



Sects and cults: a challenge to democracy and human rights

Report of the study day organised by the President of the Conference of INGOs of the Council of Europe with the assistance of Danièle Muller-Tulli, Vice-President of FECRIS

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In her opening statement, Ms **Annelise Oeschger**, President of the INGO Conference of the Council of Europe, emphasised the importance of informing the INGOs of the existence of a phenomenon which concerned both governments and people, undermining the values on which the balance in our societies was founded.

She wished to open the day by insisting on two very clear requirements:

- ⇒ firstly, the need to adopt the viewpoint of an impartial observer;
- ⇒ secondly, the need to focus on the issue of wrongdoing by sects and that alone.

It was not a matter of trying to define what a sect was, as the term had several meanings and differing views had been expressed on the subject. And it was still less a matter of carrying the discussion into the sphere of religion, as the main aim was to pinpoint in what way the activities of certain bodies could pose a legal and political threat to European values, particularly democracy and human rights.

In his introductory statement (see full text appended), **Mr Jean-Pierre Jougla**, an administrator with the French National Union of Associations for the Defence of Families and Individuals who have been Victims of Sects (UNAFDI), pointed out that modern sects, unlike those described by Max Weber in the 19th century, could not really be regarded as religious bodies. To accept as much would be to overlook the increasing activities of these movements in non-religious areas, particularly health, welfare, personal development, psychotherapy, vocational training, science and culture. These kinds of activity accounted for some 60% of their overall activity. Regarding them as religions would also be to ignore their pyramidal, monolithic operating methods.

The excesses here did not involve the dysfunctioning of sects but the drift of ideologies, practices or techniques that often described themselves as "New Age" into sectarianism.

He called to mind the aims of France's About-Picard Act, which were to combat "fraudulent exploitation of a state of ignorance or a situation of weakness" of adult or child followers.

Movements differed in many respects but there were also certain constants that applied to all of them such as legal immunity and tax exemptions and the authority of the guru in their midst.

Drawing on 30 years' experience of helping victims, Mr Jougla described the particular way in which sects treated their victims. Between followers and gurus there was a relationship of "dogmatic, alienating, addictive and subservient dependence", whereas victims considered themselves to be free and independent.

The threats that sects posed to democracy came from three sources:

1. The bodies' unregulated **internal operating methods**. Sects were "states within the state", governed by single leaders endowed with monarchical powers, whose hold over people was enhanced by the fact that they combined temporal and spiritual power. Like other contributors, Mr Jougla used the word "totalitarianism".
2. The fact that **members gave up their "citizenship"** outside the limits of the sect, which were physical or virtual limits, within which a utopian plan held sway;
3. A **change in paradigm**, which challenged the functioning of our societies, combined with the **hegemonic desires** of certain movements with global ambitions.

He made two appeals, which were endorsed by other speakers and several people in the audience:

- for one right, namely the right to freedom of association and belief, not to be used to undermine another, namely the right to respect for one's dignity, freedom and equality;
- for the Council of Europe to go on with the work it had begun.

The following statement, by **Mr Maxim Yurchenko**, a Ukrainian lawyer representing the Family and Personality Protection Society, was informed by a philosophical approach. He defined the limits of rights and their interaction.

Efforts had been made recently in this area in Ukraine, including in particular the incorporation of the UN Convention on the Rights of the Child into Ukrainian legislation.

However, the main issue was not so much the rights of the child as the child's ability to make use of these rights. Since children depended on adults, parents or guardians, they should be afforded special protection where it came to defending them.

There was a lack of proper legal oversight over religious movements' activities.

The incomplete legislation on the subject, which did not regard extremism as an offence, was compounded by the difficulty in identifying and assessing any harm done, particularly in the non-physical sphere. In other words, it was possible to ensure people's physical safety but it was more difficult to protect their hearts and minds.

Punishments were inadequate, as courts were limited to striking the sect off the list of registered religions.

What was needed therefore was an efficient judicial mechanism to protect children's development and freedom of conscience.

It was particularly important to ensure that the right to freedom of conscience and religion was not used as a pretext for the violation of other rights. The rights of children always had to take precedence.

Mr Fredrik Sundberg, Deputy Head of the Department for the Execution of Judgments of the European Court of Human Rights, made a statement in which he focused on the content and the limits of freedom of opinion and engagement.

He began by stressing the importance of the role of INGOs in protecting human rights, particularly because of their capacity to act as *amicus curiae* before the European Court of Human Rights and their role in overseeing compliance with the Court's judgments. Freedom of religion and the neutrality of the state in this area were prerequisites for peace and stability in Europe.

Taking the Court's case-law as his basis, he outlined the rights and duties of movements as perceived by the Court, which included the right to practise religions and have places of worship, the right to legal personality and to proselytise, the right to property, the right to engage in activities outside the geographical limits of the place of registration, the right to protection against blasphemy, the right to non-discrimination between secular or religious creeds, the right to collect donations and the right to custody of children. These rights were combined with duties including the duty to refrain from political activity and to pay tax.

Likewise, the state should never neglect its task of protecting individuals, particularly in the event of conflicts between religious movements, threats to democracy or abusive proselytising based on dominant positions.

According to the European Court of Human Rights, states were required to ensure that religious traditions were respected, that the public display of excessively conspicuous religious symbols was restricted and that children were able to go to school.

As to abuses of confidence committed against members of sects, the Court invited states not to interfere in relationships between adults. All adults had to be free to choose their way of life, even if it disturbed or shocked the majority, and this also applied to religion. However, it also had to be conceded that the problem of sects lay in mental manipulation and the exploitation of ignorance and suffering, sometimes by people in positions of authority.

The Court endeavoured to regulate the functioning of European societies whose legislation was not geared to punishing abuses of power, whether committed by groups or individuals, as was the case with domestic slavery.

States had to ensure that freedom of religion did not undermine democracy or other freedoms. The issue of sects raised the question of what limits had to be imposed.

Mr Jeremy Gunn spoke on behalf of the Advisory Panel of Experts on Freedom of Religion or Belief of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR).

He concentrated on two main points:

1. the need for states to protect citizens, whoever the offenders were;
2. the harm caused to bodies and individuals by pejorative titles such as "sectes" in French and "cults" in English, to which he preferred the term "new religious movements", despite its shortcomings.

He insisted on the fact that a group's characteristics mattered little and the only really important thing was their actions.

In his view, there were three crucial matters:

À the right to religious belief;

À the need for balanced scientific work (it was regrettable that there were no religious sociologists among the speakers);

À the paradoxical desire to protect members of sects through coercion, coming both from bodies working against sects and from states. Examples were provided by three cases in which the European Court of Human Rights had ruled against states (the Russian Federation, for refusing to register a branch of the Salvation Army in Moscow, Bulgaria, for refusing to employ a woman who was a member of Word of Life and France, for granting custody over a child in a divorce case to the father rather than the mother because the mother was a Jehovah's Witness).

Mr Tom SACKVILLE, Chair of FAIR/UK, regretted the UK's lack of commitment to combating sects (which he referred to as "cults"), which he put down to:

⇒ historical and cultural factors;

⇒ the authorities' passive approach;

⇒ a deliberate choice by supervisory authorities, which were accommodating towards cult movements.

There was therefore a discrepancy between public opinion and the efforts made by the UK government to combat the wrongdoings of cults.

Like Mr Jougla before him, he said that one thing was obvious and that was that most of these movements' activities were not religious; they were mainly commercial and were conducted to the detriment of followers.

He condemned the methods used by certain movements, especially the Scientology movement, which he criticised in particular for questioning psychiatry (thus endangering followers' health), setting up private detention centres and a secret police (thus undermining democracy and human rights) and financial exploitation of its followers.

In the absence of tangible evidence, he did not believe that the movement's behaviour had changed and he believed it to be well established in the country, particularly in higher education and the City.

He emphasised the fact that it was particularly difficult to detect and reveal the wrongdoings of sects because of the diversity of their activities and the reluctance of victims to give evidence.

Professor Alexander Dvorkin described the situation of sects in the Russian Federation, a country where abuses had grown rapidly in the last thirty years.

Though sects in Russia had common points with those in other countries, they had spread particularly widely following Perestroika for three main reasons: the Russians' admiration for the West, the authorities' accommodating attitude towards these movements and the financial backing they had been given.

Half of the movements now operating in Russia had gained a firm footing. Foreign groups had integrated seamlessly into the local environment by changing their name and using front organisations.

It seemed obvious that a change of tactics was required. Movements which had formerly recruited members in the street had now become powerful pressure groups, infiltrating the press and industry and establishing themselves as a permanent feature of Russian society.

For instance, Scientology had representatives on the management teams of most of the major foreign industrial firms operating in Russia, drawn in particular from managers educated at the movement's own training colleges.

The neo-Pentecostal movement was encroaching on positions of power in the Russian Federation, Ukraine, Belarus and Latvia and had adopted its own political programme in the form of a "theocracy for a new world order".

Ms Isabelle Camara

As a former member of a religious sect, Ms Camara described their methods of recruitment and instilling loyalty, which took place in three stages – hook, meeting and enrolment.

People never joined a "sect" as such, but subscribed to ideas and proposals that seemed interesting and harmless. Contrary to common opinion, future

members were not all psychologically vulnerable people but often in fact people who were full of energy and expectations, rejecting a mundane life and seeking to improve themselves by improving the world.

In her case, the hook had been an initial discussion with a young member of the movement, who had knocked on the door of her family home. The next stage had then occurred progressively and quite naturally in the course of increasingly regular discussions and meetings during weekends and holidays. The approach was calm, non-violent and unthreatening and gave the impression that one was free to choose. These were highly persuasive methods, which should never be underestimated.

On the other hand, people were more receptive when their ties with their families and others were loose. After this, the intensity of the events and emotions shared within the sect and the exhilarating fraternal moments gradually isolated new members from the outside world until they were taken over by a desire for permanent communion and sharing with the leader of the sect and the other members.

For followers to have the courage to leave a sect and face up to the increased difficulties of professional and social obligations, it was important for them to have preserved links with the outside world and not to feel as if they were being judged. They needed support to escape nostalgia for happy times and to be able to eradicate from their minds the sect's ways of thinking, which always preyed on those who "got out" even after many years.

In most cases members ran up debts to support the cause. They felt ashamed at having been fooled and a lack of self-confidence and found it difficult to restore ties, trust others, organise their time and make choices.

To talk about this internal trauma, followers needed to be taken seriously and treated with respect but not pitied.

In response to professionals' lack of understanding, Ms Camara had decided to set up a group in Geneva to support those who had escaped sects, made up of some fifteen professionals, including psychiatrists, psychologists and social workers. It was based on the therapeutic methods of ethnopsychiatry, which were concerned with an intrusion into the psyche experienced in the form of a trauma.

The discussions highlighted the concern of many participants as to the risk of obscurantism linked to the influence of the beliefs of certain sects.

Emphasis was placed on the need for more open dialogue between religious movements and secular society.

One participant said that a useful way of preventing abuses by sects would be to provide students with at least some knowledge about the main churches and religions. A scientific analytical grid should be applied to any movement with religious affiliations. Other participants agreed with this approach, with some taking the view that the distancing effect of a scientific approach would have a positive influence.

Several participants considered it essential:

§ to lay down basic rules (recognising that each person is unique and should have the right to self-determination and to freedom of expression and belief);

§ to obtain an undertaking from the movements themselves to respect these rights with regard to their members.

Other areas in which participants said that controls should be introduced were in the use of funds by these movements and on compliance with their statutes.

One participant condemned the "dual sentence" that was imposed on sect members, within and outside the sect, during and after their involvement.

Emphasis was also placed on the inadequacies of the legislation because of the outward agreement between followers and gurus and the complexity of the relationship between the legal and political realm, as well as the urgent need for preventive measures leading to a clearer understanding of the period just before future members were recruited.

In her conclusion, **Annelise Oeschger** was pleased to note that participants representing the INGOs with participatory status had expressed the desire to continue discussing this subject and set out courses of action for the INGO Conference. Several of the contributions had shown that the structures and the methods used by some groups could only be described as totalitarian. This was all the more difficult to bear when the same groups relied on principles such as freedom of conscience, expression and association to justify their practices. In the light of this abuse of the law, all that we could do was to dare to come out and say what was happening and to ensure that the state was not being duped or undermined by those exploiting its democratic system in bad faith.

It was for the Council of Europe, as the guardian of democracy and human rights in Europe, to alert its member states to the dangers that these sects posed, particularly to education establishments and training networks but also to political and financial decision-making centres.