

SECTS AND CULTS: A CHALLENGE TO DEMOCRACY AND HUMAN RIGHTS

Background

Through Parliamentary Assembly Recommendations 1178 (1992) on sects and new religious movements and 1412 (1999) on illegal activities of sects and the reply by the Committee of Ministers (2001), the Council of Europe has put forward ideas and lines of action for tackling a problem it regards as serious and worrying in a manner compatible with our societies' democratic principles.

Recommendation 1412 clearly stresses the need to preserve freedom of conscience and religion, advocates state neutrality and equal protection before the law and calls upon state authorities to refrain from taking measures based on value judgments concerning beliefs.

In Recommendation 1178, the Parliamentary Assembly recommended that the Committee of Ministers take measures to inform and educate young people and the general public and requested that corporate status be granted to all sects and new religious movements which had been registered

In paragraph 5 of Recommendation 1412, the Assembly concludes that it is unnecessary to define what constitutes sects or to decide whether they are religions or not. However, it notes that "there is some concern about groups that are thought of as sects, whatever religious, esoteric or spiritual description they adopt, and this needs to be taken into account."

The Assembly adds that it is essential to ensure that the activities of these groups are in keeping with the principles of our democratic societies and, in particular, with the provisions of Article 9 of the European Convention on Human Rights concerning freedom of thought, religion and conscience, as well as being legal.

To have reliable information on the relevant groups, the Parliamentary Assembly recommends the establishment of independent, national or regional information centres on new religious movements. For its part, the Committee of Ministers attaches great importance to providing the public with information and mentions the possibility of the Council of Europe having a role in setting up an information exchange network.

The Parliamentary Assembly places particular emphasis on educating children and teenagers, referring to non-enrolment at school, which is common practice in some new religious movements, as a risk factor for the well-being of the children concerned and of society, and states that the teaching of history and of the main currents of philosophy, thought and religion is particularly important for the development of these future citizens.

In Recommendation 1412, the Parliamentary Assembly also underlines that it attaches great importance to protecting those most vulnerable, and particularly the children in religious groups, in case of ill-treatment, rape, neglect or brainwashing. It therefore calls on member states, particularly in central and eastern Europe, to encourage the setting-up of NGOs for the victims, or the families of victims, of religious, esoteric or spiritual groups.

The Assembly also recommends understanding, tolerance and dialogue with religious, philosophical and esoteric groups and encourages states to take firm steps against any action which is discriminatory towards minority groups.

The Committee of Ministers says it is in full agreement with the recommendations.

The two recommendations above provide the framework for the issues covered during the study day by clearly indicating:

1. *The pitfalls to avoid:*

- Defining sects. Defining sects would restrict the problem to dogmas, beliefs and doctrines, leaving out that of excesses. Definitions would also differ depending on whether the analysis approach was sociological, philosophical or anthropological.
- Conducting the debate on the level of religion.

2. *The level from which to tackle the issues:*

- Politically
- Legally
- In relation to human rights

Current situation

It is worth noting that Recommendation 1178 is 15 years old and Recommendation 1412 is eight years old.

So what is the position today?

Have the two recommendations been followed and in what way?

Are the provisions adopted by the various states adequate and are citizens properly informed and protected?

Have central and east European countries received the promised assistance?

Have support centres been opened for victims and their families?

These are questions which Europeans may ask in relation to their rights and the protection of human rights.

In the case of the first question, only six countries in Europe have drawn up parliamentary reports on the respective situations in their countries in this area. The countries concerned are France, Belgium, Switzerland, Italy, Sweden and Germany (at *Länder* level).

Only France, Belgium and Germany have adopted specific legal provisions to deal with the situation. Moreover, the relevant provisions have been the subject of much criticism, it being claimed that they do not comply with the individual and collective values set out in the European Convention on Human Rights.

In this connection, it is important to go over the articles of the convention which refer to the above values:

Art. 9 – Freedom of thought, conscience and religion

It should be noted here that this article is divided into two paragraphs:

Paragraph 1 sets out the right, in this case the right to freedom of thought, conscience and religion, while paragraph 2 sets out the limitations on the right.

Everyone therefore has the right to freedom of thought, conscience and religion insofar as, in a democratic society, public safety, the protection of public order, health or morals and the rights and freedoms of others are guaranteed.

Art. 10 – Freedom of expression

Paragraph 1: Everyone has the right to freedom of expression. This right includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority.

Paragraph 2: The exercise of these freedoms carries with it duties and responsibilities and is subject to certain conditions necessary in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, and for maintaining the authority and impartiality of the judiciary.

Art. 11 – Freedom of assembly and association

Paragraph 1: Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions.

Paragraph 2: These rights must not undermine national security or public safety, public order, the prevention of crime, the protection of health or morals or the protection of the rights and freedoms of others.

The question is whether these values vital to democracy are respected both by sects and new religious, philosophical and esoteric movements and also by states. While claiming your rights is easy, recognising their limits is probably the crux of the matter.

What is the position regarding the goals of certain private groups that claim to be “religious” specifically for the purpose of enjoying the above rights, which set up multimillionaire, multinational companies or far-right political parties?

And what is to be said of groups whose commercial activities are far removed from spirituality or religion and whose wealth is largely based on arms production, whereas elsewhere they campaign for peace in the world under the cover of NGOs with consultative status with the UN, the humanitarian sector being a very popular one for obtaining charitable or equivalent status.

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