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If I had to answer your question point blank about “*Sects: what do they mean for the European Union?*” - actually the title of my presentation -, I would be inclined to answer:

« *Not much!* »

Not much, for the simple reason that this is a field in which the EU has absolutely no competence in application of the existing Treaties and, what is more, a field in which it tends to tread very carefully.

That said, I feel sure that's too short an answer.

My presentation, Mr Chairman, will not be very personal.

To maintain objectivity as much as possible, I will be restricting myself to going through a number of texts that have emerged from the European Parliament or the Council of Europe.

A number of these have remained in draft form and have not been put to the vote. Others have remained as opinions.

Whatever they are, reading them will show us that Europe is treading more than just carefully. You could even use the term ‘hesitantly’ - as if walking on eggs.

The articles, recitals and extracts from explanatory memoranda that I will reading out to you have been chosen completely arbitrarily. Nevertheless, in my mind they summarise the situation and the legal framework, if there is one.

We will see a large number of repetitions as well as noticing that there is a great tendency to use generalisations.

Let us start out by saying that each report, each draft text from the European Parliament or the Council of Europe has its own terminology when speaking about - in quotation marks - “sects”.

Indeed nobody really seems to know how exactly to refer to “them”.
Nobody really seems to be willing to venture out onto the ice.
Each uses his own terminology.

Sects Sectarian movements ...
Sects and psychic groups ...
New religious movements
Psycho-groups
Movements emerged from a mother sect
Illegal sects
Groups of a religious, spiritual or esoteric nature

Europe has obviously not even managed to reach agreement on what to call them!

And the icing on the cake is that a number of these movements are recognised as a religion or church in certain EU countries ... while in others as a “sect”. This hardly makes matters easier.

In fact, the European Union and the Council of Europe are, in a certain way, locked in by a basic human right:

*that of believing or not believing,
i.e. freedom of religion or belief.*

But also in their non-competence with regard to “conviction” and whether they recognise a “belief” as such or not.

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January 2013

The European Court of Human Rights condemns France for not having recognised the religious nature of the three “religious movements”

(involving the tax exemption of donations)

- The Religious Association of the Pyramid Temple (Mandarom)
- The Evangelical Missionary Church (Eric Salaün), (Castellane, Alpes-de-Haute-Provence).
- The Association of the Knights of the Golden Lotus (Besançon).

Not having gained tax exemption of donations on account of the three organisations not being recognised as “religious”, was, in the view of the ECtHR, a breach of their freedom of religion, enshrined in Article 9 of the European Convention of Human Rights.

The ECtHR based its ruling on a similar ruling of 2011 relating to the Jehovah Witnesses.

The tone is set, Mr Chairman: “freedom of religion”

The sacrosanct freedom of religion and belief!

➤ **Let us now take a look at the various European positions.**

In a response given by Commissioner Fratini in July 2005 to a parliamentary question, the position of the EU was summed up as follows:

“(...) there is no European policy on sectarian movements.

The problem of sects is a complex one and can relate to issues linked to Community / EU policies such as freedom of establishment, freedom of movement, public order, security and justice, as well as respect of fundamental human rights.

The Commission has no studies available on sectarian movements within the European Union. In application of the principle of subsidiarity, Community action in this field is not currently considered to be necessary.”

Basically, Mr Chairman, I could stop here.

- **A few years earlier, during Belgium's EU Presidency in 2001, an MEP put the following question to the Council:**

One of the Member States, France, has a much criticised law on religion in which the term ‘sect’, as applied to smaller churches and religious groups, plays a key role.

(...) Are we not at risk of diminishing respect for the public’s choice of life philosophy and religious faith, with greater intolerance as a result, if an increasing number of Member States adopt legislation which outlaws or actively oversees some forms of church and religious groups.»

On behalf of the Council, Ms Neyts Uyttebroeck replied:

“ (...) the Council is not really qualified in any way to express an opinion on the question he has posed. I should, though, like to remind him of Declaration No 11 in the Final Document of Amsterdam, a declaration regarding the status of churches and non-confessional organisations.

- **This has now become TFEU Article 17, §§ 1 and 2, of the Treaty of Lisbon.**

- **Let us continue looking at the European texts.**

I would like to start by referring to the draft report of MEP Maria Berger on “*Sects in Europe*”, a report dating back to 1997 and to which I will be coming back to later on.

To understand the European Union's scope of intervention and field of action, recitals C and G make interesting reading.

Recital C.

whereas there is no legal definition of a 'cult' and, as in the resolution of 29 February 1996, the term does not carry any value judgement, and whereas the legal position with regard to State recognition of religious groups and cults varies greatly between the Member States, and whereas the formation of a cult is one of the fundamental freedoms of religion, conscience, thought and assembly,

Recital G.

whereas State authorities can regard the existence of cults as problematic only when they threaten public order and/or the standard civil liberties, and whereas the representatives of national parliaments in most Member States regard the existence and activities of cults in their Member State as insignificant or unproblematic,

- **In 1984, the European Parliament (at that time only 6 countries) had already adopted a Resolution entitled:**

“Resolution of 22 May 1984 on a common approach by the Member States of the European Community towards various infringements of the law by the new organizations operating under the protection afforded to religious bodies.»

“New organizations”, a term which would now be considered as politically correct. As if we didn't dare cite them ...

A title *per se* interesting as it refers to "infringements of the law" as repressive criteria. Yet surprising all the same, as if infringements of the law were not wrong ... whether committed by ordinary people or by a religious organization.

Are we going to have to define the infringements of the law which would be wrong when committed by religious organizations?

Certain infringements can be justified by religion, as laws can encroach on the freedom of religion (e.g. the ritual slaughtering of animals)

Recitals B and C of this 1984 resolution are well worth reading again, as they announce what will become Europe's main argumentation, its line of defence:

“freedom of belief”

Recital B

reaffirming the principle of the existence in the Member States of the European Community of complete freedom of opinion and religion, the Community has no right to judge the legitimacy of religious beliefs in general and religious activity in particular.

Recital C

In the conviction that, in this regard, it is not the validity of religious beliefs which is questioned, but the legal nature of the methods used to recruit new members and of the treatment of the latter.

Recital F

of this 1984 Resolution confirms what we said at the start ... the problem of terminology!

whereas, due to the fact that these organizations are referred to by different names in the Member States, it is very difficult to find a neutral concept understood the same way by everyone.

- **This said, let us stay with the European Parliament and look at the Resolution adopted in February 1996, one with a clearer title.**

“Resolution on cults in Europe”,

a Resolution referred to in the draft Berger report in its Recital C:

whereas there is no legal definition of a ‘cult’ and, as in the resolution of 29 February 1996, the term does not carry any value judgement,

A very short resolution, made up of a few recitals and 9 articles.

Recital A ... the “classic”

reaffirming its attachment to the basic principles of democracy and the rule of law, such as tolerance, and freedom of conscience, religion, thought, association and assembly,

Recital C: the finding

whereas the activities of groups of cults or cult-type associations are a phenomenon that is rapidly proliferating, and taking increasingly diverse forms, throughout the world,

Recital D: a certain form of positioning

whereas many religious and other sects are perfectly legitimate and are therefore entitled to have their organizations and activities protected under the guarantees of individual and religious freedom enshrined in the European Convention of Human Rights,

Recital G treading carefully

whereas, however, some cults operating through a cross-frontier network within the European Union are engaging in activities of an illicit or criminal nature and in violations of human rights (...)

- **As to the Articles of this 1996 Resolution, they are nothing but a banality ...**

Art. 1

Reaffirms the right to freedom of thought, conscience and religion and to freedom of association, subject to the limits imposed by the need to respect the freedom and privacy of the individual and to provide protection from practices such as torture, inhuman and degrading treatment, slavery, etc.;

Art. 2

Calls on the Member States to ensure that the legal and police authorities make effective use of existing legal provisions and instruments at national level and cooperate actively and more

closely, particularly within Europol, to combat the attacks on the fundamental rights of individuals of which certain cults are culpable;

Arts 3 & 4

3. Calls on the Member States to ascertain whether their judicial, fiscal and penal provisions are adequate to prevent the activities of such cults from resulting in unlawful actions;

4. Calls on the governments of the Member States not to make the granting of religious status automatic and to consider, in the case of sects involved in undercover or criminal activity, withdrawing their status as religious communities, which confers tax advantages and certain legal protection;

As in the 1984 text, Article 6 speaks of possible “illegal activities of cults”, i.e. there are also cults and sects with legal activities

6. Calls on the Council to study, propose and adopt any measures (...) in order to control and combat the illegal activities of cults in the European Union;

As for Article 7, it naively ...

7. Instructs the Commission and the Member States to show the utmost vigilance to ensure that Community subsidies are not granted to illicit cult-type associations;

Out of the blue, without any explanation being given, we see the concept of “illicit cult-type associations” appearing. It would thus seem that there are legal and illegal cults and sects ...

It should however be noted that the term “cults” is not defined in this text, as is the case with all others.

This would imply that the definition of this word is no problem and that it would go without saying ...

But that is far from being the case. All the more so when we see that what is defined as a “cult” in one EU country may be officially recognised as a “religious movement” in another.

➤ **Let us now turn to the Council of Europe, another body looking into the problem.**

The Resolution of the European Parliament which we have just referred to, also referred to a Recommendation of the Council of Europe in its reasoning ...

A recommendation adopted in 1992 on “*sects and new religious movements*” and a somewhat disputable amalgam.

Recommendation 1178.

Recommendation on sects and new religious movements

Its Article 5 sets the scene:

5. (The Council of Europe) considers that the freedom of conscience and religion guaranteed by Article 9 of the European Convention on Human Rights makes major legislation on sects undesirable, since such legislation might well interfere with this fundamental right and harm traditional religions

Does this mean that “traditional” religions are immune from the risk of illegal activities? (cf. the fining of the Vatican Bank)

Article 6 continues in the same vein.

6. It considers, however, that educational as well as legislative and other measures should be taken in response to the problems raised by some of the activities of sects or new religious movements.

In its recommendations, this Resolution of the Council of Europe states somewhat naively:

- i. the basic educational curriculum should include objective factual information concerning established religions and their major variants, concerning the principles of comparative religion and concerning ethics and personal and social rights ;
- ii. supplementary information of a similar nature, and in particular on the nature and activities of sects and new religious movements, should also be widely circulated to the general public. Independent bodies should be set up to collect and circulate this information;

And, somewhat surprisingly:

- iii. consideration should be given to introducing legislation, if it does not already exist, which grants corporate status to all sects and new religious movements which have been registered, together with all offshoots of the mother sect;

Again, we see a new concept cropping up, that of a “mother sect” without any explanation at all. And we are supposed to understand what that means ... a mother sect!!!

Last but not least, recommendation 6 is more original:

- vi. persons working for sects should be registered with social welfare bodies and guaranteed social welfare coverage, and such social welfare provision should also be available to those deciding to leave the sects.

➤ **It is also interesting to take a look at the European Parliament's 1998 Resolution on “*the respect of human rights in the Union*”.**

In its Article 31, it

Condemns any infringement of the right to freedom of religion, and calls for the exercise of minority religions without discrimination.

One can rightly ask what is meant by these “minority religions” ...

Though we can imagine what is meant, the door is wide open to interpretation.

Do they include “daughter” sects ... in relation to “mother” sects

or the new religious movements of which the Council of Europe speaks?

In its Article 32, the same Resolution ...

Calls on Member States to take measures, in respect of the principles of the rule of law, to combat infringements of human rights brought about by certain sects which should have been refused the status of a religious or cultural organization giving them certain tax advantages and a certain legal protection.

The term “certain sects” is more than just treading softly! What does it mean? What are these “certain sects”? Is it up to us to choose them?

At the end of the day, each country could come up with its own interpretation, choosing between ... good and bad sects?

Is this what is meant by the principle of subsidiarity?

We note that the Council of Europe calls for a measure (not to grant “cult” status leading to tax exemptions) which is to become precisely the “reason” why France has been condemned by the European Court of Human Rights ...

- **Staying with the European Parliament, the 2002 Report on the same topic of fundamental rights is similarly not very forthcoming.**

I will restrict myself to reading out its Article 35:

Warns the Member States once again against the dangers posed by the activities of sects which are a threat to the physical or mental integrity of individuals, and calls on the Member States, by means of their normal criminal and civil law, to combat unlawful practices and abuses on the part of these sects;

A recommendation full of common sense deeming that normal law is sufficient to punish offences committed by anyone, whether a sect or not!!
Specific legislation is, it seems, unnecessary.

- **This 2002 Report is based on the 2001 report which finally went - maybe - a little bit further.**

A report authored by MEP Joke SWIEBEL (a Dutch Socialist)

In its Article 46, she says:

46. Calls on the Member States to guarantee religious pluralism, through equal treatment of all religions and to ensure that religious and secular views are respected and can be expressed on an equal footing;

“All religions”!

What exactly does “all” mean? What does this cover? But even so, it is good to see the term “secular” used.

In Article 47, Joke Swiebel goes on to:

Recommend that Member States fight the unlawful activities of so-called sects, which threaten the physical or mental integrity of individuals, and in so doing to uphold the principles of the rule of law and apply the normal procedures of criminal and civil law, in line with the views expressed by the Parliamentary Assembly of the Council of Europe.

Here again we see a new concept appearing that of “*so-called sects*”!

This would mean that there are also “genuine” sects ... and “so-called ones”

Are we talking about genuine ones, false ones, good or less good ones, worse ones? And what exactly is a “so-called sect”? Who is going to define what is a genuine sect and what a so-called sect?

A further somewhat surprising wording in this Article:

“recommends that Member States ‘fight the unlawful activities’ ... ”

Is that not what any State based on the rule of law does?

In Article 48, Swiebel highlights an important concept, that of being able to stop being a believer (or a non-believer):

Considers that the freedom no longer to adhere to a religion or ideology and to leave the community concerned should also be deemed a fundamental freedom and that this right should be actively safeguarded by governments where necessary;

As for Article 49, I find its last few words quite pleasing, even though these are now sometimes a bit overused in the name of freedom of religion.

Let me read them out to you:

Calls on the Member States to ensure that this freedom does not infringe the autonomy of women and the principle of equality between women and men and that it is exercised in accordance with the requirement of separation between Church and State;

➤ **Let us now go back to the Council of Europe and look at another report**

The one authored by the Romanian rapporteur, Nastase

A text dating back to 1999 (Doc. 8373), a very comprehensive text bearing the title:

“Illegal activities of sects”.

We can obviously infer from the title that sects can also have legal activities.

A sect is therefore only “reprehensible” on account of its activities. This seems to me to be more logical.

Instead of speaking of “sects”, Nastase prefers to use the term “groups of a religious, esoteric or spiritual nature”.

In his summary of the draft recommendation, he provides an explanation thereof:

1. The Assembly recalls its Recommendation 1178 (1992) on sects and new religious movements, in which it considered that major legislation on sects was undesirable on the grounds that such legislation might well interfere with the freedom of conscience and religion guaranteed by Article 9 of the European Convention on Human Rights as well as harm traditional religions.

2. The Assembly reaffirms its commitment to freedom of conscience and religion. It recognises religious pluralism as a natural consequence of freedom of religion. It regards state neutrality and equal protection before the law as fundamental safeguards against any form of discrimination and therefore calls upon the state authorities to refrain from taking measures based on a value judgment concerning beliefs.

5. The Assembly has come to the conclusion that it is unnecessary to define what constitutes a sect or to decide whether it is a religion or not.

However, there is some concern about groups which are considered as sects, whatever religious, esoteric or spiritual description they adopt, and this needs to be taken into account.

In his explanatory memorandum, Nastase attempts to explain his linguistic and political choice of words as well as his use of the term *“groups of a religious, esoteric or spiritual nature”* as follows.

C. Definition

8. The first problem that arises when tackling the question of sects is that of definition, for there is no generally accepted definition of the term “sect”. All the definitions that have been suggested have been criticised either because they were too wide and necessarily included movements which should have been left out or, on the contrary, because they were too restrictive and left out groups which should have been included.

9. The risks inherent in lumping all sects together derive principally from the generalised use of the term “sect” to define a multi-faceted phenomenon.

10. For nowadays the word “sect” has taken on an extremely pejorative connotation. In the eyes of the public, it stigmatises movements whose activities are dangerous either for their members or for society. The triple drama of the Order of the Solar Temple and the collective suicide of members of a Californian group also reinforced this view and gave rise to great anxiety or intolerance as reactions to the world of sects.

11. Today, this world contains dozens, perhaps even hundreds, of larger or smaller groups, with various beliefs and observances, which are not necessarily dangerous or prejudicial to freedom. It is true that among these groups are some which have committed criminal acts. Nevertheless, the existence of a few dangerous movements is not enough to condemn all the rest.

12. The first danger facing authorities wishing to reduce the risks associated with sects' activities is the temptation to lump harmless and dangerous groupings together. An approach which lumped all groups together, whether dangerous or not, would be manifestly either disproportionate in the context of freedom of belief, if it was too restrictive, or an open door

to every abuse if it allowed dangerous groups to carry out their activities in an uncontrolled way on the same basis as innocuous groups.

13. The second pitfall which state authorities should avoid is making a distinction between sects and religions⁽²⁾. A perfect illustration of this potential risk, linked to the term "sect", is the attitude of certain groups who claim religious intolerance, or even racism, as soon as a state plans measures. These groups assert, expert reports at the ready, that they are not sects but, in fact, religions and that consequently the state has no right to act against them. Confronted with such allegations, if the state enters into the debate by trying to demonstrate that the group in question is not a religion, it fails in its duty to maintain neutrality and participates directly in a spiritual or religious controversy.

14. These two dangers can be avoided easily by state authorities, provided that they are prudent in their use of vocabulary and in their choice of action concerning the acts of such groups.

15. Of course, it is clear that it is very tempting for state authorities to use the term "sect", given that it is easily understood by everyone. However, state authorities would be well advised to forgo using this term since there is no legal definition of it⁽³⁾ and it has an excessively pejorative connotation. In the public mind today, a sect is extremely evil or dangerous. There are three possible ways of avoiding use of the term "sect".

16. Firstly, definition as a sect could be eliminated by classifying all such groups as religions. Nevertheless, in our opinion, this approach would be misguided because it would be unduly restrictive, the world of sects being so diverse. A group based upon an esoteric doctrine is not necessarily a religion founded, in theory, on the relationship between individuals and a supreme being or force.

17. Secondly, the state could agree to adopt the course suggested by certain groups and distinguish between religions – by definition good – and sects – necessarily dangerous – or even between good and bad sects. Once again, we do not think such an approach is acceptable. Under Article 9 of the ECHR, states are prohibited from distinguishing between different beliefs and from creating a scale of beliefs, which is, in our view, unacceptable. Merely making such a distinction would constitute a disproportionate violation of the freedom guaranteed by Article 9 of the ECHR, because the very basis of this freedom is the absence of distinction between beliefs, which explains the state's duty to maintain neutrality.

18. Moreover, such an approach is dangerous because in the event of a dispute, the debate would focus not on the activities of the groups concerned but on the nature of their beliefs. The first means of defence for some groups is to seek to demonstrate that their beliefs constitute a religion, so that they can then claim to be acting accordingly, even if that entails the commission of illegal acts. In these circumstances, if state authorities agree to enter into an ideological discussion they are obliged to determine the classification of the beliefs concerned and will find themselves in an inextricable situation. Either they have to accept that the belief concerned is not a religion and are accused of violating religious freedom and of persecuting the group concerned. Or alternatively, they consider that the beliefs of the group effectively constitute a religion, and the latter takes advantage of state recognition to justify all its actions, even illegal ones. In both cases, the state authorities take part in a religious controversy and therefore fail in their duty to observe neutrality, under the terms of Article 9 of the ECHR. This kind of debate is therefore a trap in which some groups systematically try to ensnare the authorities and which the latter must be at pains to avoid.

19. In reality, the only means of avoiding this trap is to eschew any kind of classification of the beliefs concerned as non-religious beliefs or as religions. This brings us to the third and final possible course which in our view is the only acceptable one.

20. It allows us to avoid the pitfalls outlined above by adopting a more descriptive approach to the world of sects and by concentrating not on the classification of beliefs but on the acts committed in the name or under cover of these beliefs.

21. Hence we can refer to groups of a “religious, spiritual or esoteric” nature. Thus the various facets of beliefs are accommodated in a general formula which is not negative per se.

In his annexed documents, Nastase writes the following in his recitals C, D and E:

C. whereas the activities of groups of cults or cult-type associations are a phenomenon that is rapidly proliferating, and taking increasingly diverse forms, throughout the world,

D is particularly interesting

D. whereas many religious and other sects are perfectly legitimate and are therefore entitled to have their organizations and activities protected under the guarantees of individual and religious freedom enshrined in the European Convention of Human Rights,

And in E, Nastase goes on to state ...

E. whereas, however, some cults operating through a cross-frontier network within the European Union are engaging in activities of an illicit or criminal nature and in violations of human rights, such as ... (...)

In Article 2 of his provisional conclusions, Nastase

- 2 Calls on the Member States to ensure that the legal and police authorities make effective use of existing legal provisions and instruments at national level and cooperate actively and more closely, particularly within Europol, to combat the attacks on the fundamental rights of individuals of which certain cults

And to give the following advice in Article 4

4. Calls on the governments of the Member States not to make the granting of religious status automatic and to consider, in the case of sects involved in undercover or criminal activity, withdrawing their status as religious communities, which confers tax advantages and certain legal protection;

And so we find ourselves back with France, looking at why the country was condemned by the European Court of Human Rights in January 2013

On the hand “one” advises, on the other hand “one” condemns ...

So let's look at Article 5:

5. Calls on the Member States, in this regard, to step up the exchange of information between them so as to coordinate data on the cult phenomenon

OK, but which data and on whom?

We shouldn't forget that groups are recognised (and therefore protected) “religions” or “churches” in certain EU countries, and “sects” in others.

- Before winding up, I would like to come back to the European Parliament and the draft 1997 report of MEP Maria Berger (an Austrian Socialist) which I mentioned briefly by way of introduction.

A report which remained a draft. It just got stuck in the Parliament's 1998 labyrinth, a pre-European election year .

The fact that a report remains a draft is nothing exceptional, though in our case it is regrettable. All the more so as there has been no real parliamentary debate on this subject since, though it is also true that the subject has lost a bit of its topicality at both a European and global level. The 2004 EU Enlargement saw a massive arrival of “new religions”. And naturally of ... “sects”.

This Berger report, which I mentioned earlier, has a couple of recitals at the start which are very much worth mentioning.

Recital C:

whereas there is no legal definition of a 'cult' and, as in the resolution of 29 February 1996, the term does not carry any value judgement, and whereas the legal position with regard to State recognition of religious groups and cults varies greatly between the Member States, and whereas the formation of a cult is one of the fundamental freedoms of religion, conscience, thought and assembly,

And Recital G:

whereas State authorities can regard the existence of cults as problematic only when they threaten public order and/or the standard civil liberties, and whereas the representatives of national parliaments in most Member States regard the existence and activities of cults in their Member State as insignificant or unproblematic,

Apart from these two recitals, Recital E is also of great interest, and its last phrase is more than clear:

whereas, for the reasons given under C and D and because such groups can emerge and disappear quickly, Parliament should not undertake to draw up a list of cults,

Other recitals are equally interesting in this draft report:

D. whereas, therefore, any recommendation for action must concern only the problematic aspects and any risks connected with the activity of certain cults, if they affect a person's physical and mental integrity or the social and financial standing, and whereas such behaviour must be the subject of intervention within all other kinds of organization, whether religious or not,

K. whereas most Member States regard the present legal instruments as sufficient and the joint meeting unanimously rejected specific anti-cult legislation, but whereas the joint meeting also stressed that sufficient use was not made of the present legal instruments to combat criminal activities or breaches of tax or social security laws,

And L.

whereas the attraction of cults should be seen as the symptom of a profound social, moral and civic disquiet and in the light of a longing for a meaning and purpose in life, which for some people in today's scientific and technological society marked by individualism and the erosion of the traditional social fabric is no longer being satisfied by the traditional churches,

M. whereas the demands of today's work environment create a favourable climate for services offering help to overcome perceived individual failings or personality faults,

while N. is particularly interesting

whereas the potential dangers of many cults primarily affect individuals, including young people, possibly damaging their mental and physical integrity or their social and financial standing, and whereas at present and on the basis of the available information there is no reason to fear that the firmly-established democratic institutions based on the rule of law in all the Member States are in immediate danger,

And finally, recitals R. and U:

R. whereas detailed analysis and critical discussion of the teachings and philosophies of cults and the methods they use, as long as these are not illegal, presents a social and political challenge to which the recognized churches and religious communities, the political parties, consumer protection organizations and those supporting families and young people must respond and whereas if particular economic sectors and enterprises are affected, employers' and workers' organizations are also called upon to deal with this issue,

U. whereas, in view of the very different degrees to which this topic is regarded as a problem in the Member States and the present lack of a quantitative and qualitative basis for a common European policy, there are at present not sufficient grounds for setting up a special EU agency on the problem of cults.

As for the draft articles, I will just draw your attention to Article 4:

4. Calls on the Member States to apply penalties to members of cults only in relation to their individual illegal activities;

Individual

and what if these activities are collective?

In her explanatory memorandum in which Maria Berger provides a country-by-country overview of the situation (1997), there are a few phrases that are well worth quoting, but this would make the presentation too long.

So let's just remember this phrase

As it's time to wind up, let's end by looking at the text of the latest European Treaty - the "Lisbon Treaty" of December 2009 and Article 17 TFEU in particular.

Its first paragraph specifies the framework for European intervention, clarifying the situation.

In fact, one could almost say that it shuts the door on any criticism which might possibly be levelled against the Union.

A number of us would say that it's a bit of the "Pontius Pilate" ...

"The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States."

Paragraph 2 affirms the same thing with respect to philosophical and non-confessional organisations.

The Commission has its own definition of this paragraph, and it is very clear.

It is not actually within the European Commission's power to define – either on a national or European level – the relationship between the State and churches, religious communities and philosophical and non-confessional organisations.

The European Commission therefore accepts as partners in the Dialogue all organisations that are recognised by the Member States as churches, religious communities or communities of conviction.

Each organization officially representing a religious or philosophical tradition and with a European structure can become a member (of the dialogue with the European institutions ... sic Commission, Council and Parliament).

The organizations must receive the support of the whole religious or philosophical community to which they belong and be mandated by such.

Could this possibly point to the concept of "mother sects" mentioned earlier? Possibly

Put in a nutshell, this all means that the European Union has no competence whatsoever with regard to recognising religions, churches, beliefs, sects, new religious movements, non-beliefs, It just takes refuge behind the individual Member States, stating that recognition (or not) is a national competence.

The freedom of belief (or non-belief)

- **Before giving you the chance to ask questions, I would like to say a few words about a report adopted last year.**

We need to raise the alarm here, as the text contains a number of major risks.

- **And before ending, let me just say a few words on one of Parliament's latest deeds.**
- **A recently adopted report is a genuine time bomb.**

On Thursday, 12 June 2013 in plenary session in Strasbourg, one adopted ... "ONE" refers here to a certain right-wing majority ... the report of Laima Andrikiéne (a Lithuanian Socialist

MEP) with the title “*EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief*”.

- d) As their successful implementation will depend on this, the Guidelines should offer clarity in the definitions used and the appropriate and full protection of the right to freedom of religion or belief, in accordance with international law, in its private and public expressions, as well as in its individual, collective and institutional dimensions, including the right to believe or not to believe, the right to change one’s religion or belief, the freedom of expression, assembly and association , as well as the right of parents to educate their children according to their moral convictions – i.e. religious or non-religious; clear definitions and full protection are also required as regards the recognition of the legal personality of religious and belief-based institutions and respect for their autonomy, the right to conscientious objection, the right to asylum, the right to observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one’s religion or belief, and the fundamental right to protection of one’s property;

The collective dimension of freedom of religion or belief

h) It should be stressed in the Guidelines that an indispensable part of freedom of religion or belief is the right of each individual to manifest the freedom of religion or belief alone or in community with others; this includes:

- the freedom to worship or assemble in connection with a religion or belief, and to establish and maintain places and religious sites for these purposes;
- the freedom to establish and maintain appropriate religious, media, educational, health, social, charitable or humanitarian institutions;
- the freedom to solicit and receive voluntary financial and other contributions from individuals and institutions;
- the freedom to train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- the freedom to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels; equally, it should be noted in the Guidelines that the right to exercise religion in community with others (in the context of which ‘individual freedoms must always be respected’) should not unnecessarily be limited to officially recognised places of worship, and that all undue limitations to the freedom of assembly should be condemned by the EU; the Guidelines should underline that States have a duty to remain neutral and impartial towards religious groups, including as regards symbolic or financial support;

Education

- k) As recognised by internationally accepted standards, the parents or legal guardians of a child have the liberty to ensure that their children receive a religious and moral education in conformity with their own convictions, and the child shall not be compelled to receive teaching on religion or belief against the wishes of his or her parents or legal guardians, the best interests of the child being the guiding principle; the right of parents to educate their children according to their religious or non-religious convictions includes their right to deny any undue interference by state or non-state actors in their education opposed to their religious or non-religious

convictions; the Guidelines should stress these aspects of the right to freedom of religion or belief, and should also guarantee secularisation in public education, and EU delegations should take appropriate action if this principle is violated;

This text constitutes a genuine threat, opening the door to all sorts of dangers, excesses, threats and sectarian abuse ... even though the term "sects" does not officially exist at EU level.

Thank you, Mr Chairman - I have already spoken too much.