

# Anti-sect movements and State neutrality

## **FECRIS and its member associations in France**

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The European Federation of Centers of Research and Information on Sectarianism (FECRIS) has 3 member associations in France which are all three financed for over 90% of their budget by public funds. FECRIS itself has been financed nearly entirely by the French State with a ratio over 92% of public funding compared to its private memberships since 2001.

### **How these associations were created and what they are up to**

In the 1980s, private anti-sect associations started to appear in France, created by parents who disagreed with the choice of their overage children to adhere to minority belief groups. Such was the case of UNADFI (the National Union of Associations for the Defense of the Family and the Individual) and CCMM (the Center Against Mental Manipulations).

The first *Association for the Defense of the Family and the Individual* ("ADFI") was created in France in 1974 by a Doctor (Champollion) whose son of 18 joined the "Unification Church".

Dr Champollion and his wife studied the basic books of the group and disagreed with the beliefs they outlined which contradicted their own, as they deemed that the group's literature contained unfounded statements on the history of humanity (since the Creation) and the Biblical Exegesis.

Mr. and Mrs. Champollion met other parents whose children had also joined the Unification Church. They started to have long discussions with them, Bible in hand, to try to have them recount their newly acquired faith.

As these followers were over age, there was no possible legal action and this is why they created the first *Association of Defense of the Family and the Individual* (ADFI) to lobby public authorities against this particular group.

The first articles of association of ADFI in 1974 provided as object:

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

The defense of family values is the core of ADFI's fight and its *raison d'être*: unity and cohesion of the family is allegedly undermined when family members are enticed into new religious movements, away from the beliefs and values shared by the family. Eventually, respect of the individual has been included in ADFI's articles of association and later replaced in 1975 by "integrity of the individual".

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

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

## **CCMM**

CCMM, the *Center Against Mental Manipulations* was created in 1981 by Roger Ikor, whose twenty-year old son adhered to a *Macrobiotic Zen* lifestyle and later committed suicide. Roger Ikor blamed *Macrobiotic Zen* for his suicide and this determined his subsequent fight against "sects" and his

violent approach of such a phenomenon. He declared:

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

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

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

Truly, what is striking, more than the theoretical differences between sects, is their common features. Nine times out of ten, you have a Founding Father, a guy who comes forward and claims with conviction: “I am the Son of God. I received the revelation”. In brief, God talked to him from behind a pillar, or in a cave, or near his sheep. Possible variations, instead of being God’s Son, he is his Messiah, or at least his Prophet. [...] Between you and me, on all of these points, we could find famous precedents, Mahomet, the Christ, Moses...”

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

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

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

“sects” do.

To this end, they feel entitled to assess the doctrines of minorities of religion or belief in order to determine if the very nature of these beliefs makes the targeted group a sect.

Lately, CCMM developed a new sector of activity: the “Psycho-Deviiances” in Christian Religions.

CCMM has posted the following call for testimonies on its web site:

CCMM Action Group of victims of the psycho-spiritual:

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

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

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

To this end, CCMM has set up a private support group: (telephone number and e-mail address).

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

The call for “direct victims” is directed at apostates from these movements and “collateral victims” means relatives or

friends who are unhappy with their relatives' adherence to a minority religious group, in this case a "deviant" Christian one.

## **GEMPPI**

The third FECRIS member association in France, the *Study Group on Movements of Thought for the Prevention of the Individual* ("GEMPPI"), was founded in 1988 and has one permanent member who pursues its activities, its President, who is also the Treasurer of FECRIS.

GEMPPI is devoted to the critical analysis of the creeds of minorities of religion or belief.

As part of its "study on movements of thought", GEMPPI drafted in 1995 the list of 173 sects which was included in a Parliamentary Report on Sects. This list has been strongly criticized (it included Humanist, Buddhist, Evangelical and even Catholic groups) and French Courts ruled that it had no legal value. In a Decree of 27 May 2005, Prime Minister Mr. Raffarin issued instructions to the Ministers and State services to stop stigmatizing a number of movements as "sects" and to stop using any kind of list of "sects" anymore.

Nevertheless GEMPPI continues to label minority faiths as "sects" and openly claims to assess beliefs. Its stated purpose is "the study of new beliefs, help, information and prevention against sects".

It is devoted to the defense of "Consumers" of Beliefs. It describes its aim in the following way:

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

And it claims to pursue this aim through the following activities:

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

Hence GEMPPI claims that its role is to provide critical information on new religious movements so the "consumer" is not "duped". The question is how can public funds be used for such a purpose? It is not the role of the State through State funded organizations to advise people on what they should believe or not.

### **Creation of FECRIS**

Under the lobby of such private anti-sect organizations, France started financing them to fight against the abuses allegedly committed by so called sects. As a result of their lobby, the French authorities also started to finance a French initiative of a European federation to gather similar groups in various EU countries.

FECRIS was created in Paris in 1994 at the initiative of *National Union of Associations of Defense of Families and Individuals* ("UNADFI").

UNADFI registered FECRIS under French law on 30 June 1994. The official purpose of FECRIS was to federate anti-sect associations throughout Europe and represent them before European institutions for the defense of families and individuals against "harmful sectarian organizations".

Although this purpose sounds laudable, a deeper analysis

evidences that the anti-sect affiliates of FECRIS in France:

- Characterize as “sectarian” any minority religious or spiritual movement with beliefs FECRIS deems deviant from “what is usually considered as religion”
- Consider conversion to these faiths as undue influence or “capture of souls”, and an infringement of human dignity;
- Collect testimonies from families or relatives of followers who disagree with their choice of life to accuse them of family break-ups;
- Compile files based on rumors, innuendo and suspicion which are used to stigmatize these groups; and
- Continue to be financed by the French public institutions to wage an ideological crusade.

These issues raise serious concerns regarding freedom of conscience and the State’s duty of neutrality in matters of religion or belief, both under the French Constitution and the principle of laïcité (separation of Church and State and respect for all creeds), and the European Convention on Human Rights.

At the OSCE Human Dimension Implementation Meeting held in Warsaw from 28 September to 9 October 2009, FECRIS gave the following definition of “Cults” or “Sects”:

Most cults pose as religions or “faith” organizations, and claim to offer their adherents some form of personal or spiritual self improvement. While there are many border line cases, and it is impossible to arrive at absolute definitions of which organizations are cultic [sectarian] in their behavior, those who FECRIS regard as cults share the following characteristics: they recruit their members using deception, retain them by various forms of manipulation and mental bullying, and exploit them for financial or other benefit to the cult’s leadership.

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

The concept of deception pertains to consumer law. Applying it, like FECRIS does, to “personal or spiritual self-improvement”, is tantamount to imposing an obligation of result on religions or faiths. However, religions or faiths are not bound by any obligation of result. Even if FECRIS challenges the religious nature of these minorities, no spiritual or philosophical movement, no association for self-betterment – indeed, no psychologist, no physician, and no teacher – are submitted to an obligation of result under French law.

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

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

In a landmark decision *Jehovah’s Witnesses of Moscow v. Russia* of 10 June 2010, the European Court of Human Rights reminded its constant jurisprudence in this regard:

119. The Court further reiterates that the State’s duty of



neutrality and impartiality prohibits it from assessing the legitimacy of religious beliefs or the ways in which those beliefs are expressed or manifested (see ...). Accordingly, the State has a narrow margin of appreciation and must advance serious and compelling reasons for an interference with the choices that people may make in pursuance of the religious standard of behavior within the sphere of their personal autonomy.

If the State finances nearly entirely organizations like FECRIS and its members and declares one of them of Public Utility (UNADFI), then these organizations are bound by the same duty of neutrality as the French State. Otherwise the State is evading its obligation by financing private organizations to pursue its ideological fight.

The question is then: are there serious and compelling reasons for the French State to interfere with the choices that people may make in the area of religion or belief?

In the above decision, the European Court explained further:

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

And in this case the Court found that, **leaving aside the fact that there is no generally accepted and scientific definition of what constitutes "mind control"**, the members of Jehovah's Witnesses of Moscow had testified in the proceedings that they followed the doctrines and practices of Jehovah's Witnesses of their own free will. Consequently, no interference of the Russian State with their choice of life could be admitted under the Convention.

Contrary to this jurisprudence of the European Court of Human

Rights, FECRIS and its member associations consider that some beliefs and doctrines are degrading to the individual in themselves and that the adherence to them can only result from “mental manipulation”. Following their reasoning, consenting followers must have lost their own free will.

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

In the Handbook on European Non-discrimination Law published by the European Union Agency for Fundamental Rights jointly with the European Court of Human Rights (ECtHR), a summary is laid down of the Court’s jurisprudence in this regard:

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

The Handbook continues:

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

‘In its ordinary meaning the word “convictions”, taken on its own, is not synonymous with the words “opinions” and “ideas”, such as are utilised in Article 10 (...) of the Convention, which guarantees freedom of expression; it is more akin to the

term “beliefs” appearing in Article 9 (...) which (...) denotes views that attain a certain level of cogency, seriousness, cohesion and importance.’

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

Another problem with FECRIS is that it is a melting pot of associations throughout Europe with various, even contradictory, vested interests which see an opportunity to ally to fight against religious minorities.

In particular, FECRIS member associations support dominant Churches in various countries and help them fight against religious minorities they see as competitors. Such is the case for example in Germany, Austria, Serbia and Russia.

This aspect has been developed in the book entitled “Anti-sect movements and State neutrality – a case study: FECRIS” or in its French version “Les mouvements antisectes et la laïcité, le cas de la FECRIS” published by European Universities. Both versions can be obtained from Human Rights Without Frontiers in Brussels.

In this book, scholars and lawyers from five European countries have studied this phenomenon and documented how the collusion with and support to traditional Churches to eliminate religious minorities with public financing is a violation of the duty of neutrality of European States in religious matters under international human rights law. But it also infringes the sacrosanct principle of Laïcité of the French State provided in its Constitution.

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# Memorandum on the abuses in the Romanian arrest warrant procedure of Alexander Adamescu

[Click here for the full report](#)

*By Eeva Heikkilä*

## **Executive summary**

Alexander Adamescu is a German national who was born on 6 May 1978 in Bucharest. He is the son of Dan Adamescu, a prominent German businessman of Romanian birth. Alexander Adamescu is accused by Romania's National Anticorruption Directorate (DNA) of consenting to bribery based on the declarations of a sole prosecution witness. Romanian courts issued two national arrest warrants against Alexander Adamescu: a first warrant on 4 May 2016 which was cancelled on 19 May and a second arrest warrant that was issued on the very same day, 19 May 2016 and then converted into a European Arrest Warrant on 6 June 2016. Alexander Adamescu was arrested in London on 13 June and faces extradition to Romania.

Alexander Adamescu's two arrest warrants were issued in gross violations of key tenets of Romanian and international law:

- The DNA did not charge Alexander Adamescu in June 2014 when the case was brought to trial against his father, but reactivated the file only in September 2015 after Alexander Adamescu engaged lawyers who sued Romania.

- Despite an almost two-year long inactivity, Chief-prosecutor Laura Kovesi suddenly announced the DNA's intention to arrest Alexander Adamescu on live TV on 25 March 2016 calling him a fugitive and a threat to public order in the DNA's submissions. Kovesi also declared that her agency knew where he was, but then on the same day wrote to the court to demand that the arrest warrant procedure be speeded up since his whereabouts were not known.
- For the first arrest warrant hearing on 4 May, Alexander Adamescu was summoned via e-mail addresses that were not his and by calling phone numbers that were admittedly incorrect.
- In his judgement issued on 4 May, Judge Malaliu copied and pasted the DNA report, grounding his decision to arrest Alexander Adamescu on the DNA reasoning that he must be guilty for the offences for which he was charged.
- After Judge Nita made it known that she intended to cancel the first arrest warrant on procedural grounds, a second judge, Judge Matei, was immediately assigned to re-judge the arrest warrant without the safeguard of random allocation as guaranteed by Romanian procedural law and before Judge Nita's judgement had been published.
- The hearing was scheduled for 1.30 pm on 19 May 2016. The paper was printed at 1pm but pre-dated by a court agent to have been filled out at 11 am. 57-60 Lincoln's Inn Fields, London WC2A 3LJ Telephone 020 7993 7600 Facsimile 020 7993 7700 DX: 34 Chancery Lane E-Mail: info@gclaw.co.uk Website: http://www.gardencourtchambers.co.uk 3
- Alexander Adamescu was summoned at 1pm on the court door to appear in half an hour in front of the court.
- The hearing began at 2.40 pm and closed at between 3.10-3.20 pm. At 3.40 pm, the Court sent a fax of the arrest order to the Municipal Police of Bucharest. Judge

Matei had no more than half an hour to read the case file containing thousands of pages, deliberate on the arguments of the parties, write down his sentence and have it sent to the Bucharest Police.

- Judge Matei's sentence was immediately leaked to the media by the Romanian authorities. At 5.06 pm Alexander Adamescu's new arrest warrant appeared on a news website.
- Alexander Adamescu's appeal on the second arrest warrant was rejected on 25 May 2016 by Judge Ghena on the grounds that a more lenient measure would determine a strong negative reaction among the public opinion.

Alexander Adamescu's arrest warrant was issued with a blatant disregard for due process and the rule of law. First, the DNA invented the image of a dangerous fugitive at large who's so obviously guilty that his arrest was needed to protect the public from his person. Then the Courts in Romania unconditionally, and in full, accepted this account of the DNA, without even trying to give the semblance of granting him a fair trial.

The haste with which the Court of Appeals, on 19 May 2016 turned the matters around would appear to show that the whole purpose of the exercise was to arrest Alexander Adamescu no matter what. In an unprecedented series of breaches of his fundamental rights, he was denied an independent judge, not summoned to his trial, and handed a decision that was implemented so rapidly that it could only have been taken before his trial had started. The immediate leaking of his arrest warrant to the Romanian media showed that Alexander Adamescu was not allowed to be a free man even if this meant dispensing with the law altogether.

Alexander Adamescu's case is totemic of the vast gulf between Romania's rhetoric on its progress towards becoming a liberal democracy committed to an independent judiciary and the stark reality faced by its citizens. It is emblematic for the true

nature of some of Romania's praised anticorruption cases which provide cover for the oppression of dissenting voices, political score settling, economic raids and outright character assassinations. For there to be real change, both the international community and those with the power to enact the urgently needed judicial reforms in Romania must finally take heed of this.

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