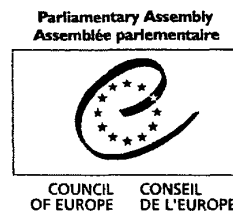


# Parliamentary Assembly Assemblée parlementaire



For debate in the Standing Committee — see Rule 15 of the Rules of Procedure

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## European Federation of Research and Information Centres on Sectarism (FECRIS): request for consultative status with the Council of Europe

Report  
Committee on Legal Affairs and Human Rights  
Rapporteur: Mr Dick Marty, Switzerland, Liberal, Democratic and Reformers' Group

### Summary

The European Federation of Research and Information Centres on Sectarism (FECRIS) applied for consultative status to the Council of Europe on 13 December 2001. The Secretary General of the Council of Europe reached a favourable provisional decision on this application but, following an objection raised by three members of the Parliamentary Assembly, the matter was referred to the Assembly for consideration and for recommendation to the Committee of Ministers, in accordance with the provisions of Resolution (93) 38 of the Committee of Ministers (which was then in force, but which has since been replaced by Resolution Res(2003)8 on "participatory status").

This being the first time that the Assembly has been called upon to discharge this task, the Committee on Legal Affairs and Human Rights has taken care to respect basic requirements of procedural fairness such as the principles of impartiality and independence and that of *audi et alteram partem* (the right of both sides to be heard). Given the provisions of Committee of Ministers' Resolutions (93)38 and Res(2003)8, the correct approach must be one of review of the first instance decision, assessing the specific objections raised by the parliamentarians to the Secretary General's decision and the response made by FECRIS to them in the light of the evidence presented by these parties.

Recalling these principles, the Assembly concludes that the evidence presented fails to substantiate any of the specific allegations made against FECRIS. Accordingly, the Assembly recommends to the Committee of Ministers to grant FECRIS either consultative or participatory status, as appropriate.

## I. Draft recommendation

1. The European Federation of Research and Information Centres on Sectarism (FECRIS) applied for consultative status on 13 December 2001. The Secretary General of the Council of Europe's provisional decision on the application was favourable but this was subsequently challenged by three members of the Parliamentary Assembly. As a result, and in accordance with Committee of Ministers' Resolution (93)38 which was applicable at the material times, the matter was referred to the Parliamentary Assembly for examination of the challenge and for recommendation to the Committee of Ministers.

2. This is the first occasion on which the Assembly has been asked to undertake such a task. The Committee of Ministers' Resolution (93)38 (and its replacement, Resolution Res(2003)8 on "participatory" status) gives little guidance to the Assembly on how it is to discharge its role which – given that the procedure arises exclusively from an objection emanating from particular sources – must be one of review, based on the grounds raised in the objection, of the Secretary General's preliminary decision rather than a first instance or *de novo* consideration of the application. Furthermore, whilst a pragmatic approach is important so as to avoid a protracted or unfocussed review process, basic requirements of procedural fairness should nevertheless be adhered to, such as principles of impartiality and independence, of promptness and due expedition and that of *audi et alteram partem* (the right of both sides to be heard). Before addressing this specific application, the Assembly recalls the principles followed by the reporting Committee in this case:

i. Resolutions Res(2003)8 and (93)38 appear to set out only positive tests for qualification for participatory/consultative status (in other words, a list of characteristics or activities which must exist or be proposed); they do not set out negative tests (in other words, features which must not be present). The criteria for withdrawal of status, however, include a negative test of engaging in activities not in keeping with the status. On the basis that it would be perverse to grant participatory/consultative status to an organisation from which such status would foreseeably be subsequently withdrawn, this negative test should also be applied, consistent with Assembly Opinion No. 246 (2003) on relations between the Council of Europe and non-governmental organisations;

ii. where, following an objection to the Secretary General's positive provisional decision on the international non-governmental organisation's (INGO's) application, the Assembly is called upon to review that decision, the Assembly's role is confined to considering only those allegations that are raised in the objection, to determining whether those allegations are substantiated and to making appropriate recommendations to the Committee of Ministers;

iii. the process can be considered as one of review of the Secretary General's decision to award participatory/consultative status. The source of the objection is given an opportunity to state its case in full before an independent third party, the Assembly, acting through one of its Committees; and the subject of the contested decision, i.e. the INGO concerned, is allowed two months in which to submit its reply, in accordance with the procedure set out in Resolutions Res(2003)8 and (93)38 for withdrawal of participatory/consultative status;

iv. it is important that the Committee appoint a Rapporteur able to state his/her complete independence from both the INGO concerned and from the source of the objection, as well as from any individuals or organisations which may attempt to influence the process. The Rapporteur should also state his/her impartiality with respect to the issues and parties involved and his/her lack of personal interest in the outcome;

v. the procedure set out by Resolution Res(2003)8 explicitly states that the examination is based on the objections of ten or more parliamentarians (Resolution (93)38 required only three) or members of the Congress of Local and Regional Authorities of the Council of Europe, coming from at least five different national delegations, or of a member of the Committee of Ministers. Any information submitted by sources other than the objecting parliamentarians should not be taken into account as it comes from individuals or organisations who were not permitted to challenge the provisional decision of the Secretary General. Furthermore, basic fairness requires that the INGO concerned be given an opportunity to respond to allegations made against it. To take into account every allegation whenever made, whilst also allowing a right of reply, could prolong the process indefinitely and would impose an unreasonable burden on the INGO. In addition, should members of the Committee or the Assembly subsequently take additional information into

account, the INGO concerned will unavoidably be denied any opportunity to reply. The Committee's Rapporteur, however, should be entitled to undertake certain basic research of his/her own, notably where copies of important, identifiable documents have not been provided. Details of this research must be included in the report;

vi. in this respect, the Assembly notes that, should further relevant information subsequently come to light, Resolutions Res(2003)8 and (93)38 contain provisions allowing for the withdrawal of status on grounds *inter alia* of taking action which is not in keeping with such status; they also provide for an automatic periodic review of status;

vii. a basic evidential burden must be applied to the allegations contained in the objection. Any evidence that is *prima facie* not credible is not taken into account. Evidence that is taken into account is weighted according to its credibility. Any allegation unsupported by evidence is considered as being unsubstantiated and thus is dismissed;

viii. otherwise, the question is not approached as if there was a "burden of proof" resting on either the case for or that against awarding participatory/consultative status. The fact that matters not raised in the objection are considered not to be in dispute serves only to limit the number of points in issue and does not otherwise influence or prejudice the process. On each point raised in the objection, a "balance of probabilities" test is applied to assess whether or not the alleged state of affairs exists, taking into account all and only relevant evidence for and against that point;

ix. the withholding or withdrawal of participatory/consultative status should be recommended only where relevant allegations of sufficient gravity, made within the context of the procedure by the source of the objection and to which the INGO concerned has had the opportunity of replying, are established by credible evidence on a balance of probabilities.

3. On the basis of this general approach, which it notes has received the support of its Committee on Rules of Procedure and Immunities and its Bureau, the Assembly concludes that the following allegations have not been substantiated:

i. FECRIS and/or its member groups have been judicially condemned for human rights violations, in particular involving kidnapping, "deprogramming" or non-consensual medical treatment;

ii. FECRIS and/or its member groups have been responsible for spreading false information with damaging consequences for innocent individuals;

iii. FECRIS and/or its member groups were responsible for or can be criticised on account of welcoming the French "About-Picard" law;

iv. FECRIS and/or its member groups have expressed support for a repressive policy with respect to the Falun Gong in China;

v. FECRIS and/or its member groups have borne responsibility for falsely creating situations of public panic or hysteria;

vi. FECRIS' use of the word "sect" is inappropriate or unjustified and has been condemned by organs of the Council of Europe;

vii. FECRIS member group AGPF has improperly called for the ground of religion to be excluded from European prohibitions on discrimination;

viii. FECRIS member group SADK has called for arbitrary detention of sect members;

ix. the AFF or the late Dr Louis Jolyon West were relevantly engaged in reprehensible practices and their involvement with FECRIS and with individuals connected to its member group AIS carries sinister connotations;

x. Mr Griess, Vice-President of FECRIS, and Mr Ikor of FECRIS member group CCMM have indulged in reprehensible verbal attacks against the Council of Europe's principles of tolerance;

xi. FECRIS and its member groups rarely, if ever, publish credible academic material relevant to their field of activity.

4. On the basis of the above findings of fact, the Assembly considers that the evidentiary material put forward by the three parliamentarians who challenged the initial decision is insufficient to justify a conclusion different to that reached by the Secretary General of the Council of Europe and consequently recommends that the Committee of Ministers grant FECRIS consultative or participatory status, as appropriate.

**II. Explanatory memorandum**  
by Mr Marty, Rapporteur

**A. Introduction**

**FECRIS**

1. The European Federation of Research and Information Centres on Sectarism (FECRIS) is an international non-governmental organisation (INGO) with the status of non-commercial organisation under French law. It was founded on 30 June 1994 in Paris and describes itself as having the following objectives:

- to rally representative European associations concerned with contemporary organisations with sectarian and totalitarian characteristics, whether legally constituted or not, whose practices violate basic international human rights norms;
- to represent its member associations in their contacts with European institutions in relation to the defence of families, individuals and democratic societies against the activities of harmful sectarian organisations;
- to alert public authorities and international institutions in the event of punishable activities [presumably of sectarian organisations];
- to participate in the creation of a European legal area with regard to sectarian issues;
- to create an international information network;
- to research and study the legal field of sectarian deviations.<sup>1</sup>

**NGO consultative status with the Council of Europe**

2. On 13 December 2001, FECRIS applied for consultative status with the Council of Europe. Consultative/participatory status allows INGOs certain privileges within the political processes of the Council of Europe in relation to matters of mutual interest. The INGOs with consultative/participatory status maintain a Liaison Committee which works closely with the Directorate-General of Political Affairs to improve methods of co-operation with the Council of Europe. The consultative/participatory INGOs hold a Plenary Conference, to coincide with part-sessions of the Assembly. Individual consultative/participatory INGOs are organised into 'groupings' according to area of interest. Certain NGOs have been granted *ad hoc* observer status to particular expert committees of the Committee of Ministers.

3. Applications for consultative status were at that time considered according to Committee of Ministers Resolution (93)38 on relations between the Council of Europe and international non-governmental organisations. (This Resolution has since been replaced by Resolution Res(2003)8 on "participatory status for international NGOs with the Council of Europe", which is essentially similar in every respect but one, that being the conditions under which an objection can be raised against the Secretary General's favourable preliminary view – see further below.) Paragraph 2 of the appended Revised Rules for Consultative Status states that "Consultative status shall be granted by the Council of Europe to international non-governmental organisations which are particularly representative in the field(s) of their competence, and at the European level. In addition, they should, through their work, be capable of supporting the achievement of that closer union mentioned in Article 1 of the Statute by contributing to Council of Europe activities and by making known the work of the Council of Europe among the European public."

4. Paragraph five sets out the duties of the INGO. These are to furnish information, documents or opinions as requested by the Secretary General, to give maximum publicity to the work of the Council of Europe, and to submit a biannual report to the Secretary General on its activities relating to the Council of Europe.

<sup>1</sup> Information taken from the FECRIS website at <http://griess.st1.at/gsk/fecris.htm>.

5. Paragraph eight stipulates that the Secretary General's decision to grant consultative status is reached in accordance with the above rules; it may also take into account the main priorities of the Council of Europe's programme of activities and possible proliferation of INGOs in a given sector of activity. The decision is submitted for approval to the Committee of Ministers and the Parliamentary Assembly. In the absence of any objection founded on the conditions set out in paragraph nine (see below), the INGO will be added three months later to the list of those enjoying consultative status.

6. Paragraph nine then states that during the three-month period, a member of the Committee of Ministers or three members of the Assembly of different nationalities may request that an examination be made of the file of an applicant INGO. If so, the Committee of Ministers shall defer its decision until it has received a recommendation from the Assembly acting on a report from its competent committee. Under the new Resolution Res(2003) 8, such a request must be made by ten parliamentarians (or ten members of the Congress of Local and Regional Authorities of the Council of Europe) coming from five different national delegations, or a member of the Committee of Ministers. However, this should not invalidate the previous objection by the three parliamentarians, on the basis that a stricter rule should not be applied retrospectively unless there is an express provision to the contrary (and in this instance, that is not the case). Furthermore, the current procedure was initiated and had progressed as far as appointment of a Rapporteur before the new Resolution came into force.

7. Paragraph 10 deals with withdrawal of consultative status. Any organisation already on the list may be removed by the Secretary General if, in his or her opinion, it has *inter alia*:

- failed to comply with the conditions of paragraphs 2 and 5 (see above), and 7 (information required on application);
- taken action which is not in keeping with its status as an international non-governmental organisation.

Before any decision to withdraw consultative status, the Secretary General shall first inform the organisation of his intentions and give it an opportunity to present representations, within two months.

#### ***The Parliamentarians' objection to granting consultative status to FECRIS***

8. On 24 September 2002, following his provisionally favourable response to FECRIS' application, a letter was sent to the Secretary General signed by three members of the Parliamentary Assembly, Dr Rudi Vis (United Kingdom, Socialist Group), Mrs Hanne Severinsen (Denmark, Liberal, Democratic and Reformers' Group) and Mr Jan Dirk Blaauw (Netherlands, Liberal, Democratic and Reformers' Group). This letter stated that "FECRIS is not an appropriate group for consultative status according to information we have available to us" and called for an investigation. As a result, on 1 October 2002 the Secretary General referred the letter to the Parliamentary Assembly to investigate the objection and inform him of the result. Responsibility for the investigation was given to the Committee on Legal Affairs and Human Rights, which on 26 November 2002 appointed Mrs Gultakin Hajiyeva (Azerbaijan, EPP/CD) as its Rapporteur. (Following her resignation for personal reasons, the present Rapporteur was appointed to replace her on 15 December 2003.)

9. On 16 December 2002 the Chairperson of the Committee on Legal Affairs and Human Rights wrote to the three parliamentarians requesting that they either attend a forthcoming meeting of the Committee or submit their objections in writing. Only Dr Vis replied to this letter, including a bundle of documents setting out a series of allegations against FECRIS. Dr Vis explained that he was simply representing objections raised by a constituent; he did not subsequently add to them in any way, nor did he take up the invitation to attend a meeting of the Committee. On 20 January 2003 a second letter was sent to the remaining two parliamentarians, but no response was received.

#### ***The Rapporteur's approach to the question of FECRIS' application***

10. The Rapporteur is aware that the outcome of the application for consultative/participatory status is an important issue for the INGO concerned. Failure of the application may have serious consequences for the organisation's ability to pursue its activities effectively, and public criticism of the organisation or its application in the Assembly's report would almost certainly be damaging to its credibility and reputation. Equally, the award of consultative/participatory status amounts to an endorsement of the INGO's activities by the Council of Europe. It is essential, therefore, that the associative prestige of consultative/participatory status be preserved only for deserving and appropriate organisations. It must also be noted that this is the first time that the Assembly has been called upon to report on a contested application for

consultative/participatory status. Whilst a pragmatic approach is important so as to avoid a protracted or unfocussed review process, basic requirements of procedural fairness should nevertheless be adhered to, such as principles of impartiality and independence, of promptness and due expedition, and that of *audi et alteram partem* (the right of both sides to be heard).

11. The Committee of Ministers' Resolutions Res(2003)8 and (93)38 give little guidance to the Assembly or the Committee on how they are to discharge their role. The Rapporteur has therefore adopted the following principles as the basis for his consideration of the issues, appropriate to the circumstances of the present case:

- i. Resolutions Res(2003)8 and (93)38 appear to set out only positive tests for qualification for participatory/consultative status (in other words, a list of characteristics or activities which must exist or be proposed); they do not set out negative tests (in other words, features which must not be present). The criteria for withdrawal of status, however, include a negative test, of engaging in activities not in keeping with the status. On the basis that it would be perverse to grant participatory/consultative status to an organisation from which such status would foreseeably be subsequently withdrawn, this negative test should also be applied, consistent with Assembly Opinion No. 246 (2003) on relations between the Council of Europe and non-governmental organisations.
- ii. Where, following an objection to the Secretary General's positive provisional decision on the INGO's application, the Assembly is called upon to review that decision, the Assembly's role is confined to considering only those allegations that are raised in the objection, to determining whether those allegations are substantiated, and to making appropriate recommendations to the Committee of Ministers.
- iii. The process can be considered as one of review of the Secretary General's decision to award participatory/consultative status. The source of the objection is given an opportunity to state its case in full before an independent third party, the Assembly, acting through one of its Committees; and the subject of the contested decision, i.e. the INGO concerned, is allowed two months in which to submit its reply, consistently with the procedure set out in Resolutions Res(2003)8 and (93)38 for withdrawal of consultative/participatory status. (In fact, FECRIS' reply was received on 23 April 2003, within the permitted deadline.)
- iv. The procedure set out by Resolution (93)38 explicitly states that the examination is based on the objections of *inter alia* three parliamentarians. The Rapporteur wishes to state openly that he has received voluminous correspondence relating to this report. He would like to make clear that he has not taken this information into account, as it comes from individuals and organisations that were not permitted to challenge the original decision of the Secretary General. Furthermore basic fairness requires that FECRIS be given an opportunity to respond to challenges against its being awarded consultative/participatory status. To take into account every allegation whenever made, whilst also allowing a right of reply, would extend the current process almost indefinitely and impose an unreasonable burden on FECRIS. The Rapporteur has, however, undertaken certain basic research of his own, notably where copies of important, identifiable documents have not been provided.
- v. Equally, the Rapporteur hopes that the Committee on Legal Affairs and Human Rights will confine its deliberations to the allegations and material presented by the three parliamentarians and to FECRIS' reply. The Rapporteur believes that it is vitally important that this matter be considered in accordance with basic rules of fairness and procedural propriety.
- vi. In this respect the Rapporteur notes that, should further relevant information subsequently come to light, Resolutions Res(2003)8 and (93)38 contain provisions allowing for the withdrawal of status on grounds *inter alia* of taking action which is not in keeping with such status; they also automatically provide for regular periodic review of status.
- vii. The Rapporteur has applied a basic evidential burden to the parliamentarians' allegations. Any evidence which is *prima facie* incredible is not taken into account. Evidence which is taken into account is weighted according to its credibility. Any allegation unsupported by evidence is considered as being unsubstantiated and dismissed.
- viii. Otherwise, the Rapporteur has not approached the matter as if there was a "burden of proof" resting on either the case for awarding consultative/participatory status to FECRIS or the case against. The fact that he considers that those points not addressed in Dr Vis's representations are not in dispute serves only to limit the number of points in issue, and does not otherwise influence the process. On

each point raised in the representations, the Rapporteur has applied a "balance of probabilities" test in assessing whether or not the alleged state of affairs exists, taking into account all and only relevant evidence for and against that point.

- ix. Finally, the Rapporteur wishes to state his complete independence from both FECRIS and from the authors of the objection, and from any individuals or organisations which may have attempted to influence his consideration of the matter. He also wishes to state his impartiality with respect to the issues and parties involved and his lack of personal interest in the outcome.
- x. The Rapporteur would like to note that a previous version of this report was considered by the Assembly's Committee on Rules of Procedure and Immunities, which had been requested by the Bureau of the Assembly to consider certain procedural aspects. In its opinion, the Committee on Rules of Procedure concluded that "the procedure applied as a whole for the examination of the FECRIS file, while properly carried out in this specific case, should not serve as "basic principles" for considering future INGO files. It would not be appropriate to bind in future all Assembly Committees on the basis of a very specific case. Those parts of the draft recommendation (in main paragraph 2 and sub-paragraph (x) of paragraph 2) should therefore be taken out of the report" (see doc AS/Pro (2004) 27, appended to this report.) On 10 January 2005 the Bureau took note of this opinion, agreed with its recommendations and referred it to the Committee on Legal Affairs with the request to table a revised version of its report, taking the opinion into account. The current document represents such a revised version, in accordance with the opinion's recommendations.

## **B. The allegations against FECRIS**

12. The representations passed on by Dr Vis contain a nine-page letter and eighteen attachments. The letter concludes by stating the thrust of the "case" against FECRIS:

"A primary criterion to be satisfied is whether a group, through its actions, complements the work of the Council of Europe by following the European Convention on Human Rights. It can be concluded from the above that FECRIS acts in a manner not in alignment with, but indeed contrary to, the actions and human rights standards of the Council of Europe, and is not a reliable source for information about new religious movements (which they derogatorily characterise as 'sects') and is therefore not a suitable organisation to be granted consultative status."

The representations contain an introductory section summarising various allegations. This is followed by a series of points and associated evidence grouped by reference to FECRIS' objectives (see paragraph 1 above). FECRIS' reply follows approximately the same order. Accordingly, the Rapporteur has done likewise: details of each allegation are followed by evidence presented in their support, then by FECRIS' reply (as relevant to the allegation), and details of additional information relied upon by the Rapporteur. The Rapporteur's conclusions on each allegation complete the sections. (It should be noted that Dr Vis' representations were in English and were then translated into French, to which FECRIS replied in French.)

### ***Introductory section summarising the allegations***

13. The message spread by FECRIS is mostly directed at new and minority religious groups derogatorily referred to as 'sects'. The Parliamentary Assembly and the Committee of Ministers have both opposed such terminology. FECRIS members have used 'deprogramming' which involves kidnap and various forms of coercion including violence; the technique is illegal and has been criticised by the European Court of Human Rights in a case involving the Vice-President of FECRIS. FECRIS member groups do not attempt to provide a balanced assessment of targeted religions but provide false and misleading information; they thus cannot be relied upon to serve this purpose. Research shows that they rarely if ever publish credible academic material despite the plentiful availability of unbiased studies. FECRIS and its member groups have influenced the media to reflect their negative messages, leading to a hysterical climate, particularly in France. FECRIS member groups do not attempt to resolve constructively the problems of alleged 'victims' through dialogue with groups they define as 'sects', an approach taken by bodies such as INFORM, the OSCE and a Swedish parliamentary commission. They thus act to divide family members and other involved persons. FECRIS' position with respect to the French About-Picard law well illustrates that their aims are directly opposed to those of the Council of Europe. FECRIS also actively supported the Chinese in introducing a law based on the French model. FECRIS is a pressure group with a mission.

(It should be noted that most of these points are subsequently raised in more detail and so are addressed by the Rapporteur in later sections. What follows relates to those points appearing only in the introduction.)



- i. Evidence supporting the allegations. The introduction quotes as follows from the Swedish parliamentary commission report: "nothing should be done to augment disagreement between these movements and the rest of the community. On the contrary society should help to bring about dialogue and resolution of conflicts" [in fact a misquote: the original reads "bring about dialogue between all parties concerned"]. The original document is not provided, nor is any documentation from INFORM or from the OSCE (a footnote refers to the OSCE Supplementary Meeting on Freedom of Religion and Belief held in Vienna on 22 March 1999).
- ii. Response of FECRIS. FECRIS does not rally European "anti-religieux" groups [n.b. this relates to a misunderstanding of an inaccurate French translation of "anti-cult"]. FECRIS is neutral with respect to politics, philosophy and religion (as stated in its "Ethical principles" – copy provided); its aim is to rally member associations whose activities concern groups engaging in practices contrary to human rights norms. Such an aim is consistent with the Summary of the Nastase report [which led to Recommendation 1412 (1999)]. FECRIS fully respects national and international legal provisions prohibiting discrimination on grounds *inter alia* of religion, and furthermore shows only respect to those groups which themselves abide by such provisions.

FECRIS and its member groups have consistently condemned the practice of 'deprogramming'.

It is inconsistent to claim against FECRIS both that it rarely publishes and that it is always biased. As explained in its application for consultative status, FECRIS member groups in Austria, Germany, France, the United Kingdom publish regular periodicals, and FECRIS itself has for example published reports of the Meeting of European Lawyers [see further below] and a conference on "Sects and Children – Prevention" held in Barcelona in May 2002. (Copies of both these latter documents are provided.)

FECRIS is able to play an important role in providing information to national governments and European institutions on the improper conduct of certain bodies. In this respect FECRIS is recognised for its impartiality by the MIVILUDES in France, the CIAOSN in Belgium, the French Prime Ministers' office, the Catalan parliament (and in particular its Youth Secretariat, which supported and hosted FECRIS' May 2002 conference), the Austrian Bundestelle für Sektenfragen, etc. Furthermore the European Parliament has approached FECRIS to participate in a meeting organised by the committee on citizens' rights and liberties. (Annexed are letters dated 22 July 1999 and 16 January 2001 from M Vivien of the French *Mission Interministérielle de Lutte contre les Sectes* (MIVILUDES or MILS), the first to the French Ambassador to the Council of Europe stating that the function of European observatory, as proposed in Recommendation 1412 (1999), could best be discharged by FECRIS, and the second to FECRIS itself expressing congratulations on the relations established between it and MILS and suggesting continuation of their monthly meetings during the coming year; also, the 1999-2000 biannual report of the Belgian *Centre d'Information et d'Avis sur les Organisations Sectaires Nuisibles* (CIAOSN), which contains CIAOSN's favourable responses to enquiries by the Belgian Deputy Prime Minister/ Minister of Foreign Affairs concerning the joint declaration of the European Colloquy of April 1999, organised by FECRIS, the call for recognition of FECRIS made in that declaration, and the "validity" of FECRIS itself.)

FECRIS shares the views of the Swedish parliament.

FECRIS cannot be a lobby group as such activities are forbidden in France. FECRIS merely exercises its freedom of expression for the purpose of helping the victims of sects. It scrupulously conforms with national laws and respects individual liberties.

- iii. Rapporteur's additional information. The Rapporteur has obtained copies of the OSCE meeting report<sup>2</sup> and a summary of the Swedish report<sup>3</sup> referred to in the representations. The only relevant mention of dialogue in the OSCE meeting report was by a Mr Alain Garay, who "recommended greater dialogue and training programmes linked to dialogue". The issue of who this dialogue should involve was not clarified in the report. (Dialogue was also discussed in a separate context of conflict prevention.) The Swedish report addresses the issue at greater length, in addition to the above passage: "creating a dialogue for mutual understanding must not mean society remaining inactive where dubious or criminal acts have been committed in the name of religious liberty." "The creation of a dialogue is prompted by the well-founded supposition that movements which have become a danger to the life and health of their members or of the community have developed in isolation after

<sup>2</sup> <http://www.osce.org/odihr/documents/reports/shdm/m99-religion-report.pdf>.

<sup>3</sup> [http://social.regeringen.se/propositionermm/sou/pdf/sou98\\_113eng.pdf](http://social.regeringen.se/propositionermm/sou/pdf/sou98_113eng.pdf).

society has turned its back on them. Some movements which are out of touch with the rest of the community can develop destructive characteristics. The dialogue, then, is an important means of avoiding destructive developments." There is, however, no criticism in either document of any specific group, nor of the work of groups which adopt different methods to address particular aspects of the situation.

- iv. Rapporteur's conclusion. Only circumstantial aspects are substantiated of those allegations which are not subsequently addressed in greater detail. FECRIS' material establishes in particular that it does indeed publish research material (the Rapporteur cannot comment on the quality of this) and that various national authorities collaborate with it. All the allegations which appear only in the introduction are entirely unsubstantiated and cannot be taken as being made out.

**Rally representative European associations concerned with contemporary organisations with sectarian and totalitarian characteristics whose practices violate human rights norms**

14. FECRIS member groups have themselves committed human rights violations. Certain representatives of FECRIS member groups have utilised the technique of 'deprogramming', which involves kidnapping and coercion, including by physical violence, to attempt to force an individual to renounce their faith. This has been criticised by the European Court of Human Rights in a case involving the Vice-President of FECRIS, Rosa Maria Boladeras (*Riera Blume & otrs v. Spain*, judgment of 14/10/99). Ms Boladeras' group (AIS/ Pro Juventud) was also criticised by Cardinal Ruiz from the Vatican and by a Spanish court for having kidnapped and attempted to 'deprogramme' a young Catholic man, Mr Canals. Similar cases exist in which FECRIS member groups have been condemned in various European jurisdictions for human rights violations.

- i. Evidence supporting the allegation. A letter dated 25 April 1991 is presented as evidence that Ms Rosa Boladeras was an official of the organisation Asesoramiento e Informacion Sobre Sectas, along with a letter dated 31 July 1991 describing Ms Boladeras as Director of the Asociacion Pro Juventud/ AISS and a letter dated 1 June 1999 describing her as Vice-President of FECRIS. A press release concerning the case of *Riera Blume* is also included, but not the full judgment.

As to Mr Canals, there are partially illegible photocopies of pages 303-4 and 308-9 of a book in Spanish. According to the accompanying uncertified English translations of certain parts of these pages, the book is entitled *Rebirth of the Religious Persecution in Spain*, by Santiago Canals (publisher and date of publication unknown), and the excerpts relate to the judgment of a Spanish court in a case brought by his mother at the urging of A.I.S. (no copy of the judgment itself is provided). The judge stated that: A.I.S. was involved in all the human rights violations suffered by Mr Canals [the violations themselves are unspecified]; no-one in A.I.S. had Mr Canals' consent to carry out 'therapeutic' work on him; A.I.S. had no judicial authority substituting for consent; such molestations were intolerable in a "State of Law"; "this is without doubt an 'assumed action that violates the fundamental rights of the citizen Mr Santiago Canals Coma by members of the A.I.S...., as in a Social and Democratic State of Law, it is forbidden such arbitrariness (article 9.3 of the Spanish Constitution), not only by the Official Powers but also by the other citizens (Decisions by the Constitutional Court of dates 199 [sic] December 1994, as well as 10 January 1995)..." The translation continues with certain general legal remarks not relating to A.I.S. A further page, in Spanish and apparently of the same book, is also provided, at the top of which is handwritten "Beginning of decision by the judge (untranslated)". This indicates that the Spanish courts became seized of the case in 1995. No material is provided to substantiate the claims made with respect to Cardinal Ruiz.

- ii. Response of FECRIS. FECRIS denies that the interpretation given in the representations to the *Riera Blume* case is correct, and provides a copy of the full judgment in French [see further below]. AIS/ Pro Juventud had not been informed of the Strasbourg proceedings and so was not called to defend itself against any accusations; the case itself concerned essentially the definition of 'liberty' under Article 5 and Spanish law. Also annexed is a report in Spanish by Mme Maria Maqueda Abreu, Professor of Criminal Law at the University of Almeria; no translation is provided. The real attitude of FECRIS' member groups is explained in the 1984 book "*Les sectes*" by Roger Ikor, founder of FECRIS member group CCMM: "The problem is to know how to free a young follower already under the control of a sect... We are categorically opposed to the practice of deprogramming, which appears to us to be an affront to human dignity. In defeating by use of reverse programming that which the sects have programmed, we would be using their weapons and would lower ourselves to their level."

As to the Canals case, this related to psychiatric treatment in a Barcelona public hospital ordered by a judge and a medico-legal expert. The patient brought legal accusations against his mother for having been confined (a copy of the judgment, in Spanish, is provided which substantiates this); subsequently the Church of Scientology brought a case alleging abduction against AIS/ Pro Juventud, the latter winning the case with no charge being upheld by the court (an untranslated, photocopied fax in Spanish is provided which is claimed to substantiate this latter point).

No FECRIS member group has ever been condemned for any human rights violation, and all member groups know that they would lose their membership for non-respect of FECRIS' ethical charter (copy provided), which is inspired by the values of the Council of Europe so as to include *inter alia* "respect of religious, philosophical and political pluralism" and "objectivity and pragmatism".

- iii. Rapporteur's additional information. The Rapporteur has obtained a full copy of the Court judgment in English. This states that in 1983 the Catalan authorities received information transmitted by Pro Juventud from the parents of the applicants, whom they alleged had been ensnared by the group CEIS. The families claimed that CEIS had brought about a change in the applicants' personalities, leading them to break off ties with their families and friends and inciting them into prostitution and other activities intended to obtain money for the group. The authorities infiltrated an officer in the CEIS to verify this information and subsequently forwarded the complaints and evidence to the courts. Acting on a judicial order, the authorities then arrested the applicants and transferred them to the care of their families at a hotel outside Barcelona, where (the applicants allege) they were subjected to 'deprogramming' by a psychologist and psychiatrist at the request of Pro Juventud (see paragraphs 13 and 29). The Respondent government argued that responsibility for any deprivation of liberty lay with the families, who had organised their reception, detention and supervision at the hotel, and with Pro Juventud (paragraphs 27 and 31). The Court found that whilst the families and Pro Juventud had responsibility for supervision of the applicants during the period of loss of liberty, the deprivation of liberty itself could not have taken place without the active cooperation of the authorities (paragraph 35). As to the applicant's argument that the 'deprogramming' measures amounted to a violation of Article 9, the Court did not consider it necessary to undertake a separate examination of the case, since the applicants had already succeeded on the core issue of arbitrary detention (paragraph 38).
- iv. Rapporteur's conclusion. A thorough reading of the Court's judgment gives a more accurate impression of the extent of Pro Juventud's involvement in the case. The authorities (police and judicial) were in fact responsible for the decisions and actions resulting in the applicants' detention, acting on information originating with the families. The families had then organised the applicants' detention. Pro Juventud (along with the families) was merely responsible for their "supervision" during that period, and only "requested" (rather than, for example, administered) the alleged 'deprogramming'. There is no judicial finding that the method of 'deprogramming' is illegal. It is untrue that the Strasbourg Court has criticised it in the case cited; nor is there any direct criticism of Pro Juventud, only a description of their involvement.

The evidence presented with respect to Mr Canals' case comes from one of the parties to the litigation, and so without a certified translation of the full original court judgment, doubts must remain about its credibility. As to its content, the full facts of the case – in particular the details of the human rights violations – are unknown, and there is no information on whether the judgment was final or whether any penalty was awarded against AIS. The most that can be concluded is that during or before 1995, the AIS was involved in unspecified activities concerning Mr Canals and his mother, and that a Spanish court found these to have in some way violated his protected rights. (The only court judgment available involves the issue of conflicting psychiatric opinions and does not concern AIS.) On the other hand, FECRIS denies that the Spanish courts found against AIS in any case, although the evidence they present to support this denial is substantively weak. In these unsatisfactory evidential circumstances, it is impossible to conclude that any serious charges against AIS are made out.

### **Represent the member associations in their contacts with European institutions**

15a. FECRIS spreads false and negative information, creating a climate in which individuals who are members of groups classified as sects have suffered discrimination. There are hundreds of examples of this. Religious scholars have come to differing conclusions on the nature of these groups.

- i. Evidence supporting the allegation. No substantiation is given of the conclusions of any particular religious scholars, named or otherwise.

As to examples of cruel and discriminatory treatment, a word-processed document is submitted entitled "Extracts: Report on Discrimination Against Spiritual and Therapeutical Minorities in France" published by 'Coordination des Associations et Particuliers pour la Liberté de Conscience' ("CAP"), 12 r. Campagne Première, 75014 Paris (date of publication unknown). This contains six "testimonies" from various individuals. The first, written in the third person, alleges that between 1996 and 1998 ADFI began 'propaganda campaigns' against "P.B.'s" group, Brahma Kumari, in schools and universities, damaging his reputation in the community; that ADFI's claim that he was the group's "guru" led to his losing work with a radio station; that an ADFI meeting denouncing cult activity and referring to him by name was an "enormous shock" to his acquaintances; and that in subsequent years he suffered other loss and damage (not directly attributed by him to ADFI). In the second, "Marc" claims that at some point between 1995 and 1999 a social worker investigating his circumstances in connection with child visitation rights visited him at home but, having spoken to ADFI, never again thereafter. He then claims that ADFI alleges that his group, the humanistic Rosicrucian CIRCES, is associated with the "Solar Temple" – the significance of this allegation is not explained. (Further allegations relate to acts of the authorities.) The third makes no allegations with respect to ADFI nor indeed to any other named organisation. The fourth, by "Thierry", claims that in 1996 ADFI helped a woman who had embezzled money from his group, 'Iso-Zen', to write a book about her experiences, which misrepresents the group and is part of ADFI's larger campaign against it. In the fifth, "Christian" states that ADFI refused to provide a "good cult certificate" for his company, which teaches 'neuro-linguistic programming', after it had been named as a branch of Scientology in a 1999 Parliamentary report. (These "testimonies" are all dated "Paris, 3 march 2000".) The sixth, also by "Christian", alleges that he was forced from office as deputy mayor of his village as a result of a letter sent to the town hall by ADFI concerning his involvement with Horus (which he describes as an organic farming community), and furthermore was removed from his teaching post. ADFI also organised a local meeting which showed videos concerning Mandoram, another association, and the Unification Church (the relevance of this to "Christian's" situation is not explained). (This "testimony" is dated "Lyons, April 28 2000".)

- ii. Response of FECRIS. The representations include no facts, only gratuitous assertions. For some time the number of judicial proceedings against sects has increased considerably and it would be valuable to compare these criminal condemnations with the so-called false information spread by FECRIS. When the judicial system has condemned certain officials or adepts, it is false to claim that their treatment has been cruel and discriminatory. (No evidence is provided to substantiate details of these judicial proceedings.)
- iii. Rapporteur's additional information. CAP maintains a website which includes several pages relating to FECRIS' application for consultative status.<sup>4</sup> According to the website "This was opposed by some members of the Council of Europe as the anti-religious climate created by this association or by its members has been widely denounced... [The] rapporteur, Ms Hajiyeva[,]... a member of the Legal Affairs Committee[,]... welcomes any information which should be sent to her at [the Committee's Strasbourg address]. Please e-mail her you views, send her any letters and documentation about your concerns on FECRIS (or FECRIS member groups) suitability for consultative status."<sup>5</sup> Further pages of the website set out the organisation's case against FECRIS and in particular its member associations ADFI and CCMM (no specific allegations are made and no evidence presented which might assist the present Rapporteur), and invite readers to sign a petition against the grant of consultative status. It is clear that the publisher of the 'testimonies' is not impartial with respect to FECRIS and its member groups and has an interest in the outcome of the current procedure. The Rapporteur considers this information relevant to the credibility of the material supporting the allegations, which is essentially anonymous and thus of uncertain provenance and reliability.
- iv. Rapporteur's conclusion. The evidence presented to support the allegations is based on uncorroborated subjective interpretations of events and is of uncertain credibility, and furthermore the content of the allegations themselves is vague and conjectural. Overall, the Rapporteur finds that there is little compelling substance to these claims.

15b. FECRIS supported the About-Picard law, which has been criticised by human rights groups such as the International Helsinki Federation and about which the Parliamentary Assembly has "expressed strong concern"

<sup>4</sup> <http://www.coordiap.com>.

<sup>5</sup> On 15/12/03 the Committee appointed the present rapporteur to replace Ms Hajiyeva; the CAP website has since been updated accordingly.

- i. Evidence supporting the allegation. A copy of Assembly Resolution 1309 (2002) on freedom of religion and religious minorities in France is provided. One of two highlighted passages reads: "The Assembly invites the French Government to reconsider this law and to clarify the definition of the terms 'offence' and 'offender.'" The Resolution also states that "ultimately, should the case arise, it will be for the European Court of Human Rights, and it alone, to say whether or not this law is compatible with the ECHR." The representations include a quote said to be from an unspecified International Helsinki Federation report stating a number of criticisms presumably of the About-Picard law. Also attached is a single page of the FECRIS report on the "Meeting of European lawyers" [see further below], highlighting the following passage: "the About-Picard law in May 2001. This was a very important law that went through thanks in particular to the work of associations that combat sects. It at last recognises the offence of abuse of a state of weakness and maintaining in a state of subjection." As to the International Helsinki Federation, a letter from the organisation to M. Alain Vivien, President of the French MILS, is submitted. This consists mainly of a rebuttal of M. Vivien's allegation that the IHF had been infiltrated by the Church of Scientology, followed by an incomplete paragraph criticising in general terms the draft law to whose development the MILS had contributed.
- ii. Response of FECRIS. FECRIS itself had nothing to do with elaboration of the About-Picard law. In any case, FECRIS acts at the European level and would have no competence or authority for such participation. Its comments on the law's adoption show the spirit of neutrality and objectivity underlying FECRIS' observations and studies. One should recall the conclusion of M Voyame, whose expert report formed the basis of the Rapporteur's report for Resolution 1309 (2002): the law "is not incompatible with the Council of Europe's values." In addition, the Bishop of Soissons stated that "The Catholic Church can only be glad of the adoption of this law... The Catholic Church has nothing to fear in this law which is in no way intended as an attack against religion or belief."
- iii. Rapporteur's additional information. The Rapporteur has obtained a full copy of the IHF letter, signed by Baron Rhodes, Executive Director. The parts omitted from the partial copy provided do not add anything.
- iv. Rapporteur's conclusion. The Rapporteur recalls that the Assembly's position in Resolution 1309 (2002) was somewhat ambivalent, explicitly avoiding any specific condemnation of the law whilst at the same time asking the French government to reconsider it; on the other hand, M Voyame was quite definite in his conclusions. This situation cannot reasonably be construed as an expression of "strong concern". As to the contribution of "associations which combat sects" to passage of the About-Picard law, it must be noted, first, that the IHF letter makes clear the important role played by the French government's MILS (and also that FECRIS categorically deny any involvement); and second, that adoption was ultimately an act of the democratic French legislature. Furthermore there have not to date been any decisions of the Strasbourg court critical of the law or its implementation.

15c. Representatives of FECRIS and its member group CCMM attended an "anti-sect" conference in Beijing in November 2002. Afterwards, CCMM's newsletter contained two pages of Chinese propaganda concerning the persecuted religious group Falun Gong and supported China's position against "sects".

- i. Evidence supporting the allegation. A web-page from the site of CESNUR (the Centre for the Study of New Religions) is included which states that "Whilst the US and other governments, mainline churches and international human rights watchdogs are protesting Chinese persecution of religious minorities under the pretext of fighting 'evil cults'," CCMM, FECRIS and the French governmental MILS are actively supporting the Chinese. The CCMM newsletter *Regards sur* "cheerfully reports" on an 'International Symposium on Destructive Cults' held in Beijing in November 2000. Jean-Pierre Bousquet represented both FECRIS and, along with others, CCMM. MILS president Alain Vivien attended "as an observer", "without speaking". "*Regards sur* is happy to report" that China sees French practice as an example of "large and coherent moves against the danger of the 'cults'." *Regards sur* had noted that "every country is different... hence we should not stop at defining what a 'cult' is but consider how each cult makes a nuisance of itself." "[T]he fact that the CCMM newsletter simply reproduces two pages of Chinese propaganda about Falun Gong (with no mention whatsoever of scholarship on the matter, or of different points of view) speaks volumes about CCMM's methods." (A further CESNUR document is included with information on the Chinese group Falun Gong.)

Also submitted are the photocopied cover page and pages six and seven of *Regards Sur*. In addition to the information repeated on the CESNUR website, this discloses that Korea, Japan, the USA, Canada and Russia were also represented at the symposium. It makes clear that the statement

beginning "every country is different" was in fact made by the president of the symposium, who also stated *inter alia* that "the measures to be taken to protect the public must be in conformity with the law and guarantee human rights". Page seven closes with a single paragraph entitled "Why the Falun Gong is a sect", containing an "extract of a document provided by the Chinese authorities". This extract seems to have continued in the original, but only this paragraph is provided.

- ii. Response of FECRIS. FECRIS did not participate in the colloquy. Its President was indeed invited by the organisers, but decided to decline on the basis that FECRIS' priority activities were in Europe. Furthermore, being aware that the situation of the Falun Gong was of an uncertain political character, he considered himself without competence in the matter. One of FECRIS' member groups intervened during the colloquy, without ever offering any form of support to the repression then being experienced by Falun Gong. This stance was confirmed by others, on one hand by the guidelines given by the French foreign ministry, and on the other by the UN Development Programme which was co-organiser of the event (a fact not mentioned in the representations). It is absolutely false to claim that CCMM gave its total support to the Chinese government's actions against sects. Far from showing allegiance to a state which does not share the values of the Council of Europe, CCMM went to illustrate the values of democracy and citizenship as defended by the French About-Picard and Royal laws (the latter on educational obligations).
- iii. Rapporteur's additional information. (No further material was indicated or necessary.)
- iv. Rapporteur's conclusion. The Rapporteur cannot but notice that the Beijing symposium was also attended by representatives of numerous states, including two Council of Europe member States and three Observer states, and considers this to be relevant to any imputation of sinister behaviour to FECRIS or CCMM. The explicit reference to legality and human rights, along with FECRIS' assertion that the UNDP was also involved in the conference, add to this view. Furthermore, whilst the *Regards Sur* article is indeed two pages long, it cannot reasonably be described as "two pages of Chinese propaganda on Falun Gong", and there is no evidence of the overall length of the document from which it appears an extract is reproduced. The CESNUR report misrepresents the contents of the *Regards sur* newsletter: taking everything into account, there is insufficient credible evidence for the allegations to be made out.

#### ***Alert public authorities and international institutions to punishable activities***

16. FECRIS member groups have been the main cause of the negative public image of 'sects' and have used this image to generate 'alerts' in the media and with public authorities. Leading religious scholars such as Mikael Rothstein of Copenhagen University and Dr Bryan Wilson of Oxford University state that anti-cult groups exaggerate and misrepresent the groups they call 'sects'. These false 'alerts' have devastating effects on targeted individuals and groups. In 1993 French police raided the premises of "the Family" in Lyon and Marseille, in response to allegations made by the ADFI, a member of FECRIS. Six years later, the French courts found these allegations to have been unfounded. ADFI never apologised and never attempted to correct the false information they had spread. In 1992 Jean Miguères, founder of CEIRUS, was shot dead by his father-in-law who had learned from the local ADFI that CEIRUS was a dangerous sect. Neither CEIRUS nor Mr Miguères were ever convicted of criminal activities, yet the president of ADFI continued to attack Mr Miguères as being dangerous and wicked.

- i. Evidence supporting the allegation. No material is produced to exemplify the claimed views of Mr Rothstein or Dr Wilson.

The evidence for the first ADFI allegation is an undated document from the "Center for Studies on New Religions" [CESNUR – see above]. This claims that the ADFI was "the main instigator of the Aix-en-Provence case against The Family and was admitted as a party against the defendants in the trial... [The Aix-en-Provence court's acquittal of the defendant Family members] is a major embarrassment for ADFI [whose lawyer] criticised the court and [which] called the decision 'a catastrophe'."

As to the second ADFI allegation, this is supported by an illegible photocopy of a French-language newspaper article [name of newspaper and date of article not specified] accompanied by English text which is presumably an uncertified translation of the article. This claims that Mr Miguères' killer, his father-in-law Mr Dorysse, was a "fervent militant in ADFI Lyon [in whose records] CEIRUS was listed as a dangerous cult [and which] had this group in its 'sights'... As soon as the murder was revealed in the press, the president of ADFI didn't hesitate to attack Jean Miguères... [T]he CEIRUS had never been in the limelight in the region and as its activities were limited to the regular organisation of

lectures on the subject of UFOs. But in France, the ADFI is both expert witness, prosecutor, police and judge... one can only wonder what type of information and fanatical brain-washing the Dorysse underwent at the hands of the ADFI... [A] peaceful pensioner was transformed into a murderer sentenced to six years of imprisonment."

- ii. Response of FECRIS. As regards the Aix-en-Provence case against the "Children of God", the action was brought by the national police: the grievances of sectarian groups concerning measures taken by national authorities cannot be held against FECRIS. Eight years intervened between the beginning of the proceedings and the court's final decision to quash them, which was based on an insufficiency of evidence. [No copy of any court judgment or ruling is provided to substantiate this.]

As to the Miguères case, this took place long before the foundation of FECRIS in 1994. The grandfather [sic] who committed the murder had never been seen at ADFI-Lyon and had not been welcomed by the association, far less been a member. ADFI-Lyon had exercised its right of reply to denounce malicious insinuations made in an article published in the *M.R.*, which repeated a claim from the *Figaro-Lyon* that the victim's parents-in-law had learnt of his suspicious activities whilst in contact with ADFI. The author of the article subsequently chose not to maintain his allegations [photocopies, apparently of the article and ADFI-Lyon's letter, were provided].

FECRIS member groups rely on national parliamentary reports to determine groups as 'sects', or, in their absence, on evidence of behaviour in grave breach of human rights based on precise, corroborated and probative facts. This is a basic fundamental principle, as clearly defined by FECRIS' ethical charter.

- iii. Rapporteur's additional information. (No further material was indicated or necessary.)
- iv. Rapporteur's conclusion. In the absence of any supporting material, the Rapporteur cannot accept that Mr Rothstein or Dr Wilson hold the views attributed to them. As to the CESNUR document and in the absence of corroborative material, the Rapporteur views its credibility in the light of his conclusions on the partial and misleading report of the Beijing Conference (see above). He finds that the only allegation made against the ADFI with respect to the "Family" case is that the French prosecuting authorities failed for unspecified reasons to secure convictions against certain defendants, and that the ADFI had assisted the prosecution. The highly speculative claim that the ADFI were in some way responsible for the murder of Mr Miguères is a very serious accusation, for which there is no evidence other than supposition and innuendo.

#### ***Participate in the creation of a European legal area with regard to sectarian issues***

17a. FECRIS participated in the creation of the About-Picard law, which has been criticised by the International Helsinki Federation (see also above).

- i. Evidence supporting the allegation. The representations include a quote said to be from an unspecified International Helsinki Federation report presumably about a draft of the About-Picard law. This states *inter alia* that "While the State has the obligation to protect its citizens against abuses by members of any groups or associations, this should not be done through creating discrimination, which is the case with the proposed law... Such a law would pave the way for potential abuses by authorities, amounting to violations of freedom of religion and association, including through the disbandment of peaceful religious minority groups." Assembly Document 8860 is partially quoted, stating that the law's purpose is apparently to target groups "derogatorily referred to as 'sects'" and that the Assembly disclaimed such laws in Recommendation 1412 (1999).
- ii. Response of FECRIS. (See above.)
- iii. Rapporteur's additional information. The Rapporteur has obtained a copy of Doc 8860, which was a motion for a resolution, committing only those who signed it. This draws no final conclusions on the quality of the law, but mentions considerations which justify assigning a Rapporteur to investigate it and reminding French parliamentarians of their country's human rights obligations. (Recommendation 1412 (1999) is relevant rather to the allegation concerning use of the word 'sect' – see below.)
- iv. Rapporteur's conclusion. This further reference to the About-Picard law, and to FECRIS' alleged role in its preparation, adds nothing to the previous instance. Accordingly the Rapporteur repeats his conclusions of paragraph 15.b. above.

17b. FECRIS uses derogatorily the word 'sect', a concept with no legal meaning. Use of the word was criticised by the Assembly in Doc. 8860 and Recommendation 1412 (1999). A FECRIS report of a "Meeting of European lawyers, June 9 2001" used the word 60 times in seven pages. This contrasts with the approach of the Committee of Ministers Replies to Assembly Recommendations 1412 (1999) and 1396 (1999).

- i. Evidence supporting the allegation. The FECRIS document is not included in Dr Vis's representations, although a "critique of the report of this meeting" is appended: no information is given on the origins or authorship of the latter document. In brief, it claims that M. Nokin, President of FECRIS, wishes to establish a system to influence and prejudice the judiciary; that the FECRIS report contains serious factual mistakes and gratuitous slurs and is based on false and discredited assumptions; and that its conclusions, if implemented, would be deleterious to individual human rights. Copies of the Assembly/ Committee of Ministers documents are also not included.
- ii. Response of FECRIS. It is paradoxical when opposing use of the word "sect" to cite Recommendation 1412 (1999), itself entitled "Illegal activities of sects". The word was originally defined on the basis of doctrine, in particular by Max Weber, to describe groups professing the same doctrine or expressing dissidence on grounds of doctrinal divergence. In the past thirty years, however, a definition based on behaviour has developed, so that the word is increasingly used with a pejorative connotation to designate sects which are dangerous and destructive not because of their doctrines or beliefs, but because of their actions and behaviour. Various academic, governmental and judicial definitions have been given to the word 'sect', in articles, jurisprudence, legislation and reports and at both national and European levels; for example: Père Jacques Trouslard, the first annual report of the MILS, and Article 2 of the Belgian law of 2 June 1998. The word has been used in numerous official documents, for example: a Lyon Tribunal and Court of Appeal judgment in a 1990s case against the Church of Scientology, the European Parliament's Resolution on the situation of fundamental rights in the European Union of 5 July 2001 and its Committee on citizens' rights and freedoms report of January 1998, and Recommendation 1412 (1999) itself.
- iii. Rapporteur's additional information. The Rapporteur has obtained copies of the FECRIS<sup>6</sup> and Council of Europe documents in question. The FECRIS document's full title is "Difficulties encountered in the defence of the victims of cults: Meeting of European Lawyers of June 9, 2001". When converted into a Word document, the report is fifteen pages long; it contains eighteen instances of the word 'sect', 30 of 'sects' and 11 of 'sectarian'. ('Sect -' also appears in the one instance of the word 'sector'.) Neither the Assembly's Recommendations nor the Committee of Ministers Replies address the issue of use of the term 'sect' and certainly do not argue against it: indeed Recommendation 1412 (1999) itself is entitled "Illegal activities of sects" and contains eight instance of the word in under two pages of text, being at least the same rate of incidence as that of the FECRIS document. Doc. 8860 appears to repeat criticisms made in Recommendation 1412 (1999), but in fact the sentences quoted are taken from the Rapporteur's Explanatory Memorandum: neither this nor Doc. 8860 represent the views of the Assembly as a whole.  
  
The Rapporteur has also obtained a copy of the MILS 1999 annual report<sup>7</sup>, the Belgian law<sup>8</sup>, European Parliament resolution A5-0223/2001<sup>9</sup> and its report of 28 January 1998<sup>10</sup> (along with the subsequent Resolution A4-0034/1998<sup>11</sup> – see paragraph 134), and Recommendation 1412 (1999) which seemed most relevant: the passages quoted by FECRIS are exactly as in the original.
- iv. Rapporteur's conclusion. Use of the word 'sect' may be controversial, and various different definitions may have been proposed for it, but on consideration of the documentation and information available it is clear that the word has often been used in official legal contexts and that precise definitions have in fact been formulated for it. Whilst one might argue that the debate could be facilitated by avoiding such a loaded term, there is no *a priori* reason for condemning its use, nor has it been explicitly criticised by any organ of the Council of Europe.

<sup>6</sup> From <http://griess.st1.at/gsk/fecris/fecris16.htm>.

<sup>7</sup> From <http://www.palain.org/rapports.htm>.

<sup>8</sup> From <http://www.ciaosn.be/loi.htm>, the website of the federal information and advice centre established by this law.

<sup>9</sup> From <http://www3.europarl.eu.int>.

<sup>10</sup> From <http://www.france.grd.org/texts/Europe/pailler980128.html>.

<sup>11</sup> From <http://www3.europarl.eu.int>.



17c. The AGPF, a German member of FECRIS, has announced on the internet that the ground of religion should be excluded from the European Directive on Equal Treatment in Employment as it could be 'misused'. The SADK, a Swiss member of FECRIS, wrote to Swiss politicians calling for laws that would allow arbitrary detention of 'sect' members.

- i. Evidence supporting the allegation. Three of fourteen pages of the AGPF document were submitted, along with an uncertified English translation of unspecified parts of these pages. Amongst the translated material, the following sentences are highlighted. "Therefore the law could become a fighting instrument for sects and providers of the psycho market" [sentence continues "whilst also being used to prevent consumer protection"]. "However it is foreseen that the law will be used as an instrument for ideological arguments" [continues "and for fending off consumer protection on the psycho market"]. "AGPF urgently recommends cancellation of the classification of 'religion and ideology' from this draft or to add a legal definition of these characteristics" [followed by proposals relating to such a definition]. Finally, the following elements apparently from a list are highlighted: "... 'religion and ideology' contain a considerable potential of danger; 'religion and ideology' serve numerous organisations as a guise for violations of basic human rights and of laws as well;" [after which the list continues].

A letter purporting to be from SADK was included, written in English, dated January 1989 and bearing neither a letter-head, a signature nor a recipient's address. The relevant parts of this document read as follows: "the first condition for effective help, according to our experts and our own experience, is the temporary restricted isolation (30 days) from the destructive environment of the cult. In this time it would be possible for the concerned... [with the assistance of other experienced and expert individuals] to think over the decision they had made for their life... We need the help of government offices to make this valid request possible."

- ii. Response of FECRIS. The intentions of the AGPF are interpreted in extremely bad faith. The comments concerned a proposition of amendment to the German law on contracts, in particular a clause relating to discrimination. EC Council Directive 2000/43/EC does not refer to 'religion or belief'; Council Directive 2000/78/EC (on equal treatment in employment and occupation), however, does. The German justice ministry proposed implementing 2000/43 by amending the law on contracts so as to include an anti-discrimination clause based on 2000/78. The AGPF was critical that the resulting undefined prohibition of discrimination based on 'religion or belief' could allow certain providers of commercial services in the 'psycho' market to avoid the application of basic principles of consumer protection. Accordingly AGPF's recommendation to delete or define the reference was in accordance with the original EC Directive and in no way contrary to the principles of the Council of Europe.
- iii. Rapporteur's additional information. The Rapporteur has obtained a full copy of the AGPF document<sup>12</sup>, the latter running to 21 pages but available only in German. A website for the SADK exists<sup>13</sup> but is in German and contains no links to other pages or sites – in particular, it does not apparently lead to a copy of the letter in question.
- iv. Rapporteur's conclusion. The allegation concerning AGPF seems to be fully explained and refuted in FECRIS' reply.

As to the SADK, whilst FECRIS has failed to respond to it, this allegation is based on evidence of uncertain provenance and does not clearly support the claims made with respect to it. (In particular, it seems strange that a Swiss NGO would be writing to Swiss parliamentarians in English, rather than in one of the country's three official languages.) The letter does not mention "detention" (suggesting coercion) but "isolation" (which could just as well be voluntary); and a full reading shows that it does not in practice propose 'arbitrary' measures, as it explicitly recognises the necessity of involving state authorities (which would be bound by Article 5 of the ECHR.) In the circumstances, the Rapporteur cannot conclude either that SADK or FECRIS is shown as expressing reprehensible views.

### **Create an international information network**

18. FECRIS' homepage states that it cooperates with *inter alia* the American Family Foundation (AFF), which played a leading role in the creation of FECRIS by sponsoring the conference from which it was developed. AFF is the sister-organisation to the Cult Awareness Network (CAN), which was disbanded in

<sup>12</sup> From <http://www.agpf.de/Antidiskriminierungsgesetz.htm>.

<sup>13</sup> <http://www.sekten.ch/sadk/>.

1996 after being ordered to pay \$5 million damages for illegal kidnapping. The AFF 'used' as an expert the psychiatrist Louis "Jolly" West, best known for his LSD experiments and statements made during outbreaks of violence in America in the late 1960s. West advocated chemical castration and the implantation of electrodes into individual's brains in order to control violent behaviour and political activity. He has trained European 'anti-cultists' in deprogramming, including FECRIS member Josep Jansa, as well as Enrique Sagnier Sagues who was involved in the case of Mr Canals (see above).

- i. Evidence supporting the allegation. A photocopy of an article from the *Cult Observer* of 25 January 1986 is provided. This states that from October to December (presumably of 1985) the AFF hosted three Spanish professionals, sponsored by Pro Juventud, who had travelled "to learn how the AFF was responding to the personal and family problems caused by cultic groups." In October Dr Janas attended the Cult Awareness Network convention in Dallas and the three spent time with various organisations and individuals from across the country. There is no mention of Mr Sagnier being involved in the case of Mr Canals, although the article does describe Pro Juventud's involvement in the *Riera Blume* case. There is nothing to substantiate the allegations made with respect either to the CAN or its relationship with the AFF, or to Prof. West.
- ii. Response of FECRIS. (FECRIS submit the response of the Executive Director of the AFF with respect to these allegations.) The AFF was one of many participants at the Barcelona conference, which was organised by the A.I.S. The idea of a European 'umbrella' organisation was a European one which had been raised several years before. AFF encouraged the idea, but it was developed subsequently by European organisations with little contribution from AFF. AFF had no relationship with the CAN which could justify the description 'sister' organisation. Both, along with many others, shared concerns about human rights abuses. The lawsuit which led to CAN's bankruptcy was contentious and extremely complex and in no way involved the AFF. Dr West was one of over 100 professionals who served on AFF's advisory board. He was an esteemed psychiatrist who won many professional and human rights awards, and held senior positions at the UCLA. The specific attacks on Dr West, who is no longer able to defend himself, are absurd; like many who have spoken out against cult abuses, he was and continues to be the victim of smear campaigns. His obituary from the Los Angeles Times shows clearly his commitment to civil rights and the prestigious offices he occupied indicate the esteem in which he was held.

Dr Jansa, Mr Sagnier and Dr Rodriguez (now professor of psychology at Barcelona University) visited the USA in the mid-1980s to study treatment issues relating to cult situations, working mainly with the AFF. They visited Dr West, as well as many other experts at various colleges and foundations across the country.

It is blatantly incorrect to state that Dr West taught them how to 'deprogramme'. On the contrary, AFF, along with Dr West, has consistently worked to develop alternatives to deprogramming, an aim shared by Dr Jansa and his colleagues. AFF research in the early 1980s showed that 'deprogramming' failed in over one-third of cases, and this information has been used to persuade others that other options would be preferable. Nevertheless, the term – taken to be synonymous with 'kidnapping' – continues to be used as an accusation against those engaged in helping individuals harmed by involvement with cults.

Nor is it true that those who criticise cults also condemn all new religious movements. In 1982 the Executive Director of AFF, in the book *Destructive Cultism: Questions and Answers*, took the position that "some groups – whether called 'cults' or 'new religions' – are benign, while others are harmful in varying degrees... the point of view advanced here reserves the label ['destructive'] for groups that tend to be exploitative, manipulative, psychologically damaging, exclusive, totalitarian".

- iii. Rapporteur's additional information. The Rapporteur has obtained a copy of UCLA's announcement of Prof. West's death in January 1999. Headed "Farewell to a human rights champion", this states that Prof. West had been chair of the Department of Psychiatry and Biobehavioural Sciences and director of the Neuropsychiatry Institute for twenty years and describes him as "an activist for human rights [who] achieved international recognition for his research on cults and his studies of brainwashing, torture, substance abuse, post-traumatic stress disorders and violence."<sup>14</sup>
- iv. Rapporteur's conclusion. There is no evidence that AFF is associated with the CAN in any way other than being active in the same field; in any case, there is no evidence to support the allegation against CAN. The three AIS members visited the USA at least ten years before CAN was disbanded. The

<sup>14</sup> See <http://www.today.ucla.edu/html/990127farewell.html>.

allegations concerning the late Dr West are not only entirely unsubstantiated, but are contradicted by obituary reports; Dr West may have been a controversial figure, but there is no proof of his engaging in criminal or even professionally unethical conduct. The connection between AFF and AIS members in the 1980s, and FECRIS in more recent times, cannot be taken as founding any allegation of improper behaviour.

### **Research and study the legal field of sectarian deviations**

19. "FECRIS is a pressure group with a mission, masquerading as an objective counsel." Friedrich Griess, Vice-President of FECRIS, has described most members of sects as being "primitive and stupid". Roger Ikor, founder of the CCMM, a French FECRIS member, has been outspoken against 'indoctrination' as the basis of all religious movements and stated that "There is no difference of nature between a sect and a religion, or rather of principle; there is only a difference of degree and of dimensions... If we are listening to ourselves, we would stop all this nonsense regarding sects, but also the major religions". He has also stated that "We must destroy the sects who proliferate on our decay. When enough people will destroy the premises of sects, [the authorities] will move." Such statements are contrary to the sentiments of tolerance expressed by the Secretary General of the Council of Europe.

- i. Evidence supporting the allegation. Photocopies are provided of the cover and pages 60-63 containing part of an interview with Mr Griess, taken from a book in German entitled "Hilfe, mein Kind ist Sektenhörig", apparently written by Walter Weiss and Eva Mitterbauer (date of publication unknown, no translation provided). Also submitted is a web-page from CAP claiming to contain several quotes from Roger Ikor. These include one from a publication entitled *Les cahiers nationalistes, décembre 1980, no. 364*, and one from *Le Matin* of 26 January 1981 which respectively translate as above (the original publications are not provided). No information is given on the context of these statements.
- ii. Response of FECRIS. The statement of Mr Griess is taken out of context and presented in bad faith. He states that he did indeed say these words, based on his personal experience with the group "Smith's Friends"; in particular because one of their songs says "Do not use your brain, do not use your intelligence, the leading brothers think for you" – any person who is forbidden to use their brain will become stupid.

The information provided on Mr Ikor is very selective and dates back to 1980. In 1981 Mr Ikor's son was the victim of a sect. His death led Mr Ikor to establish CCMM, whose charter stipulates that "Beliefs, no matter how aberrant or bizarre they may appear, do not concern us." Article 2 of the Statute of the CCMM, deposited by Mr Ikor with the Paris Prefecture in 1981, states the organisation's aim as to respond to the problems posed to individuals, families and society in general by persons or groups which use methods of mental subjugation, non-respectful of the liberty and dignity of human beings, to manipulate their free will so as to dominate and exploit them for their own ends. In his first book "The Sects", published in 1984, Mr Ikor wrote that certain groups were inoffensive and even beneficial: CCMM was engaged against those whose wrongdoing was proven and whose aim was to destroy individual freedom whilst attempting to rely on freedom of conscience to carry out their activities. All that counted for the CCMM were a group's actions, not its beliefs; to contravene this principle would endanger the liberties to which the organisation was whole-heartedly committed. These subsequent statements supersede and replace those of 1980.

- iii. Rapporteur's additional information. (See above for further information on the nature and aims of the CAP.) The Rapporteur has obtained a copy of the CCMM charter <sup>15</sup> which reads as stated by FECRIS and corroborates their claims concerning CCMM's Statute.
- iv. Rapporteur's conclusion. Mr Griess' comments, even in context, betray a certain lack of sensitivity and tact, but cannot reasonably be said to show general bad faith in his activities and certainly do not amount to substantiation of any particular allegation which may be laid at FECRIS' door. As to Mr Ikor, the explanation of his personal circumstances in the early 1980s goes a long way to excusing the vehemence of his statements, which in any case appear to have been greatly tempered over the ensuing years. Certain individuals connected with FECRIS may exhibit a certain passion and personal commitment to their work, but this neither undermines the propriety of their activities nor evinces attitudes which are inconsistent with the values of the Council of Europe.

<sup>15</sup> <http://membres.lycos.fr/tussier/pccmm.htm>.

**C. Rapporteur's conclusion on FECRIS' suitability for consultative/participatory status**

20. On reading the objecting representations as a whole and when faced with the voluminous documentation which accompanies them, a rather sinister atmosphere is cast around FECRIS and its member groups, and the Rapporteur can quite understand why the three parliamentarians saw fit to voice their concerns. When the specific allegations are taken in turn, however, and the material presented in their report subjected to close scrutiny, this atmosphere is thoroughly dispelled.

21. The Rapporteur has had to address a considerable volume of documentary material whilst undertaking his consideration of this matter. Unfortunately much of what was presented was of marginal relevance to the specific allegations – many of which were in fact entirely unsupported by evidence – and regrettably some was of uncertain reliability. Indeed without his own researches, the factual context of many of the allegations would have been unclear. In certain circumstances it proved impossible to assemble enough reliable information to be sure of whether a particular state of affairs existed or not, in which case no conclusion could be drawn either way.

22. Whilst certain facts alleged in the representations were, on balance, made out, these were insufficient both in the gravity of their implications and in number to cast serious aspersions on the character or conduct of FECRIS or its member groups. On this basis, therefore, the Rapporteur concludes that the Assembly should recommend to the Committee of Ministers to grant FECRIS consultative or participatory status, as appropriate.

*Reporting committee:* Committee on Legal Affairs and Human Rights

*Reference to committee:* Granting of consultative status under Resolution (93) 38, Reference 2785 of 18.11.2002

*Draft recommendation* unanimously adopted by the Committee on 3 March 2005

*Members of the Committee:* Mr Serhiy **Holovaty** (*Chairperson*), Mr Jerzy Jaskiernia, Mr Erik Jurgens, Mr Eduard Lintner (*Vice-Chairpersons*), Mrs Birgitta Ahlqvist, Mr Athanasios Alevras, Mr Gulamhuseyn Alibeyli, Mr Rafis Aliti, Mr Alexander **Arabadjiev**, Mr Miguel Arias, Mr Giorgi Arveladzé, Mr Abdülkadir Ateş, Mrs Maria Eduarda **Azevedo**, Mr Jaume Bartumeu Cassany, Mrs Meritxell Batet, Mrs Soledad Becerril, Mrs Marie-Louise Bemelmans-Videc, Mr Sali Berisha, Mr Rudolf **Bindig**, Mr Malcolm Bruce, Mr Erol Aslan **Cebeci**, Mrs Pia Christmas-Møller, Mr Boriss **Cilevics**, Mr Viorel Coifan, Mr András Csáky, Mr Marcello Dell'Utri, Mr Mehdi **Eker**, Mr Martin Engeset, Mrs Lydie Err, Mr Václav **Exner**, Mr Valeriy Fedorov, Mr Robert Fico, Mr György Frunda, Mr Jean-Charles **Gardetto**, Mr József Gedei, Mr Stef Goris, Mr Valery Grebennikov (alternate: Mr Akhmar **Zavgayev**), Mrs Gultakin **Hajiyeva**, Mrs Karin Hakl, Mr Michel **Hunault**, Mr Sergei Ivanov, Mr Tomáš Jirsa, Mr Neven Jurica, Mr Antti Kaikkonen, Mr Hans Kaufmann, Mr Ulrich Kelber, Mr Nikolay Kovalev (alternate: Mr Yuri **Sharandin**), Mr Jean-Pierre Kucheida, Mrs Darja Lavižar-Bebler, Mr Andrzej Lepper, Mrs Sabine Leutheusser-Schnarrenberger, Mr Tony Lloyd, Mr Andrea **Manzella**, Mr Alberto Martins, Mr Dick **Marty**, Mr Tito Masi, Mr Kevin **McNamara**, Mr Philippe Monfils, Mr Philippe Nachbar, Mr Tomislav Nikolić, Mr Ionel Olteanu, Mrs Ann Ormonde, Mrs Agnieszka **Pasternak**, Mr Ivan Pavlov, Mr Johan Pehrson, Mr Piero Pellicini (alternate: Mr Giuseppe **Naro**), Mrs Sólveig Pétursdóttir, Mr Rino Piscitello (alternate: Mr Milos **Budin**), Mr Petro Poroshenko, Mrs Maria Postoica, Mr Christos **Pourgourides**, Mr Jeffrey Pullicino Orlando, Mr Martin Raguž, Mr François Rochebloine, Mr Armen Rustamyan, Mr Michael Spindelegger, Mr Petro Symonenko, Mr Egidijus **Vareikis**, Mr Miltiadis Varvitsiotis (alternate: Mr Nikolaos **Dendias**), Mr John Wilkinson (alternate: Mr Syd **Rapson**), Mrs Renate Wohlwend, Mr Vladimir Zhirinovskiy, Mr Zoran Žižic

*N.B. The names of those members who were present at the meeting are printed in italics.*

*Secretariat of the Committee:* Mr Schirmer, Mrs Clamer, Mr Milner

