and discussed with delegates of the mainstream Churches and anti-sect groups of both countries how to limit or terminate the activities of these alleged “dangerous sects”. Michael Drebing explained in St. Petersburg that:

“Sects such as the Jehovah’s Witnesses are organized multi-nationally nowadays. We will only succeed in our fight against totalitarian and inhuman structures, if we are also ready to collaborate beyond national borders and to focus on what unites us, regardless of whether we are French, Russian or German citizens: Human Rights are rights of every human being, and no one has the right to quibble over this fact in the name of God or in the name of a different power.”<sup>49</sup>

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<sup>46</sup> Gandow, born in 1946, was a minister for sects and ideology issues of the Evangelical-Lutheran Church in Berlin-Brandenburg-schlesische Oberlausitz. He has been criticizing small religious groups for over 30 years.

<sup>47</sup> The association wants to support people in their “exit” from “sects”.

<sup>48</sup> Regarding Alexander Leonidovich Dvorkin, see the chapter written by Regis Dericquebourg and the chapter on Russia.

<sup>49</sup> Quoted from [http://www.offenes-presseportal.de/politik\\_gesellschaft/destruktive\\_kulte](http://www.offenes-presseportal.de/politik_gesellschaft/destruktive_kulte) (No longer available online).

The convention and its participants found common ground from the fact that both countries – although on different levels – take action against the religious community of the Jehovah's Witnesses.<sup>50</sup>

FECRIS affiliates depict themselves as freedom organizations that defend the fundamental right of freedom of religion against so-called totalitarian, inhuman and deceitful organizations acting under the cover of religion. In order to fulfill their objective, they warn against the purported dangers of some religious groups and “de-program” those that have been allegedly “mentally programmed” by dangerous religions. The biggest umbrella association in Germany, the AGPF, considers itself as a consumer protection organization. Regarding its activities, the association refers to mostly pseudo-scientific insights and quotes from anti-sect literature produced by anti-sect church activists who cannot prove that they have studied religious sciences or psychology.<sup>51</sup>

### **Working Methods of FECRIS Members: Use of the Internet's Pillory Effect and Stigmatization**

Anti-cult organizations are neither mass movements nor groups developing a scientifically founded, analytical dialogue with small religious communities. Their mode of action is known. FECRIS and its member associations pronounce warnings, and claim that “sects” are “dangerous”. In this way, they sow fear among people who are unable to form an opinion of their own on this issue. Their credibility does not stem from the exaggerated dramatic stories that they publicize but from the support of figures of public life, e.g. members of the German parliament and representatives of the mainstream Churches who cooperate with them. On the other hand, public figures who loathe the hunt for sects do not want to fight for freedom of religion or belief because they are afraid of being suspected of sympathizing with one of the small religious communities and their religiosity. Since most intellectuals prefer analytical-rational ways of thinking, it is not the support of a specific system of conviction, but rather the defense of an essential human right, namely the right to freedom of religion, which should drive them.

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<sup>50</sup> See also Gerhard Besier, *Der Status und die Rolle von Religion in Staat und Gesellschaft*, in: RSG 11 (2010), 126–139.

<sup>51</sup> See also Gerhard Besier/Renate-Maria Besier, *Die Rufmordkampagne. Kirchen & Co. Vor Gericht*, Bergisch Gladbach 2002; Besier/Scheuch (eds.), *The New Inquisitors* (note 18); Gerhard Besier/Hermann Lübke/Johannes Neumann et al., *Religionsfreiheit und Konformismus. Über Minderheiten und die Macht der Mehrheit*, Münster 2004.

And this is exactly where FECRIS and its member associations come into play. As soon as a well-known public figure raises the issue of religious freedom in a specific case, FECRIS and its member associations scandalize this person's opinion and put him/her in a pillory.<sup>52</sup> They activate their networks and create public outrage until the targeted person withdraws his/her comment out of fear of damage for his/her reputation, or until the person affected is even forced to leave the public stage because he/she has become a public scapegoat.<sup>53</sup> The mechanisms of such denunciations and intellectual terrorism aimed at creating "public outcry" are not specific at all. They can be activated in completely different areas, and the targeted person can rarely escape such a campaign unharmed. The AGPF has proudly documented several of its campaigns on its website. Due to the situation of personal rights and media law in Germany, the targeted persons rarely succeeded to neutralize the pillory effect of the internet and to defend themselves successfully. Considering this, it is understandable that only a few academics dare stand up for religious freedom in Germany. Given these circumstances, the anti-cult-organizations in Germany have the go-ahead to do as they please. They benefit from the fact that in Europe – unlike in the USA<sup>54</sup> – there is no *a priori* respect for diverse religious persuasions which prevents unbridled defamation. Anti-cult-organizations hold a deep aversion to the USA and its understanding of religious freedom.<sup>55</sup> Therefore, it is no coincidence that FECRIS and its member associations propagate extremely intolerant, hostile and undemocratic ways of thinking, and cooperate excellently with states like Russia and China – countries which, according to Freedom House, a US human rights watchdog, are far from being regarded as democratic, constitution-abiding states.

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<sup>52</sup> See also Jens Bergmann/Bernhard Pörksen (Hgg.), Skandal! Die Macht öffentlicher Empörung, Köln 2009.

<sup>53</sup> See also RSG, vol. 9/1 (2008): Social Norms and Scandalization.

<sup>54</sup> See also Derek H. Davis, Church and State in the Newly Emerging Democratic Orders of the Former Soviet-Bloc System: The USA as Case Model, in: RSG 10 (2009), 337–360.

<sup>55</sup> See also Gerhard Besier, "The First of Our Liberties... A Lustre to Our Country." Religionsfreiheit in Amerika und Europa – ein Vergleich, in: Philipp Gassert/Detlef Junker/Wilfried Mausbach/Martin Thunert (Hgg.), Was Amerika ausmacht. Multidisziplinäre Perspektiven, Stuttgart 2009, 141–160.

### Impact of Defamation and Hate Speech by Anti-Sect Organizations

Most of the hate speech cases by FECRIS representative organizations in Germany have mainly targeted Osho,<sup>56</sup> Jehovah's Witnesses,<sup>57</sup> Scientology<sup>58</sup> and the Unification Church.<sup>59</sup> The accusations formulated by anti-sect movements have damaged their image in the media, in public opinion and have led to judgments of value by the state. The Osho movement has challenged in court the negative qualifications used by the state to characterize them.

#### Osho Movement: Case of *Leela Förderkreis E.V. and Others v. Germany*<sup>60</sup>

The Osho movement, formerly known as the Shree Rajneesh or Bhagwan movement, appeared in Germany in the 1960s. The movement was founded by the Indian mystic Rajneesh Chandra Mohan, who was first called Bhagwan by his followers, and then later Osho. According to their statutes, the applicant associations promote the teachings of Osho, who maintained that the aim of spiritual development was enlightenment. One precondition was to become free of all socialisation, through a comprehensive programme of traditional and new meditation techniques and a range of therapies. The applicant associations run Osho meditation centres, organize seminars, celebrate religious events and carry out joint work projects.

Since 1970 the Federal Government and the governments of the *Länder* have launched a large-scale information and education campaign designed to increase public awareness and stimulate a critical discussion on the aims and activities of sects and sectarian groups. Since 1979 the German Government has given several official warnings concerning so-called sects with a view to informing the public about the practice of these groups. The Rajneesh, or Bhagwan, movement was mentioned as one of these new religious and spiri-

<sup>56</sup> Cf. Hubert Seiwert: Freedom and Control in the Unified Germany: Governmental Approach to Alternative Religions Since 1989. In: *Sociology of Religion* 64 (2003), 367–375.

<sup>57</sup> Cf. Jehovah's Witnesses (eds.), *Anerkennungsverfahren der Religionsgemeinschaft der Zeugen Jehovas in Deutschland 1990–2001*, 2 Vols., Selters 1999/2001; Besier/Besier, *Jehovah's Witnesses/Wachturngesellschaft* (note 18), 265–346, esp. 320 ff.

<sup>58</sup> Cf. Renate-Maria Besier/Johannes Neumann, *Scientology – Was ist das?*, in: Gerhard Besier/Hermann Lübbe/Johannes Neumann/Hubert Seiwert et al., *Religionsfreiheit und Konformismus. Über Minderheiten und die Macht der Mehrheit*, Münster 2004, 159–220; here: 206 ff.

<sup>59</sup> Cf. Jürgen Redhardt, *The Permanently Paranoid Perspective of the "Sect Commissioners"*, illustrated by the example of Negative Evaluation of the Unification Church, in: Besier/Scheuch, *The New Inquisitors* (note 18), 222–231.

<sup>60</sup> Source: Judgment published by the European Court of Human Rights in the case *Leela Förderkreis E.V. and Others v. Germany*.

tual movements. As part of their public relations work, state agencies have characterised the Osho movement as a “sect”, “youth sect”, “youth religion” and “psycho-sect” in a number of official documents.<sup>61</sup> The adjectives “destructive” and “pseudo-religious” have also been used to describe them, and the accusation has been raised that their members are manipulated.

On 1 October 1984 Osho instituted legal proceedings before the Cologne Administrative Court (*Verwaltungsgericht*). They requested that the Government desist from issuing such statements about their religious movement, alleging that their freedom to profess a religious or philosophical creed under Article 4 §§ 1 and 2 of the Basic Law (*Grundgesetz*) had been infringed.

By a judgment of 21 January 1986 the Cologne Administrative Court prohibited the Government from describing the Osho movement in official statements as a “youth religion”, “youth sect” or “psycho-sect”, from using the adjectives “destructive” and “pseudo-religious” and from alleging that members of the Rajneesh movement had been manipulated. It considered, however, that the use of the term “sect” as such had no negative impact on the applicant associations’ religious belief. The Administrative Court pointed out that there was no indication that the applicant associations pursued exclusively commercial aims or that the teachings of Osho or the methods employed by the applicant associations were contrary to human dignity.

On 28 April 1986 the Government appealed against that judgment. A hearing was held before the Administrative Court of Appeal of the *Land* North Rhine-Westphalia (*Oberverwaltungsgericht für das Land Nordrhein-Westfalen*) on 22 May 1990. By a ruling of the same day the Administrative Court of Appeal overturned the impugned judgment.

On 13 March 1991 the Federal Administrative Court (*Bundesverwaltungsgericht*) dismissed the applicant associations’ appeal against the decision of the Administrative Court of Appeal. The court considered that the case had no fundamental importance and the right to inform the public included the right to warn the public and to consider the conduct of others as dangerous.

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<sup>61</sup> These expressions were contained in Government statements, namely, in replies to members of the German Parliament of 27 April 1979, 23 August 1982 and 10 October 1984, in a report by the German Government to the Petition Board of the Federal Diet on youth sects in the Federal Republic of Germany dated February 1980 and published by the Federal Minister of Youth, Family and Health, and in a speech by the Federal Minister of Youth, Family and Health delivered on 8 December 1984.

On 3 May 1991 the applicant association filed a constitutional complaint against the above-mentioned court decisions.

On 26 June 2002 the Federal Constitutional Court ruled that the judgment of the Administrative Court of Appeal of the *Land* North Rhine-Westphalia of 22 May 1990 violated the applicant's basic rights. It quashed the judgment insofar as the applicant associations' claim had been dismissed in respect of the use of the expressions "destructive", and "pseudo-religious", and the allegation that they "manipulated their members" and referred that part of the complaint back to the Administrative Court of Appeal for a new decision. However, it found that the Government was authorized to characterize the applicant associations' movement as a "sect", "youth religion", "youth sect" and "psycho-sect" and was allowed to provide the public with adequate information about it. Though, the state had to restrict itself to neutral terms and act with moderation in matters of religion or belief. Defamatory, discriminating or deceptive statements were prohibited.

The case was taken to the European Court of Human Rights. In November 2008, the Court held that there had been no violation of Article 9 of the Convention but confirmed the findings of the German Constitutional Court:

"100. An examination of the Government's activity in dispute establishes further that it in no way amounted to a prohibition of the applicant associations' freedom to manifest their religion or belief. The Court further observes that the Federal Constitutional Court, in its decision given on 26 June 2002, carefully analyzed the impugned statements and prohibited the use of the adjectives 'destructive' and 'pseudo-religious' and the allegation that members of the movement were manipulated as infringing the principle of religious neutrality. The remaining terms, notably the naming of the applicant associations' groups as 'sects', 'youth sects' or 'psycho-sects', even if they had a pejorative note, were used at the material time quite indiscriminately for any kind of non-mainstream religion. The Court further notes that the Government undisputedly refrained from further using the term 'sect' in their information campaign following the recommendation contained in the expert report on 'so-called sects and psycho-cults' issued in 1998 (see paragraph 32, above). Under these circumstances, the Court considers that the Government's statements as delimited by the Federal Constitutional Court, at least at the time they were made, did not entail overstepping the bounds of what a democratic state may regard as the public interest."

Therefore characterizing a religious minority as "pseudo-religious" and asserting that its members are "manipulated" would constitute a violation of the state duty of neutrality in religious matters under Article 9 of the Convention.

## Court Decisions Upgrade the Legal Status of Jehovah's Witnesses

In 1990 Jehovah's Witnesses, who claim 192,000 members in Germany, started applying for the status of corporation under public law. In 1995, the Higher Administrative Court of Berlin ruled that the *Land* of Berlin had to grant them the requested status but in 1997, the Federal Administrative Court reversed the decision. Finally, in December 2000 the Federal Constitutional Court made a final decision in favor of Jehovah's Witnesses. In consequence of this decision the *Land* of Berlin granted Jehovah's Witnesses the status of a publicly recognized religious association. After that, several other German *Länder* successively took a similar decision.

In April-May 2009, after 18 years of legal battle, the Jehovah's Witnesses of Germany were granted the highest status of public law corporation – the same as the mainstream Churches – in 13 federal *Länder* out of 16: Berlin, Bavaria, Brandenburg, Hamburg, Hesse, Lower-Saxony, Saarland, Saxony, Saxony-Anhalt, Schleswig-Holstein, Thuringia, and Rhineland-Palatinate.<sup>62</sup>

Although this status allows them to ask for religious classes in public schools and to introduce the church tax system that is specific to Germany, the spokesperson of the movement, Werner Rudtke, said in a press release of the German religious movement that they would not claim the financial benefits of their recently acquired status. "Jehovah's Witnesses will go on financing themselves on a voluntary basis as they have always done in Germany and in the rest of the world, and religious education of their children will take place at home and in the congregations", he said.

Anti-sect organizations should now keep in mind that Jehovah's Witnesses in Germany are a corporation under public law in almost all the *Länder*.<sup>63</sup>

## Conclusion

Germany has a long anti-sect tradition rooted in state institutions and in the mainstream Churches which has persisted up to now. In 1996, the German

<sup>62</sup> Their legal battle goes on in other *Länder*.

<sup>63</sup> From 1933 to 1945, Jehovah's Witnesses were heavily persecuted by the Nazi regime. Cf. Hans Hesse (ed.), *Persecution and Resistance of Jehovah's Witnesses during the Nazi Regime: 1933–1945*, Bremen 2003. See also Zoe Knox, *Writing Witness History: The Historiography of the Jehovah's Witnesses and the Watch Tower Bible and Tract Society of Pennsylvania*, in: *Journal of Religious History* 35 (2011), 157–180, esp. 171–173.

Bundestag adopted a recommendation to establish an Enquete Commission on “So-called Sects and Psycho-groups”. In the aftermath of its report, agencies warning against “sects” were integrated in federal and regional political institutions. German courts have been reluctant in ruling in favor of minority religious groups when they challenged the discriminatory treatment they were victims of.

The Catholic Church and the Lutheran Church which are the wealthiest Christian Churches in Europe thanks to the tax church system, the administrative management of which is carried out by the state, have put in place a whole network of local “advisory centers” warning against sects. This constituted a favorable environment for the implantation of FECRIS and for the affiliation of five German anti-sect organizations. Thus, FECRIS along with the German state contributes to the strengthening of the Catholic Church and the Lutheran Church.



## Zusammenfassung

In Deutschland besteht eine langjährige und bis heute anhaltende Anti-Sekten-Tradition, die in staatlichen Institutionen und den etablierten Kirchen verankert ist. Im Jahr 1996 verabschiedete der Deutsche Bundestag eine Empfehlung zum Einsatz einer Enquete-Kommission für „sogenannte Sekten und Psychogruppen“. Als Folge ihres Reports wurden Behörden zur Warnung vor „Sekten“ in politische Institutionen des Bundes und der Länder aufgenommen.

Die katholische und evangelische Kirche verfügen auf regionaler Ebene ebenfalls über 100 Behörden zur Warnung vor Sekten. Sie finanzieren sich hauptsächlich über die Kirchensteuer und zusätzliche Staatszahlungen zur Kompensation von Zwangseinteignungen aus dem Jahr 1803. 2008 erbrachte die Kirchensteuer der römisch-katholischen Kirche ein Nettoeinkommen von 5,1 Milliarden Euro, den protestantischen Kirchen (lutherisch, reformiert und uniert) 4,7 Milliarden Euro. Außerdem belaufen sich die zusätzlichen Zahlungen des Staates an die beiden Kirchen auf 9 Milliarden Euro. Die beiden großen deutschen Kirchen wurden durch dieses System zu den wohlhabendsten der Welt. Die Erhebung der Kirchensteuer wird zur Deckung jeglicher kirchenbezogener Ausgaben genutzt, sei es für die Schaffung von Einrichtungen und Stiftungen oder die Bezahlung von Pfarrern, aber auch für Programme von Anti-Sekten-Organisationen.

Fünf Anti-Sekten-Organisationen sind in Deutschland mit FECRIS in Verbindung zu bringen. Deren Hauptaktivitäten gelten Osho, Zeugen Jehovas, Scientology und der Vereinigungskirche. Ihre Anschuldigungen beschädigten das Ansehen dieser Bewegungen in Medien und Öffentlichkeit und führten zu herabwürdigenden Äußerungen über deren Glauben seitens des Staates (ungeachtet seiner Pflicht zur Neutralität). Die Osho-Bewegung hat sich vor Gericht erfolgreich gegen zahlreiche staatliche Versuche gewehrt, die Bewegung als gefährliche Sekte einzustufen. Nach einem 18-jährigen Rechtsstreit erhielten die Zeugen Jehovas den Status einer Körperschaft des öffentlichen Rechts – den auch die etablierten Kirchen besitzen – in 13 von 16 Bundesländern, doch sie werden von ihren Gegnern immer noch diffamiert und als Sekte bezeichnet.



**FECRIS' AFFILIATE IN SERBIA  
CENTRE FOR ANTHROPOLOGICAL STUDIES:  
SPREADING OF RELIGIOUS INTOLERANCE OR STRUGGLE  
FOR HUMAN RIGHTS AND FREEDOMS**

MIROSLAV JANKOVIC

This investigative paper has been compiled out of the materials collected from press clippings featuring statements made by the Centre for Anthropological Studies' representatives, interviews with representatives of minority religious communities, civil society and reputable sociologists of religion, as well as by way of researching reports by relevant non-governmental and international organisations on religious freedoms in Serbia.

The paper's objective is to highlight the true nature, *raison d'être* and activities of the Centre for Anthropological Studies, and thus offer an answer to the question whether this organization is spreading religious intolerance or advocating respect for human rights and freedoms, and inter-religious dialogue.

This investigative piece deals primarily with the public activities of the Centre for Anthropological Studies' representatives and their impact on the position of, above all, minority religious communities as well as, generally speaking, the context of enjoyment and understanding of religious rights and freedoms in Serbia.

**Relations State-Religions: Legal Framework**

In order to properly understand the status of religious rights and freedoms in Serbia, it is necessary to look into both their legal and practical dimensions. Legal status of religious communities in Serbia is regulated by the Constitu-

tion of the Republic of Serbia<sup>1</sup> (hereinafter: “the Constitution”) and the Churches and Religious Communities Act<sup>2</sup> (hereinafter: “the Act”).

The Constitution, which was adopted by the Serbian parliament on 30 September 2006, guarantees freedom of thought, conscience and religion. Article 43 of the Constitution reads as follows: “Freedom of thought, conscience, beliefs and religion shall be guaranteed, as well as the right to stand by one’s belief or religion or change them by choice.”<sup>3</sup> In addition, the Constitution stipulates that no person is under obligation to declare his/her religious or other beliefs<sup>4</sup> and guarantees freedom to manifest his/her religion or religious beliefs.<sup>5</sup>

The Constitution also guarantees equality of churches and religious communities as well as their separation from the state.<sup>6</sup> Churches and religious communities are free to organise independently their internal structure, religious matters, to perform religious rites in public, and to establish and manage religious schools, social and charity institutions in accordance with the law.<sup>7</sup> The Constitutional Court may ban a religious community solely if its activities infringe the right to life, right to mental and physical health, the rights of the child, right to personal and family integrity, public safety and order, or if it incites religious, national or racial intolerance.<sup>8</sup>

On the other hand, the Act, which was adopted on 20 April 2006, has been one of the most disputed legal documents in Serbia, whilst its implementation has been consistently criticised by minority and “non-traditional” religious communities as well as by non-governmental and international organisations.

What has most often prompted criticism of the Act is its fundamental idea of the division of religious communities into churches and religious communities, confessional communities and other religious organisations.<sup>9</sup> Accord-

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<sup>1</sup> The Constitution of the Republic of Serbia was passed on 30 September 2006, following a referendum held on 28–29 October 2006 in which 53.04% of the electorate had voted for the proposed draft of the new Constitution.

<sup>2</sup> Churches and Religious Communities Act was passed on 20 April 2006 (Official Gazette of the Republic of Serbia, No. 36/06).

<sup>3</sup> The Constitution of the Republic of Serbia, article 43, para. 1.

<sup>4</sup> *Ibid.*, article 43 para. 2.

<sup>5</sup> *Ibid.*, article 43 para. 3.

<sup>6</sup> *Ibid.*, article 44 para. 1.

<sup>7</sup> *Ibid.*, article 44 para. 2.

<sup>8</sup> *Ibid.*, article 44 para. 3.

<sup>9</sup> Churches and Religious Communities Act, article 4.

ing to many analysts and civil society representatives, there is a significant discrepancy in rights between the first and all other listed categories.

The Act lists the Serbian Orthodox Church, Roman Catholic Church, Slovakian Evangelical Church, Christian Reformist Church and Evangelical Christian Church as traditional churches.<sup>10</sup> Under the Act, the Islamic Religious Community and Jewish Religious Community belong to traditional religious communities.<sup>11</sup> The Act also stipulates that traditional churches and religious communities are those with centuries-long historic continuity, having acquired legal subjectivity pursuant to separate legislation.<sup>12</sup> The Act defines confessional communities as those whose status was regulated by laws of the Federative People's Republic of Yugoslavia (1953) and the Socialist Republic of Serbia (1977).<sup>13</sup>

Other communities are not defined; hence they are designated by way of a negative provision. These are those communities which have not fallen into the first two categories. The Ministry of Religion, in its capacity as the bill's proposer, has never explained the criteria on the basis of which such a classification was implemented.

Apart from discriminatory treatment of various religious communities, the main feature of this piece of legislation is a grave encroachment upon the secular character of the state reflected, above all, in frequently allowing religious communities to interfere with the affairs of the state. Thus, religious services are guaranteed in all public institutions<sup>14</sup>, and the possibility to hold religious instruction in all primary and secondary schools is guaranteed<sup>15</sup>; moreover, an obligation of the state organs to assist with the enforcement of enforceable decisions passed by ecclesiastical courts, in accordance with the law, is also stipulated.<sup>16</sup> On the other hand, the clergy, i.e. religious servants, are entitled to immunity when performing religious rites.<sup>17</sup>

Dragan Popović, programme director of the regional non-governmental organisation Youth Initiative for Human Rights (hereinafter: "Youth Initiative"), says the following about the Act:

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<sup>10</sup> Ibid., article 10 para. 1.

<sup>11</sup> Ibid., article 10 para. 2.

<sup>12</sup> Ibid., article 10.

<sup>13</sup> Ibid., article 16.

<sup>14</sup> Ibid., article 34.

<sup>15</sup> Ibid., article 36.

<sup>16</sup> Ibid., article 7 para. 2.

<sup>17</sup> Ibid., article 8 para. 4.

“This piece of legislation features little law, but a lot of politics. At the time of its enactment, several non-governmental organisations were submitting amendments to it and were calling for the passage of a legal document of higher quality. So far, two effects have been achieved. The first one is discrimination because churches and religious communities have been divided into traditional and non-traditional religious entities. The former enjoy all the rights without any obligations, whilst, for the purpose of registration only, the latter must submit impressive documentations which are then analysed by the Ministry of Religion. The second effect is a dangerous influence of the church on the state authorities. A statement by former minister of religion in the Government of the Republic of Serbia, Milan Radulović, given at talks with the representatives of the Baptist religious community, would serve the best to illustrate the point: ‘But why would you need this church of yours when you’ve got such a good Serbian Orthodox Church?’”<sup>18</sup>

### **Ideology, Organisational Structure and Sources of Financing**

The member representative of the European Federation of Centres of Research and Information on Sectarianism (hereinafter: “FECRIS”) in Serbia is the Centre for Anthropological Studies (hereinafter: “CAS”), a non-governmental and non-profit organisation.<sup>19</sup> The creation of CAS featured intensive contacts with two European organisations – FECRIS and Berliner Dialogue.<sup>20</sup>

#### ***Ideology and Organisational Structure***

Director and chairman of this organisation’s Management Board is Zoran Luković, a captain of the criminal police of the Ministry of Interior of the Republic of Serbia and the author of the book “Religious Sects – A Self-Defence Manual”.<sup>21</sup> Aside from Luković, Andrej Protić and a certain Aleksandar Vasić, lawyer, are the names most often publicly mentioned as CAS members. According to the CAS web site, its members are “experts renowned in Serbia and throughout the world, belonging to various structures relevant to the areas of research: university professors, psychiatrists, psychologists, lawyers, legal experts, sociologists, theologians, anthropologists, historians and film directors”.<sup>22</sup>

<sup>18</sup> Youth Initiative for Human Rights’ report from a press conference held on 30 April 2010 (see: <http://rs.yihr.org/rs/article/66/>).

<sup>19</sup> See <http://cas.rs/cir/aktivnosti-projekti/>.

<sup>20</sup> See <http://cas.rs/cir/sta-je-cas/>.

<sup>21</sup> See <http://cas.rs/cir/direktor/>.

<sup>22</sup> See <http://cas.rs/cir/aktivnosti-projekti/>.

The official CAS internet presentation declares that this organisation is researching phenomena in the field of social anthropology, anthropology of religion, social pathology and various other functional aspects of human communities.<sup>23</sup> This organisation's stated *raison d'être* is to find a way to overcome social, religious, cultural and other disparities, and to achieve a real, intercultural and interreligious dialogue and tolerance between majority and minority groups living within the same community.<sup>24</sup> According to its own claims, this organisation has published several books and held over 700 lectures throughout Serbia.<sup>25</sup>

CAS advocates, amongst other things, the introduction of more articulate legal regulations in its fields of operation, but also the formation of governmental agencies, which already exist in France (*Mission interministérielle de vigilance et de lutte contre les dérives sectaires* – MIVILUDES), Belgium (*Centre d'information et d'avis sur les organisations sectaires nuisibles*) and Austria (*Bundesstelle für Sektenfragen*).<sup>26</sup> The goal of such initiatives, they claim, is to preclude violations of fundamental human, child's and civic rights as well as to prevent manipulative and deceptive schemes masked by alleged right to freedom of religion.<sup>27</sup>

At first sight this organisation appears to be committed to overcoming religious strife, i.e. disparities between majority and minority religious communities by way of establishing interreligious and intercultural dialogue; however, the previously described organisation's scope of activity contradicts public actions of CAS representatives, above all, CAS director Zoran Luković. According to the statements of minority religious communities' representatives in Serbia, as well as representatives of non-governmental organisations dealing with religious rights and freedoms, but also renowned sociologists of religion, the activities of this organisation's director, Zoran Luković, deviate to a large extent from the declared objectives and *raison d'être* of the Centre for Anthropological Studies.

In an interview conducted for the purposes of this paper, Zdravko Šordan, director of the Centre for Tolerance and Inter-Religious Relations NGO, said that Zoran Luković did not change his tone compared to his previous hawkish public calls for settling the score with small religious communities, or

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<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> See <http://cas.rs/cir/aktivnosti-projekti/>.

<sup>27</sup> Ibid.

“sects” as he would refer to them.<sup>28</sup> “Luković holds the same position as before”, said Šordan. “He is more low-key now and he’s changed his method of work. He is still connected to the Serbian Orthodox Church wherefrom he is receiving his guidelines and instructions.”<sup>29</sup>

In an interview for Press daily newspaper on 12 February 2010, a lawyer and member of the Centre for Anthropological Studies, Miroslav Vasić, said that the Centre for Anthropological Studies was the only organization dealing with the problem of sects in Serbia<sup>30</sup> and gave a categorisation of sects which was identical to the categorisation made by Zoran Luković in his book, which further corroborated the fact that Luković’s views might well be seen as the views representing the official ideology of CAS.<sup>31</sup>

Although he admits being unable to give a comprehensive definition of “sects”, he labels as such minority religious movements even when they have long been registered in Serbia, such as the Baptist Church which registered for the first time in 1927. He operates the following categorisation: **Pseudo-Christian Sects** (Ebionites, Montanists, Apocryphes, Aryans, Nestorians, Gnostics, Monophysites, Bogomilists, Staroverci (Old Believers), Baptists, Nazarenes, Adventists, Jehovah’s Witnesses, Mormons, Pentecostals, Creationists and Children of God), **Pseudo-Hindu and Far Eastern Sects** (Transcendental Meditation, Karma Centre, Sai Baba, Chandraswami, Meher Baba, Hare Krishna, Falun Gong), **Syncretist Sects** (Rosenkreutzers, Golden Dawn, Masons, Illuminati, Theosophical Society, New Age, Order of the Temple of the East, Scientology, Shinrikyo), **Satanist Sects** (Church of Satan, Free Spiritists, Peoples Temple, White Brotherhood, House of David, Heaven’s Gate).<sup>32</sup>

### *Sources of Financing*

It is hard to come by unambiguous relevant data as regards the manner in which CAS is funded. Its official web presentation states that the organisation,

<sup>28</sup> Interview with Zdravko Šordan, head of the Centre for Tolerance and Inter-Religious Relations, 6 September 2010.

<sup>29</sup> Ibid.

<sup>30</sup> *Alarming! Over 500,000 Serbs in Sects [Alarmantno! Više od 500.000 Srba u sektama]*, Press, 12 February 2010, author: Lj. Račić, see [http://www.pressonline.rs/sr/vesti/u\\_fokusu/story/100670/Alarmantno%20Vi%C5%A1e%20od%20500.000%20Srba%20u%20sektama.html](http://www.pressonline.rs/sr/vesti/u_fokusu/story/100670/Alarmantno%20Vi%C5%A1e%20od%20500.000%20Srba%20u%20sektama.html).

<sup>31</sup> Ibid.

<sup>32</sup> Zoran Luković’s book “Religious Sects – A Self-Defence Manual” may be downloaded from the following web site: <http://www.filestube.com/7af3c765d3b7495703e9/details.html>.



for the purpose of achieving its objectives, is in talks with reputable international foundations and foreign institutions interested in practical expert collaboration in relation to these issues.<sup>33</sup>

The only available specific piece of information pertaining to CAS sources of funding suggests that some activities are financed by the Government of the Republic of Serbia (hereinafter: “the Government”) via the Institute for Advancement of Education (hereinafter: “the Institute”), which was established in 2004.<sup>34</sup> This Institute deals with, amongst other things, the professional advancement of teaching staff, preparation of the curricula and procedures for approving textbooks and teaching aids.<sup>35</sup>

Namely, in collaboration with the Institute, CAS implemented a “New Forms of Addiction and Communication Systems” project as part of which 15 CAS lecturers were licensed to hold expert seminars for teaching staff in the 2009/2010 school year as well as lectures for children, teachers and parents in primary schools.<sup>36</sup> The project’s objective is the prevention of “sectarian activities” in school and family environments.<sup>37</sup> CAS representatives Zoran Luković and Andrej Protić are among the 15 lecturers, while the topics of lectures included: classification of organisations with sectarian character and cults, informal groups of young people and sectarian activities, manipulation at a collective level.<sup>38</sup>

What has been stated above tends to corroborate the statement by Zdravko Šordan of the Centre for Tolerance and Inter-Religious Relations who, when asked if he knew what the sources of CAS funding were, replied: “I think CAS is financed by the State”.<sup>39</sup>

This effectively suggests that CAS representatives are acknowledged by the State as legitimate partners as well as that they are allowed, on one hand, to have an impact on the education of teaching staff who are to subsequently teach children, and, on the other hand, to exert a direct influence on both children and their parents.

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<sup>33</sup> Ibid.

<sup>34</sup> See the web site of the Centre for Anthropological Studies: <http://cas.rs/lat/>.

<sup>35</sup> See the web site of the Institute for Advancement of Education: [http://www.zavod.edu.rs/index.php?option=com\\_content&view=article&id=5&Itemid=47](http://www.zavod.edu.rs/index.php?option=com_content&view=article&id=5&Itemid=47).

<sup>36</sup> See above under 31.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Interview with Zdravko Šordan, head of the Centre for Tolerance and Inter-Religious Relations, 6 September 2010.

### Public Activities of Centre for Anthropological Studies Representatives

**Zoran Luković**, director and Management Board Chairman, **Miroslav Vasić**, lawyer, and **Andrej Protić** appear the most often on behalf of CAS on the Serbian public scene. According to relevant experts' opinions, CAS representatives' public appearances incite religious intolerance in Serbia, particularly with respect to minority religious communities such as the Adventist Church, Jehovah's Witnesses, Baptist Church, Pentecostal Church and others, which they refer to as "sects". Thus, a considerable ill-will is being created towards the members of these religious communities which are perceived as evil and enemies of traditional churches and religious communities, particularly the dominant Serbian Orthodox Church.

In 2005, Youth Initiative filed criminal charges against Zoran Luković (which will be subsequently discussed in more detail), stating the following:

"The applicant, Youth Initiative for Human Rights, is of the view that Zoran Luković, through his books, articles, public appearances in the media and his overall conduct, is continuously provoking and inciting religious hatred, discord and intolerance of religious communities which have been registered in Serbia. Contrary to the Constitution, other domestic regulations and the international law, he refers to religious communities, which have been registered in Serbia, as 'the sects'. Moreover, he describes these religious communities and their members as mental manipulators, mentally ill people, alcoholics, drug addicts and toxicomaniacs who end up in either psychiatric institutions or cemeteries, as perpetrators of gravest criminal offences such as murders, robberies and rapes, as people involved in prostitution, as those who ridicule religious holidays and church services, as culprits responsible for developing addictions and wiping out free will of individuals, as believers who perceive other people as demons, as people who want to get rich and exert influence on the centres of power, as promoters of a special war, as those who bring about death and destruction [...] By presenting such untruths Luković is wilfully indoctrinating Serbian citizens and instilling hatred against the recognised religious communities in Serbia. Zoran Luković, as a public servant of the Ministry of Interior, is thus generating an atmosphere of hatred and fear of the religious communities in the Serbian society and widening the gap dividing the Serbian citizens who are Orthodox Christians and those who belong to other religious communities. Such an atmosphere gave rise to about 300 religiously motivated incidents in Serbia between 2001 and 2005".<sup>40</sup>

On 27 March 2009, Belgrade daily *Večernje Novosti* wrote about a case where the Social Work Centre in Rakovica<sup>41</sup> assigned an 11-year-old girl to a foster

<sup>40</sup> Criminal charges filed by Youth Initiative are stored in this organisation's documentation archive and are available on request (there is only a version in Serbian language).

<sup>41</sup> A municipality in Belgrade.

family whose members are Jehovah's Witnesses.<sup>42</sup> Commenting on this case, Luković said that the members of sects, referring to the Jehovah's Witnesses as such, should not be given children for adoption or foster care.<sup>43</sup> "Jehovah's Witnesses are a hermetic sect and it's important to them that people see them from the outside as positive [...] Jehovah's Witnesses are constantly under watch and they do everything in the interest of the sect. Whenever they make a mistake, they are to be held accountable for it before a court within their community [...] There are many examples of young people's suicides before or after the court committees' sessions"<sup>44</sup>, said Luković. Further in the article, Luković mentioned "a sect" called Familija allegedly promoting prostitution and operating in refugee camps under the guise of a humanitarian organisation. He went on to say that some "sects" were often to be found in communities where women and children were being harassed.<sup>45</sup> Zoran Luković discussed the same topic in his interview for another Belgrade daily Press article on 11 March 2009 when he said that, according to all publications, the incidence of psychological disorders was four times higher among Jehovah's Witnesses when compared to general population.<sup>46</sup>

In April 2010, in the Belgrade quarter of Medaković, a dog whose four paws had been cut off was found.<sup>47</sup> The public at large in Serbia condemned this crime in the harshest terms and demanded that the authorities track down those responsible as soon as possible. In one of many articles which were published in the media at the time, Zoran Luković took the opportunity to connect the story with the "sect" issue: he argued that the dog mutilation incident might well be a part of a religious ritual given that he had learnt about many such cases in the course of his career.<sup>48</sup> Luković went on to say the following: "Some Satanist groups are preparing for the ritual by way of slaughtering and mutilating animals, while the murder and torturing of ani-

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<sup>42</sup> *In the Claws of a Sect [U kandžama sekte]*, Večernje novosti daily, 27 March 2009, author: Jelena Subin, see: <http://www.novosti.rs/vesti/naslovna/aktuelno.69.html:235595-U-kandzama-sekte>.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> *Sect Members – A Threat to Children [Sektaši opasni za decu]*, Press, 11 March 2009, author: Lj. Račić, see [http://www.pressonline.rs/sr/vesti/u\\_fokusu/story/60408/SEKTA%C5%A0I+OPASNI+ZA+DECU!.html](http://www.pressonline.rs/sr/vesti/u_fokusu/story/60408/SEKTA%C5%A0I+OPASNI+ZA+DECU!.html).

<sup>47</sup> *All Four Dog's Paws Cut Off [Psu odsečene sve četiri šape]*, Blic, 15 April 2010, see <http://www.blic.rs/Vesti/Beograd/185172/Psu-odsecene-sve-cetiri-sape>.

<sup>48</sup> *Mutilated Dog to Get Prostheses [Osakaćeni pas dobiće proteze]*, Press, 16 April 2010, author: D. Minić, see <http://srb.time.mk/read/5eab81cecc/7d301fc6dd/index.html>.

mals are a frequent occurrence among such criminal and sociopathic groups”.<sup>49</sup>

As far back as 2001, in an interview for Belgrade daily *Glas javnosti*, Zoran Luković gave a following comment on the issue of “sects”:

“In any case, religious sects’ activities are increasingly taking their toll on the mental health of their followers, and this often leads to a high degree of destruction entailing numerous consequences ranging from anti-social behaviour, disturbance of public peace and order, through desecration of places of worship, shrines and cemeteries, auto-aggression – self-injury and suicide, sexual perversions, to all sorts of criminal offences, including the gravest ones like suicides, abductions, robberies and rapes [...] Harmfulness of these para-religious groups and individuals manifests itself as a threat to citizens’ mental health. As a rule, the family of a sect member also suffers. As the sect members are most often instructed to separate themselves from their ‘demonic’ natural environment, they focus solely on the interests of the sect itself. Thus, children are losing their parents, or vice versa, depending on who’s a sect member. Businesses lose workers, pedagogues, experts and teachers, and the problem is not only personal and family-related, but it’s a wider problem for the society at large”.<sup>50</sup>

To illustrate the point, perhaps the best example of the impact which Luković’s activities in public exert on the process of shaping public opinion by spreading paranoia and unrest contrary to inter-religious dialogue and social peace would be the gruesome incident in relation to which Danijel Jakupek was suspected of having murdered Vasilije Trbović and five-year-old Luka Opačić under horrific circumstances in Novi Banovci in March 2007.<sup>51</sup> This horrible crime shocked the Serbian public. Media reported Jakupek to have severed the heads, limbs and other body parts, and thrown them in the Danube River.<sup>52</sup> A Youth Initiative’s report on this incident reads as follows: “Spurred on by the statements of police officers among whom Zoran Luković particularly ‘distinguished’ himself, the media whipped up a mass hysteria about Satanists and sect members going on a rampage throughout Serbia even though an investigation into the matter had not yet been launched. The ramifications of this hysteria may be devastating and manifest themselves as attacks on places of worship, believers and priests of the Adventist Church, Baptist Church, Jehovah’s Witnesses and other recognised and registered religious communities in Serbia that are perceived as sects by the public. Serbia,

<sup>49</sup> Ibid.

<sup>50</sup> *More Dangerous Are Those Humanitarian [Opasnije su one humanitarne]*, *Glas javnosti*, 2001, see <http://arhiva.glas-javnosti.rs/arhiva/2001/12/27/srpski/T01122603.shtml>.

<sup>51</sup> *Murderer Confessed to Crime in Novi Banovci [Ubica priznao zločin u Novim Banovcima]*, *Blic*, 1 September 2007, author: Ana Ž. Adžić; see <http://www.blic.rs/Vesti/Hronika/12090/Ubica-priznao-zlocin-u-Novim-Banovcima>.

<sup>52</sup> Ibid.

spurred on by arbitrary statements made by individual police officers and irresponsible media reports, is falling prey to a witch-hunt against anything that is not traditional churches and religious communities”.<sup>53</sup>

Even though Sremska Mitrovica District Court's investigative judge, Nebojša Starčević, said that Danijel Jakupek had not yet explained the motive for his crime, Zoran Luković asserted it had a Satanist “sect” origin by saying:

“This is a ritual murder and it has been modelled after the Satanist rituals of Count Dracula. He relished severing parts of his victims' limbs and decapitating them. Jakupek has mutilated little Luka because the most precious victims for Satan are children, particularly the unborn ones. Anyway, all the circumstances point to Jakupek being a Satanist. His room and cellar are painted in black, and the police seized an abundance of Satanist literature”.<sup>54</sup>

According to Youth Initiative, such statements gave rise to daily media articles out of which some had the following headlines: “Satanists Ordered Him: Slaughter Serbs”<sup>55</sup>, “Black Mass”<sup>56</sup>, “Satanists on the Rampage in Serbia”<sup>57</sup>, “Satanist Orgy Claims Two Lives”<sup>58</sup>.

The above mentioned report by Youth Initiative on this horrible crime specifies that one of the cousins of Danijel Jakupek confirmed that the murderer owned a book about Count Dracula, but that it was a scientific historical book with facts on the life of the actual Count Dracula and not the description of his crimes, that the book stood on the shelf just like the others and that he never noticed Jakupek being obsessed in any way.<sup>59</sup> The cousin added that a Satanist altar in the basement of Jakupek's house was mentioned in the public, where he allegedly carried out rituals, but that it was really a

<sup>53</sup> *Impact of Sensationalist and Unprofessional Approach to Novi Banovci Crime [Efekti senzacionalističkog i neprofesionalnog pristupa zločinu u Novim Banovcima]*, Youth Initiative, see <http://archive.yih.org/uploads/newsletters/bhs/20.pdf>.

<sup>54</sup> *Ritual Murder or Act of Cannibalism [Ritualno ubistvo ili delo kanibala]*, Glas javnosti, 4 September 2007; see <http://www.glas-javnosti.rs/clanak/glas-javnosti-04-09-2007/ritualno-ubistvo-ili-delo-kanibala>.

<sup>55</sup> *Satanists Ordered Him: Slaughter Serbs [Satanisti mu naredili: Pobij Srbe]*, Pravda, 3 September 2007; author: Mirjana Stojadinović.

<sup>56</sup> *Black Mass [Crna misa]*, Kurir, 3 September 2007; authors: D.M. – A.M.

<sup>57</sup> *Satanists on the Rampage in Serbia [Satanisti haraju Srbijom]*, Press, 3 September 2010; see <http://pressonline.rs/sr/vesti/hronika/story/19234/SATANISTI+HARAJU+SRBIJOM.html>.

<sup>58</sup> *Satanist Orgy Claims Two Lives [Satanistički pir odneo dva života]*, Dnevnik, 2 September 2007; author: S. Bojević.

<sup>59</sup> Effects of sensationalist and unprofessional approach to the crime in Novi Banovci, Youth Initiative, see: <http://archive.yih.org/uploads/newsletters/bhs/20.pdf>.

common table and a washing basin on it, which you can see in almost every garage.<sup>60</sup>

The effects of public statements by Zoran Luković on this case were devastating. There was a mass hysteria and people started locking themselves up in their houses, and heads of certain local communities asked for extraordinary measures of protection.<sup>61</sup> Parliamentary political party New Serbia sought a ban on all “suspicious religious organisations” and accused the city authorities for leasing the Pionir sports arena for a promotion to Jehovah’s Witnesses, who are a recognised and registered religious community in Serbia.<sup>62</sup> Amendments and changes to the Act on Churches and Religious Communities were sought, specifically a ban on their work.<sup>63</sup>

Having adopted the stance by Zoran Luković as relevant and truthful, the then Minister of the Interior of the Republic of Serbia Dragan Jočić, while commenting on the crime in Novi Banovci, said that the police would intensify its fight against sects whose rituals result in death or pressure on sect members to commit suicide.<sup>64</sup> “The Ministry of Interior Affairs has a department which closely follows the problem of sects, but having in mind the consequence of sects’ activities in the last several years, monitoring of their behaviour would become a priority and would be lifted to a strategic level”, said Jočić.<sup>65</sup> Finally, the minister added: “The sects are thriving and so far there’s been not enough attention dedicated to the membership in sects as a pathological behaviour, or that murders and suicides which certainly resulted from teachings of certain sects and their type of behaviour increased in recent years.”<sup>66</sup> This shows how statements from Zoran Luković, as a member of the Ministry of the Interior of the Republic of Serbia, had a definite effect on the creation of official stances by ruling elite in Serbia.

Mirko Đorđević, one of the most recognised and influential sociologists of religion in Serbia, blamed the police and their “expert” Zoran Luković “who

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<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> *Novi Banovci: Murderer Confesses to Crime*, B92, September 1, 2007, see: [http://www.b92.net/info/vesti/index.php?yyyy=2007&mm=09&dd=01&nav\\_id=261604](http://www.b92.net/info/vesti/index.php?yyyy=2007&mm=09&dd=01&nav_id=261604).

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

went right away to say that sects were to blame, without specifying which or what kind<sup>67</sup>. He added that it was a very arbitrary assessment.<sup>68</sup>

Miodrag Živanović, the then President of the Main Committee of the Union of Adventist Churches in the south-east region said that Zoran Luković often came by to pick up literature and that their doors were always open to him, but that he responded in kind by writing that Adventists are a sect. “He was hired to persecute small religious communities”, said Živanović.<sup>69</sup>

Jovan T. Byford, professor at the Faculty of Social Sciences Walton Hall in Great Britain had a following assessment of Luković's activity: “The whole case shows that Luković is a bad policeman. The policeman who states his impression before his colleagues even investigated the scene, who knows who is guilty beforehand, etc., shows that Luković has nothing to do with professional police. Luković's status of an ‘expert’ gives the story about sects’ legitimacy which it does not deserve”.<sup>70</sup>

According to Vladimir Ilić, director of the Centre for Development of Civilian Society, the police and court later established beyond any doubt that the crime in Novi Banovci was committed solely due to personal psychosis of the perpetrator, Danijel Jakupek.<sup>71</sup> Zoran Luković was not held responsible for disseminating false and tendentious information in this case. In an interview he gave to daily *Večernje novosti*, Zoran Luković publicly asked from the Ministry of Justice of the Republic of Serbia and police to consider sects to be an organised criminal ring.<sup>72</sup>

Andrej Protić, secretary of the Centre for Anthropological Studies, in an interview with *Arena 92*, made alarming statements with outrageous figures saying that around a hundred sects are active in Serbia with around half a million people in their ranks and that that number, multiplied by three, or the members of their close families, goes over the figure of a million and half of victims of the sect activity.<sup>73</sup> Protić added: “The majority of sects in Serbia actually hides behind the name of some religious community, non-govern-

<sup>67</sup> Effects of sensationalist and unprofessional approach to the crime in Novi Banovci, Youth Initiative, see: <http://archive.yih.org/uploads/newsletters/bhs/20.pdf>.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Interview with Vladimir Ilic from October 01, 2010.

<sup>72</sup> *Sects Versus the State*, *Vecernje novosti*, July 31, 2008, author: J. Subin, see: <http://www.novosti.rs/vesti/naslovna/aktuelno.69.html:219972-Sekte-protiv-drzave>.

<sup>73</sup> *Sects Crush Serbia*, *Arena 92*, 2006, author: Lj. D. Jutic, see: <http://www.arena92.rs/code/navigate.php?Id=599&editionId=107&articleId=454>.

ment organisation or citizen association. That is why it is so hard to trace them and expose them. However, we in the Centre of Anthropological Studies, who have been dealing with this problem for years, are capable of recognising them instantly at the first glance or a meeting.<sup>74</sup> Protić then gave the example of Jehovah's Witnesses: "Typical examples are Jehovah's Witnesses, registered as a religious community with the public register. They have the biggest number of followers in this region, just like everywhere else in the world, and they recruit more and more people and children into their ranks. No one touches them, checks on them or processes them although everyone knows that their activity is dangerous."<sup>75</sup> Finally, Protić claimed that CAS has information about the activities of several Satanist sects whose members, with instructions from their leaders, desecrate graves, carry out rituals in cemeteries, and commit suicides and even murders.<sup>76</sup> Protić concluded that Satanist leaders drive their followers to sexual conduct, abortions, prostitution, homosexual behaviour and cannibalism.<sup>77</sup>

In the same paper, Zoran Luković gave an interview entitled "Offering Sacrifice to the Devil". Describing activity of "Satanist sects in Serbia", Luković explained that members of "sects" do not have horns on their heads, that they cannot be recognised right away, and that they look completely different.<sup>78</sup> Luković said: "Their appearance is polished, refined, and naive messages that they send out through various types of activities are directed to the most sensitive groups of people with complicated problems – teenagers, children whose parents are divorced or too busy, and the youngest population, primary school pupils, which are Satan's dearest present."<sup>79</sup>

In the same text, Luković describes alleged rituals of "Satanist sects" and says:

"In their dark thoughts (a part of the ritual invoking Satan), offering sacrifice is mandatory, so in all the Satanist rituals there are a lot of elements of cannibalism, drinking of blood, to be more precise, both human and animal blood. Satanists fight against everything human or godly and they are potential murderers and suicide candidates. They are prone to violence and sexual harassment. They are lacking in education and

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<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> *Offering Sacrifice to the Devil*, Arena 92, author: Lj. D. Jutic, see: <http://www.arena92.rs/code/navigate.php?Id=599&editionId=110&articleId=470>.

<sup>79</sup> Ibid.



they often improvise in their rituals. Because of such obscure rituals, they often get crazy ideas and are prepared to shed blood.”<sup>80</sup>

At the end of the text, Luković describes the alleged sexual initiation of members of Satanist sects: “Rituals are carried out in cemeteries, as well as murders, or suicides. Satanists carry out rituals in improvised clothes, sometimes even naked. Concretely, we discovered in a house in Belgrade that members of a Satanist sect carried out initiation of new members in a coffin. A new female or male member would lie down in a coffin completely naked and have sexual intercourse with a member of the sect and after that she or he would be considered initiated.”<sup>81</sup>

At one of the lectures on sects with guest appearancea from Zoran Luković, Sloan Mijailović, and Serbian Orthodox Church bishop Porfirije, held in Bečej in 2005, the topic was the alleged invasion of “sects” in Serbia.<sup>82</sup> Journalist M. Tucić, who reported for the local paper *Bečejski mozaik*, described Luković’s lecture as a list of terrifying facts about young people who under the influence of sects took their own lives, but also lives of other people.<sup>83</sup> At the end of the text, inspired by Luković’s lecture, the journalist concludes: “In complete silence, the audience was listening to these lectures and, let us hope, went home readier for this increasing invasion of evil.”<sup>84</sup>

The paranoia thus created went as far as suspecting Japanese cartoons of inducing mental manipulation. Journalist of daily *Glas javnosti* in an interview with Zoran Luković in 2006 asked him whether cartoons of the then popular *Pokemon*, *Digimon* and similar titles had any hidden messages in them which could have dangerous consequences for the children.<sup>85</sup> Luković replied: “They are not harmless [...] In the analysis of children carried out in Japan, the results showed that a potential for epilepsy was discovered among more than 200 children in a short period of time. The only common thing for all those children was that they regularly watched *Pokemon*. I think it is a serious enough example from the world.”<sup>86</sup> In the same text, Luković describes activities of “sects” in Serbia and says that “they monitor the needs of people

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<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> *Sects Are Here To Stay*, *Bečejski mozaik*, author: M. Tucić, see: <http://becejski-mozaik.rs/sh/285/20/260/>.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> *Sect Followers Do Not Have Horns On Their Heads*, *Glas javnosti*, 2006, authors: Gordana N. Tadić and Ana Savić, see: <http://arhiva.glas-javnosti.rs/arhiva/2006/01/22/srpski/T06012101.shtml>.

<sup>86</sup> Ibid.

just like markets, they are psycho-mental markets. Sects have today entered the fringe fields of brain, possibilities of science, cloning.<sup>87</sup>

An interesting example of Zoran Luković's activity is his statement to *Glas javnosti* in a text dealing with claims that the Church of Scientology patented the Orthodox cross as its own symbol at the Institute for Intellectual Property and thus took it away from the Serbian Orthodox Church.<sup>88</sup> Luković explicitly claimed that the Holy Synod of the Serbian Orthodox Church reacted by filing charges against Scientology before the Commercial Court in Belgrade, or, to be precise, against its Centre for Religious Technology from Los Angeles, and that after this registration of the cross, the Serbian Orthodox Church had no right to officially use it any more.<sup>89</sup>

Later in the text, a lawyer of the Serbian Orthodox Church denied these claims.<sup>90</sup> "However, the claim by Zoran Luković that the Serbian Orthodox Church filed charges against the Church of Scientology is not true. One of the lawyers of the Patriarchate told *Glas javnosti* that the Church never sued anyone for the use of the cross in marketing, commercial, financial or any other purposes", said the lawyers.<sup>91</sup>

At the end of this section, it is useful to mention the example of public activity of Professor Bratislav Petrović, until recently a representative of FECRIS in Serbia. Petrović gave an interview for *Nedeljni telegraf* in 2006 under the title "Sects in Serbia" and "America Sends Mental Assassins to Serbia". In the text, Petrović says:

"Sects virtually restrict, threaten and kill human freedom, which is why Europe already has an established term for it, the liberticidal crime of killing human freedom [...] According to the data from foreign authors who follow these phenomena in an organised fashion, in 70 per cent of cases victims of sects have been visibly depressed, in 60 per cent they felt lonely and confused, and in 60 per cent of cases they had a sense of guilt. Victims of sects have suicidal thoughts in 52 per cent of cases, and inability to stop chanting and meditating in 42 per cent of cases. These victims were mentally or physically tortured in 97 per cent of cases."<sup>92</sup>

It is important to point out that this text by Bratislav Petrović, together with texts and media statements by Zoran Luković, were used at the site of Storm-

<sup>87</sup> Ibid.

<sup>88</sup> *Makes a Man Cross Himself*, *Glas javnosti*, August 13, 2003, see: <http://arhiva.glas-javnosti.rs/arhiva/2003/08/13/srpski/T03081201.shtml>.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> See <http://forum.vidovdan.org/viewtopic.php?f=10&t=184&start=165>.

front Serbia<sup>93</sup>, which in the civilian society in Serbia is perceived as a space where ultranationalist and fascistic ideas are spread.<sup>94</sup> The official logo of this site reads “White pride worldwide”.<sup>95</sup> Thus, for example, on the said site a topic “Jehovah’s Witnesses Are Gathering”<sup>96</sup> was opened, where texts by Petrović and Luković were posted. In some of the posts commenting on these texts, participants of the forum called on violence against Jehovah’s Witnesses and some of them even described events in which they attacked members of Jehovah’s Witnesses. A Forum member under the nickname “Bad Skin” said: “In Serbia every scum is allowed to gather, from sect members to scum which openly work on disintegrating and parcelling Serbia, and when I say this, I mean those little shits from 64 Districts<sup>97</sup> and Shiptars<sup>98</sup> in southern Serbia.”<sup>99</sup>

Another forum member under the nickname “Sser” said: “I personally can hardly wait for the next gathering of Satanists, faggots, junkies and other degenerates. [...] We should prepare them a warm welcome then.”<sup>100</sup>

A forum member under the nickname “Milan Stojadinovic Jr.” adds: “Do us a favour, storm the next gathering of these sects with a belt of C-4” and “let them rip, don’t let any of those evil-doers survive.”<sup>101</sup>

Finally, forum members under nicknames “Serbiantribe” and “AC” on experiences with members of Jehovah’s Witnesses said: “All of them should be cut in the root, tomorrow they will try to recruit our children, since they got a warm welcome from me and my neighbours they do not show up any more over here and let it stay like that [...] Serbia to Serbs, a Serb for a Serb”<sup>102</sup> and “I hit a Jehovah’s Witness with a soda in a carton pack. [...] He did not react at all. [...] The same as the man from Hare Krishna, but I did not hit him with a juice but with a fist. Brainwashed, all of them.”<sup>103</sup>

<sup>93</sup> See <http://www.stormfront.org/forum/f43/>.

<sup>94</sup> Neo-Nazi group threatens journalist, B92, see: [http://www.b92.net/eng/news/society-article.php?yyyy=2007&mm=04&dd=05&nav\\_category=102&nav\\_id=40541](http://www.b92.net/eng/news/society-article.php?yyyy=2007&mm=04&dd=05&nav_category=102&nav_id=40541).

<sup>95</sup> See upper left corner of the Stormfront site: <http://www.stormfront.org/forum/f43/>.

<sup>96</sup> See <http://www.stormfront.org/forum/t313846/>.

<sup>97</sup> Youth Movement of 64 županije fights for unity of all Hungarians who live outside Hungary, as a revision of Trijanonskog sporazuma, by which Hungary lost two third of its territory in 1920.

<sup>98</sup> A pejorative term used in Serbia for Albanians from Kosovo.

<sup>99</sup> See <http://www.stormfront.org/forum/t313846/>.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

### Links with State Institutions and the Serbian Orthodox Church

The director of the Center for Anthropological Studies, Zoran Lukovic, is at the same time a captain with the police criminal unit of the Ministry of Internal Affairs of the Republic of Serbia. As a person in official capacity in this institution, Zoran Lukovic publishes articles on the official web site of the Ministry. In one of these articles, with a title “Religious Sects”, Zoran Lukovic writes:

“Activities of religious sects, in any case, are taking an increasingly heavy toll on mental health of their followers, and often lead to a high level of destruction resulting in numerous consequences, from asocial behaviour to violation of public order, desecration of sacral objects, holy sites, and cemeteries, and in later stages autoaggression – self-inflicted injuries, suicide, sexual deviation and various criminal acts, including the most serious like murders, kidnapping, robbery and rape.”<sup>104</sup>

In the same article, Zoran Lukovic later writes:

“The damage caused by the mentioned parareligious groups and individuals is primarily manifested through their threat to mental health of citizens. As is most often the case, the family of the sect’s member also suffers. Since they are usually told to separate themselves from their demonic environment, sect members identify their interests with the interest of the sect. In this way, children lose their parents and parents lose their children, depending on who is in the sect. At the same time, companies lose productive workers, schools their teachers, institutes their experts, universities their professors, evidencing that the problem does not exist only on an individual and familial level, but on a wider social plan as well. The data collected by the Ministry of Internal Affairs of the Republic of Serbia show that instances of violation of public order are not uncommon, including criminal acts committed directly by sect members.”<sup>105</sup>

By allowing Lukovic to publish these kinds of articles on its official web site, the Ministry of Internal Affairs of the Republic of Serbia gives legitimacy to his opinions and presents them to the public as their own.

The previous conclusions are further confirmed by the statement made by the current deputy prime minister and the minister of internal affairs of the Republic of Serbia, Ivica Dacic, and carried by VestiOnline, which is identical to the positions of Zoran Lukovic and which suggests that the police will do everything in its power to reduce harmful activities of religious sects.<sup>106</sup> At the same time, Dacic warned the public about the activities of satanic sects

<sup>104</sup> Religious Sects [Verske sekte], Zoran Lukovic, see the web site of the Ministry of Internal Affairs of the Republic of Serbia: <http://www.mup.gov.rs/domino/saveti.nsf/p11?OpenPage>.

<sup>105</sup> Ibid.

<sup>106</sup> *Each Tenth Serb Belongs To a Sect [Svaki deseti Srbin sektaš]*, VestiOnline, February 16, 2010, see the web page: <http://www.vesti-online.com/Vesti/Tema-dana/29981/Svaki-deseti-Srbin-sektas>.

whose target groups are often persons with criminal records, drug users and youth.<sup>107</sup>

*Pravoslavlje*, a newspaper issued by the Serbian Orthodox Church, has published an interview with Lukovic with a title “Organized Evil – Sects”. Asked by the interviewer, Violeta Vucetic, to answer the question “what is a sect?”, Lukovic offers the following answer:

“In an attempt to avoid unnecessary complications and to simplify things, let us use the latest definition that is currently applied in Europe, both in the West and the East: the sect is every social group – regardless of how it is registered, its form of organization and number of members – that deceptively abuses the ignorance, knowledge, position or weaknesses of an individual, causing in them physical or mental consequences. This means that sects abuse someone’s ignorance, weakness, loneliness, old age, youth or similar.”<sup>108</sup>

Lukovic adds: “In the rest of the world, sects are taken very seriously – they are, in fact, lobby groups. [...] Within their reach, if they are on international character, they are active in the highest levels of science – brain experiments, genetic engineering, human organ trafficking. There is also prostitution and white slavery, even cases of arms and drug dealing, and lately there have been activities aimed at the research of human psyche.”<sup>109</sup> Later in the article, Lukovic proposes amendments to laws that would result in a ban on registration of certain organizations: “It is of utmost importance for the state to normatively articulate its position by modifying some existing criminal acts, by introducing new ones and by banning registration of certain organizations.”<sup>110</sup>

The previous two examples demonstrate the cooperation and connections between Zoran Lukovic and the Ministry of Internal Affairs of the Republic of Serbia, but also between him and the dominant Serbian Orthodox Church. It is interesting to note that the Center for Anthropological Studies offers free legal, psychological and educational assistance to “sect victims” in the premises of the Orthodox Pastoral Counseling Center of the Belgrade-Karlovac Archdiocese of the Serbian Orthodox Church, which is a proof of their joint activities.<sup>111</sup> Commenting on this cooperation in a publicly issued statement, the Center for Anthropological Studies has pointed out that “this is the only

<sup>107</sup> Ibid.

<sup>108</sup> Organized Evil – Sects [Organizovano zlo – sekte], *Pravoslavlje*, author: Violeta Vucetic, see the web page: <http://pravoslavlje.spc.rs/broj/901/tekst/organizovano-zlo-sekte/>.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> *Serbia Does Not Have Accurate Data on Sects [Srbija nema tačne podatke o sektama]*, *VestiOnline*, February 22, 2010. See the web page: <http://www.vesti-online.com/Vesti/Srbija/31338/Srbija-nema-tacne-podatke-o-sektama>.

institution in the present-day Serbian society that has recognized the need to offer help and assistance to victims of harmful activities of sects.”<sup>112</sup>

According to information available on the web site of CAS – where a short biography of Zoran Lukovic is also posted – the Ministry of Internal Affairs of the Republic of Serbia was the first publisher of Zoran Lukovic’s book “Religious Sects – A Self-Defense Manual”.<sup>113</sup> The book has been published in four editions, the last of them by the Serbian Patriarchate in cooperation with publishing company Draganic.<sup>114</sup>

“Religious Sects – A Self-Defense Manual” had until recently been used as an official textbook at the Police Academy in Sremska Kamenica. The book’s reviewers were: Dragan Ilic, a major-general with the Ministry of Internal Affairs of the Republic of Serbia, Milenko Ercic, a colonel with the Ministry of Internal Affairs of the Republic of Serbia, Dr Bratislav Petrovic, a former colonel of the Army of Yugoslavia, and Porfirije Peric, a bishop of the Serbian Orthodox Church.<sup>115</sup>

### **Criminal Charges Brought by Youth Initiative for Human Rights against Zoran Luković**

Youth Initiative filed criminal charges in June 2005 against police captain Zoran Luković for inciting racial, religious and national hatred, discord and intolerance under article 134 of the Criminal Code of the Republic of Serbia.<sup>116</sup>

In the conclusion of the criminal charges, Youth Initiative states the following:

“The applicant, Youth Initiative for Human Rights, is of the opinion that Zoran Luković, in his books, articles, public appearances in the media and his overall conduct, is continuously provoking and inciting religious hatred, discord and intolerance of religious communities in Serbia. Contrary to the Constitution, other domestic legal regulations and international law, he refers to religious communities which are registered in Serbia as “sects”. He further describes the same religious communities and their believers as mental manipulators, mentally ill people, alcoholics, drug ad-

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<sup>112</sup> Ibid.

<sup>113</sup> See <http://cas.rs/cir/direktor/>.

<sup>114</sup> Ibid.

<sup>115</sup> See the book *Religious Sects – A Self-Defense Manual [Verske sekte – priručnik za samoodbranu]*.

<sup>116</sup> Criminal charges filed by Youth Initiative are stored in this organisation’s documentation archive and are available on request (there is only a version in Serbian language).

dicts and toxicomaniacs who end up in either psychiatric institutions or cemeteries, as perpetrators of gravest criminal offences such as murders, robberies and rapes, as people who are involved in prostitution, as people who ridicule religious holidays and ecclesiastical services, as culprits for developing addictions and destroying free will of individuals, as believers who are seen by other people as demons, as people who want to get rich and exert influence on the centres of power, as promoters of special war, as instigators of death and destruction [...] By presenting such untruths, Luković is deliberately indoctrinating Serbian citizens and instilling hatred of the recognised religious communities in Serbia. Zoran Luković, as an official of the Ministry of Internal Affairs, is thus creating in the Serbian society an atmosphere of hatred and fear of religious communities and widening the gap between Serbian citizens who are Orthodox Christians and those belonging to other religious communities. Such an atmosphere gave rise to about 300 religiously motivated incidents between 2001 and 2005 in Serbia.”<sup>117</sup>

Soon after the criminal charges had been brought, the then Minister of Interior of the Republic of Serbia, Dragan Jočić, published a press release voicing the Ministry's support for Zoran Luković, his activities and actions in public. The press release read as follows: “Luković is an expert in sectarianism whose quality of work and objectivity have been verified countless times by both the citizens and domestic and international experts, and he enjoys support of the Ministry of Internal Affairs.”<sup>118</sup>

In this press release, Jočić accused Youth Initiative for Human Rights of spreading “narrow-mindedness and insularity” as well as of filing “unfounded criminal charges”. Youth Initiative protested in the strongest terms stating that the Interior Minister's remarks represented an undisguised attack on a non-governmental organisation which was entirely inappropriate bearing in mind the rules of a democratic and open society which the Government of Serbia was openly advocating.<sup>119</sup> Finally, Youth Initiative called on Minister Jočić to resign as his determination to hold on to his public office would mean that the Government was supportive of such views and that it was responsible for the consequences which the members of the minority religious communities had to put up with due to the activities carried out by Zoran Luković and others like him.<sup>120</sup>

According to the information obtained in an interview with Youth Initiative's programme director, Dragan Popović, after waiting for several years for the prosecutor's office to respond to the criminal charges filed, the answer ultimately was that the criminal charges had to be dropped on account of a

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<sup>117</sup> Ibid.

<sup>118</sup> [http://archive.yihr.org/sao.php?id=229&lang=\\_bhs](http://archive.yihr.org/sao.php?id=229&lang=_bhs).

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

lack of evidence required for instituting criminal proceedings against Zoran Luković.<sup>121</sup>

### **Effects of Public Activities of Zoran Lukovic and the Center for Anthropological Studies**

In order to assess the real effects of public activities of Lukovic and other representatives of CAS, it would be appropriate to present documented facts about the number and manner of attacks on members of religious minorities in Serbia that have occurred in the previous years. Such documented facts can be found in certain reports of non-governmental and international organizations that are active in Serbia in the field of religious rights and freedoms.

In November 2009, a non-governmental organization – the Center for Development of Civil Society – published a report entitled “Religious Freedom in Serbia – Present Conditions, Obstacles, Possibilities”.<sup>122</sup> In the part of the report entitled “Roots and Causes of Religious Discrimination in Serbia”, one of the interviewees, a representative of Jehovah’s Witnesses, characterized the public activities of Zoran Lukovic as the reason for the difficult situation that this religious community has found itself in. “He has claimed that Jehovah’s Witnesses control each other, that they are not allowed to wear jewelry or make-up, to read novels, to be friends with people who are not Jehovah’s witnesses themselves. All lies and nonsense. He has always been troublesome, but now he has gone too far.”<sup>123</sup>

Aleksandar Mitrovic, a bishop of the Evangelical-Protestant Church in Novi Sad, commented on the appearance of hate speech targeting religious minorities in the Serbian media: “Criminals should be arrested since the Constitution forbids violation of religious freedom. Uniformed officials discredit us. The book entitled ‘Religious Sects – A Self-Defense Manual’ is used as a textbook in the Police Academy in Sremska Kamenica. The author (Zoran Lukovic) openly violates the Constitution, although he holds a senior

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<sup>121</sup> Interview with Dragan Popović, Youth Initiative for Human Rights’ programme director, conducted on 16 October 2010.

<sup>122</sup> Report „Religious Freedom in Serbia – Present Conditions, Obstacles, Possibilities” [“Verske slobode u Srbiji – stanje, prepreke, mogućnosti”], Center for Development of Civil Society, November 2009. godine. See the web page: [http://cdcs.org.rs/index.php?option=com\\_docman&task=cat\\_view&gid=13&Itemid=28](http://cdcs.org.rs/index.php?option=com_docman&task=cat_view&gid=13&Itemid=28).

<sup>123</sup> *Ibid.*, 22, paragraph 2.



position. He points his finger at those who should be treated in a special way.”<sup>124</sup>

According to information collected by the Center for Development of Civil Society, the number of religion-related incidents in Serbia has increased in 2008, although the number of attacks is evidently lower in the last several months of 2008. The report specifically lists some of the incidents: threats in the form of graffiti painted on a Roman Catholic church in Smederevo, Adventist churches in Sivic, and premises of Jehovah's Witnesses in Sremska Mitrovica and Krusevac; broken window at the Adventist Theological Seminar; broken windows at Adventist Churches in Nis, Kragujevac and Uzice; a physical attack against an Adventist pastor who was forced to leave the city; demolition of the door of the Adventist Church in Jagodina on two occasions; vandalism of cars of an Adventist priest in Novi Sad; attempt of rape of three teenage girls, members of Jehovah's Witnesses in Vranjska Banja; attack of the priest of the Serbian Orthodox Church against members of Jehovah's Witnesses in Despotovac; broken windows at the Mormon Church in Belgrade and Novi Sad on several occasions; stoning of the Pentecostal Church in Kraljevo; several written threats delivered to the Pentecostal Church; attack of hooligans against members of Jehovah's Witnesses and stoning of their building in Bajina Basta; attack against two members of Jehovah's Witnesses in Klenak; attack of hooligans against Jehovah's Witnesses' building in Bor; stoning of Jehovah's Witnesses' church in Belgrade; stoning of praying houses of Jehovah's Witnesses in Vranje and Leskovac; attempt of attack against a Catholic priest in Budisava; and desecration of several tombstones at the Catholic cemetery in Bela Crkva.<sup>125</sup>

A report issued by Youth Initiative entitled “Enforcement of Laws in Transition in Serbia 2009” documented a number of attacks against members and property of small religious communities.<sup>126</sup> In mid-2009, swastikas and graffiti reading “death to the sect” and “get out of Serbia” were painted on a religious object belonging to Jehovah's Witnesses in Sremska Mitrovica.<sup>127</sup> In October, the same building was pelted with eggs.<sup>128</sup> In July, one person took out a gun and loaded a bullet in the chamber while pointing it at two female members of Jehovah's Witnesses who were distributing invitations to their

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<sup>124</sup> Ibid., 61, paragraph 2.

<sup>125</sup> Ibid.

<sup>126</sup> Enforcement of Laws in Transition in Serbia [Primena tranzicionih zakona u Srbiji], Youth Initiative for Human Rights, 2009, 39.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

congress in the Pionir Hall in Belgrade.<sup>129</sup> There is also a mention of frequent graffiti painted on premises of the Baptist Church in Serbia, as well as graffiti made on the premises of the Adventist Church in Kragujevac (“sects out”, “we will kill you” and similar)<sup>130</sup>. There has been one case of vandalism of a car parked in the yard of the Adventist Church in Belgrade.<sup>131</sup>

The European Commission’s report on Serbia’s EU accession negotiations in 2008 lists several main problems in the area of religious freedoms in Serbia: religiously motivated incidents including attacks, hate speech, vandalism and graffiti targeting certain Church communities; inefficient response of the government to these attacks; and the regulation pertaining to entry into the Register of Churches and Religious Communities.<sup>132</sup>

The same report for 2009 states that the number of religion-related incidents has dropped, but that there are reports documenting attacks on non-traditional religious communities and that the State’s response to these incidents has been insufficient.<sup>133</sup> It is also worth noting that the report says that only 13 religious communities (out of around 170) in Serbia have been approved to be registered aside from the seven traditional religious communities specified in the law.<sup>134</sup>

We should also mention the report issued by the United States Department of State on freedom of religion in the world in 2009.<sup>135</sup> The part of the report evaluating religious freedom in Serbia says that police investigations of hate speech and violence are “slow and unconvincing” and that state officials are still making negative statements about religious minorities.<sup>136</sup> Zoran Lukovic is mentioned as someone who describes religious minorities using pejorative terms like “sects”, “satanists” and “deviant”.<sup>137</sup>

Youth Initiative says in its criminal charges, describing the atmosphere that, in their opinion, has been created in Serbia as a result of public activities

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<sup>129</sup> Ibid.

<sup>130</sup> Ibid., 40.

<sup>131</sup> Ibid.

<sup>132</sup> European Commission’s report on Serbia’s progress in 2008. See the web page: [http://www.europa.rs/upload/documents/key\\_documents/2008/godisnji\\_izvestaj\\_ek\\_srbija\\_2008\\_sr.pdf](http://www.europa.rs/upload/documents/key_documents/2008/godisnji_izvestaj_ek_srbija_2008_sr.pdf).

<sup>133</sup> European Commission’s report on Serbia’s progress in 2009. See the web page: [http://www.europa.rs/upload/documents/key\\_documents/2009/sr\\_rapport\\_2009\\_en.pdf](http://www.europa.rs/upload/documents/key_documents/2009/sr_rapport_2009_en.pdf).

<sup>134</sup> Ibid.

<sup>135</sup> State Department’s report on freedom of religion in the world in 2009. See the web page: <http://www.state.gov/g/drl/rls/irf/2009/127335.htm>.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

of Lukovic: “Such atmosphere has during the period 2001–2005 led to around 300 religion-related incidents. It is difficult to establish a causal relationship between Lukovic’s activities and these individual incidents, but Article 134 of the General Criminal Code does not require such relationship for criminal responsibility to exist. It is only necessary to establish causing or inciting religious hatred and intolerance, which has certainly been the result of Lukovic’s activities.”<sup>138</sup>

Taking into consideration this hate speech coming from Zoran Lukovic, an executive of the Ministry of Interior, one cannot be surprised if the Serbian police force does not efficiently prevent these religion-related incidents from occurring.

The European Court of Human Rights issued a decisive ruling in this regard on December 14, 2010 in the case *Milanovic vs. Serbia*, based on an appeal filed by Youth Initiative on October 2, 2007. According to the ruling, State bodies of the Republic of Serbia violated Article 3 and Article 14 of the European Convention on Human Rights.

Zivota Milanovic from Jagodina, a member of Hindu Vaishnava religious community otherwise known as Hare Krishna, was attacked five times between 2001 and 2007 because of his religious beliefs. The assailants beat him with arms and legs, baseball bats, stabbed a knife into his arms, legs, stomach and chest. In June 2006, Zivota had a cross engraved onto his head with a knife. Youth Initiative filed three criminal complaints to the District Attorney’s Office in Jagodina, the first one in March 2006 and the last one in June 2007, contacted the President of Serbia, the Ministries of Justice and Interior and the General Inspectorate, but the attacks persisted.

The European Court found that the Serbian authorities violated Article 3 of the Convention, according to which no one shall be subject to torture or to inhuman or degrading treatment or punishment, and violated Article 14 taken in conjunction with Article 3, the former providing that the enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

The Court considered that:

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<sup>138</sup> Criminal charges filed by Youth Initiative can be found in their documentation, available on demand (only in Serbian language).

“they [the respondent State’s authorities] did not take all reasonable measures to conduct an adequate investigation. They have also failed to take any reasonable and effective steps in order to prevent the applicant’s repeated ill-treatment, notwithstanding the fact that the continuing risk thereof was real, immediate and predictable.” §90

The Court also noted that the police themselves referred to the applicant’s well-known religious beliefs, as well as his “strange appearance”, and found that:

“such views alone imply that the police had serious doubts, related to the applicant’s religion, as to whether he was a genuine victim, notwithstanding that there was no evidence to warrant doubts of this sort. It follows that even though the authorities had explored several leads proposed by the applicant concerning the underlying motivation of his attackers these steps amounted to little more than a pro forma investigation.” §100

Should the Republic of Serbia not file a motion that the case be presented before the Grand Chamber within three months, this will be the first unappealable ruling by the Court in Strasbourg pursuant to which Serbia is found responsible for violation of the provision on the prohibition of discrimination, set forth in the European Convention on Human Rights.

### Conclusions

The official representative of the FECRIS organisation in Serbia is a non-governmental and non-profit organisation – CAS. In every public appearance, CAS representatives speak about their FECRIS membership which is indicative of the importance that they attach to this fact.

According to statements by representatives of minority religious communities, which should enjoy to the largest possible extent religious rights and freedoms as an outcome of an inter-religious dialogue, but also by representatives of the civil society and reputable sociologists of religion, the conclusion to be inferred is that Zoran Luković, director of the Centre for Anthropological Studies, is not perceived as someone who is advocating respect for human rights and freedoms, i.e. as someone who is promoting inter-religious dialogue in Serbia.

According to available information, no court proceedings against either Luković or other CAS representatives known to the public have been conducted in Serbia. The only organisation which endeavoured to instigate court proceedings by filing criminal charges against Luković was Youth Initiative. Having waited several years for the prosecutor’s office to respond, the answer ultimately was that the criminal charges had to be dropped on account of

lack of evidence. The only rational explanation for such a situation lies in the fact that Luković is a still-serving police captain of the Ministry of Internal Affairs of the Republic of Serbia and that, as such, he possibly enjoys protection by both the police and judicial organs of Serbia. It should also be noted that, according to many experts, the activities of Luković are closely linked to the Serbian Orthodox Church, which still wields a strong influence on all the developments in Serbia, and this additionally frustrates any effort to prosecute him in a court of law.

Speaking about the activities of Luković and CAS in public, one should point out that his official position as a police captain in Belgrade and reputation of “the greatest expert on sects” have a profound bearing on public opinion, which should entail more cautious public appearances and a higher degree of responsibility for anything spoken in public. However, Luković has never been prosecuted for his publicly stated views on minority religious communities which have both proved to be untrue and to have largely shaped the public opinion and perception of minority religious communities as “sects” and “organised evil”.

A conclusion to be inferred from Zoran Luković's statements to the media is that there is almost no single criminal offence in the Criminal Code of the Republic of Serbia for whose perpetration he has not accused the members of minority religious communities, i.e. “the sects” as he pejoratively refers to them.

In Youth Initiative's view, Luković almost certainly incites and stirs up religious discords and animosity, particularly between the members of majority Serbian Orthodox Church and the members of minority religious communities. Many examples in this paper seem to corroborate the stance of Youth Initiative, but one of those, which is quite illustrative, should be particularly noted. Following a lecture which Luković held in Bečej, a journalist who attended the event informed the public at large in his article inspired by Luković's presentation that he hoped the citizens would be “more willing to fight against the invasion of evil”.

## Zusammenfassung

Dieser investigative Bericht über das Zentrum für anthropologische Studien (CAS), die Tochterorganisation von FECRIS in Serbien, wurde auf Grundlage verschiedener Materialien zusammengestellt: Presseauschnitte, Aussagen von CAS-Vertretern, Interviews mit Vertretern von Minderheitsreligionen, der Zivilgesellschaft und namhafter Religionssoziologen sowie aufgrund der Auswertung von Berichten zur Religionsfreiheit in Serbien seitens wichtiger regierungsunabhängiger und internationaler Organisationen. Das Ziel des Artikels ist, die wahre Natur und die Daseinsberechtigung von CAS aufzudecken und außerdem eine Antwort auf die Frage zu liefern, ob diese Organisation zur Verbreitung religiöser Intoleranz beiträgt oder eine Verfechterin der Menschenrechte, der Freiheit und des interreligiösen Dialoges ist.

Direktor und Vorsitzender von CAS ist Zoran Luković, Oberst der Polizei im Innenministerium der Republik Serbien und Autor des Buches „Religiöse Sekten – eine Anleitung zur Selbstverteidigung“. Das Buch wurde in vier Auflagen publiziert, zuletzt vom serbischen Patriarchat. Bis vor Kurzem wurde es als offizielles Lehrbuch an der Polizeiakademie in Sremska Kamenica eingesetzt. Luković selbst gibt zu, keine umfassende Definition des Begriffes „Sekte“ geben zu können, bezeichnet jedoch mehrere religiöse Minderheiten als solche, obwohl diese längst in Serbien anerkannt sind. Das beste Beispiel dafür ist die Baptistenkirche, welche erstmals 1927 als Religionsgemeinschaft eingetragen wurde. In seiner offiziellen Funktion veröffentlicht Zoran Luković Artikel auf der Internetseite des Innenministeriums. Er verleiht so seinen Ansichten die nötige Legitimität, während die Öffentlichkeit sie als offizielle Aussagen des Innenministeriums präsentiert bekommt. Im Juni 2005 stellte die Nichtregierungsorganisation „Youth Initiative“ einen Strafantrag gegen Zoran Luković wegen Anstiftung zu rassistisch und nationalistisch motiviertem Hass, Zwietracht und Intoleranz gemäß Artikel 134 des Strafgesetzbuchs der Republik Serbien. Bereits kurz nachdem die Anklagepunkte gegen ihn vorlagen, sicherte der damalige Innenminister Serbiens, Dragan Jočić, in einer Pressemitteilung die Unterstützung des Ministeriums für Luković und alle seine öffentlichen Aktivitäten zu. Nach mehrjährigem Warten auf eine Reaktion der Staatsanwaltschaft auf die Anklagepunkte stand als Ergebnis fest, dass diese aufgrund mangelnder Beweise für eine strafrechtliche Verfolgung gegen ihn fallengelassen werden mussten. Die Quellen zur Finanzierung von CAS sind recht undurchsichtig. Die wenigen an die Öffentlichkeit gesickerten Informationen deuten darauf hin, dass einige Aktivitäten wie Aufklärungskampagnen zu Anti-Sekten-Fragen für Lehrer, Schüler und Eltern von der serbischen Regierung finanziert wurden.

## CONCLUSIONS & RECOMMENDATIONS

WILLY FAUTRÉ

Freedom of religion or belief is a fundamental right. Individuals have the right to have or not to have a religion and to change their religion; they have the right to publicize their religious or non-religious beliefs and values, to promote them, to share them with others and to make new members, as politicians and members of their parties do, with and on the basis of their own political doctrines and programs; believers and non-believers have the right to fully enjoy all the other fundamental rights guaranteed by the international instruments such as freedom of association or freedom of assembly.

Freedom of expression is also a fundamental right. It must be respected for faith and belief communities, their leaders and their members, but these must also recognize the right of others to disagree, to criticize them or even to mock them. Freedom of expression is narrowly intertwined with the legitimate competition between faith and belief communities on the market of ideas.

Individuals and organizations must respect the laws of their country and national authorities must respect the human rights of their citizens. Whoever violates the law is to be prosecuted whatever his or her religion or belief system is. Nobody and no religion, whether historical or new, is above the law.

A faith or belief community cannot be held accountable for a misdeed committed by one of its members or leaders except if there is some form of active or passive complicity or if its teachings have led to the said crime or offence. Stigmatization and demonization of a group because of the behavior of one of its members or leaders must be unequivocally condemned.

The findings of the research work “Freedom of Religion or Belief, Anti-Sect Movements and State Neutrality – A Case Study: FECRIS” raise a number of sensitive and disturbing issues. FECRIS is a European umbrella organization of various groups of interest involved in the competition between religious and non-religious worldviews. Beyond their common fight against “sects”, its

affiliate organizations have their own agendas which are sometimes conflicting, if not irreconcilable. The cradle of FECRIS is France where *laïcité* (secularism) and the separation of Church and State have been the main foundation of French society since the 1789 Revolution. However, FECRIS' fight in Russia is led by hard-line Orthodox clerics and Orthodox missionary institutions against "heretics"; FECRIS' affiliates in Austria and Germany are linked to the Catholic Church or the Lutheran Church which desperately try to slow down the erosion of their membership and to keep their dominant position in society; the founding members of some anti-sect organizations are motivated by their opposition to the conversion of one of their children to a new religious movement. How can a French secularist turn a blind eye to one's own values and work with clerical partners? How can the French public powers sponsor and finance directly or indirectly activities that should be questionable from their point of view?

The practices of a number of FECRIS' affiliates indicate that:

- they deny the qualification of faith or belief community to a number of movements legally registered and consequently deny the enjoyment of Article 9 of the European Convention on Human Rights thereof despite rulings of the European Court of Human Rights<sup>1</sup>;
- they try to limit or impede the freedom of association, the freedom of assembly and the freedom of expression of new religious movements as well as their right to expand their membership<sup>2</sup>;
- they try to limit the right of parents belonging to a new religious movement to provide the religious education of their choice to their children under the pretext that they are in great danger and need to be protected from indoctrination<sup>3</sup>;
- they support a system of hierarchy of religions which discriminates against new religious movements and relegates them to a sub-category named "harmful, dangerous, destructive or totalitarian sects";
- they stigmatize through the media whole religious groups which are legally registered and have never been condemned by criminal courts;

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<sup>1</sup> Jehovah's Witnesses have won numerous cases in Strasbourg on the basis of Article 9 and there have also been court decisions of the European Court on Human Rights (ECHR) in favor of Hare Krishna, Scientology, the Salvation Army, the Pentecostal Church and others.

<sup>2</sup> There have been judicial decisions to liquidate some religious groups in some countries (i.e. in Russia) despite ECHR decisions requiring their registration.

<sup>3</sup> There have been such campaigns by the state agency MIVILUDES and FECRIS' affiliates in France.



- they spread false or unfounded accusations and have been sentenced on the grounds of defamation<sup>4</sup>;
- they create social panic by constantly warning against new religious movements and their hate speech creates a climate of intolerance that leads to verbal abuse, threats, physical aggressions against people and attacks against community buildings, including arson<sup>5</sup>; and
- they claim they respect freedom of religion or belief and they only campaign against “sectarian or harmful deviations” although they only target specific minority religious groups and not abuses committed by “Institutional Churches”.

The market of ideas and the market of salvation are and must remain open to competition in a democratic society but must also respect the ethical standards of fair competition. In this regard, the state is to be strictly neutral. This point has been repeatedly stressed by the European Human Rights Court in decisions noting that “in exercising its regulatory power [...] in its relations with the various religions, denominations and beliefs, the State has a duty to be neutral and impartial”.<sup>6</sup>

The Human Rights Court has also stressed that this policy of neutrality and impartiality of the State is essential for democracy to function: the “*pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it*”.<sup>7</sup>

However, the reality is that State neutrality and impartiality in the countries covered by this research work (France, Austria, Germany, Russia and Serbia), unfortunately does not exist. In all five countries, the state and public powers take sides with FECRIS’ affiliates and finance their activities even if they are used for the missionary activities of a mainline Church or if they are

<sup>4</sup> See the chapter of this research work on France and Austria.

<sup>5</sup> A few years ago, Jehovah’s Witnesses organized a survey among their national branches in Europe to highlight the various forms of intolerance they had been victims of. Their report was presented at the annual OSCE/ODIHR HIDM in Warsaw. Austria, France, Germany, Russia and Serbia were in the top 10 with respectively 25, 139, 107, 39, 20 reported incidents, including 5 arsons of places of worship in France and 7 in Germany. An ongoing survey concerning Russia in 2010-2011 has documented more than 1,000 cases (See [http://www.jw-media.org/rus/incidents\\_map\\_e.htm](http://www.jw-media.org/rus/incidents_map_e.htm)). In Serbia, Youth Initiative for Human Rights recorded about 300 religiously motivated incidents between 2001 and 2005 (See chapter on Serbia). One cannot refrain from suspecting a direct correlation between anti-religious hate crimes and the intense activity of anti-sect movements in those countries.

<sup>6</sup> Metropolitan Church of Bessarabia v. Moldova, (App. 45701/99, 13 December 2001).

<sup>7</sup> Jehovah’s Witnesses of Moscow vs. Russia (App. 302/02, 10 June 2010).

meant to defend the position and influence of a specific Church in society, to fight against the erosion of its membership or to expand it.

The main and common recommendation of the authors of this research work is that the state must make sure that:

- all faith and belief communities are equal before the law and respect the law;
- there is no discrimination on the basis of a hierarchy of religions or beliefs;
- it remains neutral in the competition between faith and belief communities; and
- it stops financing the fight of organizations against specific faith and belief communities.

The neutrality of the state and of international organizations like the United Nations, the OSCE, the Council of Europe and EU institutions towards religious and non-religious worldviews is fundamental if they want the individual freedom of thought and conscience and religious diversity to be respected, to make progress in their fight for equality and against discrimination, to safeguard social peace and cohesion, and to preserve public order and democracy.

## Zusammenfassung

Der Markt der Gedanken und der des Seelenheils muss in einer demokratischen Gesellschaft offen für Konkurrenz bleiben, er muss aber genauso die ethischen Standards eines fairen Wettbewerbs respektieren. In dieser Hinsicht muss sich der Staat absolut neutral verhalten. Der Europäische Gerichtshof für Menschenrechte hat diesen Punkt wiederholt verhandelt, wobei in den Urteilen festgehalten wurde, dass der Staat in der Ausübung seiner regulativen Funktion in Verbindung mit den verschiedenen Religionen und Glaubensrichtungen die Pflicht hat, „neutral und unparteiisch“ zu bleiben (*Metropolitankirche Bessarabiens vs. Moldawien*, App. 45701/99, 13. Dezember 2001). Der Gerichtshof für Menschenrechte hat ebenso betont, dass diese Linie der Neutralität und der Unparteilichkeit des Staates essenziell für die Demokratie und ihr Funktionieren ist: der „vorurteilsfreie Pluralismus einer demokratischen Gesellschaft, der im Laufe der Jahrhunderte hart erkämpft wurde, hängt davon ab“ (*Zeugen Jehovas Moskau vs. Russland* (App. 302/02, 10. Juni 2010).

Die Realität wiederum ist, dass staatliche Neutralität und Unparteilichkeit in den Ländern, denen sich diese Untersuchung widmet (Frankreich, Österreich, Deutschland, Russland und Serbien), bedauerlicherweise nicht gegeben ist. In allen fünf Ländern arbeiten staatliche und öffentliche Kräfte mit den Tochterorganisationen der FECRIS zusammen und finanzieren deren Aktivitäten, selbst wenn diese darauf gerichtet sind, Missionierungsarbeit für die Mehrheitskirchen zu leisten oder die Position sowie den Einfluss einer bestimmten Kirche in der Gesellschaft zu stärken, damit diese gegen die Abwanderung ihrer Mitglieder vorgehen bzw. sich weiter ausdehnen kann.

Die am häufigsten genannte Empfehlung der Autoren in diesem Forschungsbericht ist, dass der Staat Folgendes sicherstellen muss:

- alle Religionen und Glaubensgemeinschaften sind vor dem Gesetz gleich und müssen dies respektieren;
- es gibt keine Diskriminierung auf der Grundlage einer Hierarchisierung von Religionen und Glaubensgemeinschaften;
- der Staat bleibt im Wettbewerb zwischen den Glaubens- und Religionsgemeinschaften neutral und
- er stellt die Finanzierung des Kampfes von Organisationen gegen bestimmte Glaubens- und Religionsgemeinschaften ein.

Die Neutralität internationaler Organisationen wie die der Vereinten Nationen, der OSZE, des Europäischen Rat und der Institutionen der Europäischen Union gegenüber religiösen und nichtreligiösen Weltanschauungen ist ebenso von fundamentaler Wichtigkeit.

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