



Religious Intolerance in Belgium

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Religious intolerance in Belgium: the role of some state and non-state actors

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The Belgian Constitution of 1831 guarantees the freedom of worship and the freedom to practice one's religion in public. The only restrictions on religious liberty are that one cannot disturb public order and commit offences under the guise of exercising one's right to worship.

In the mid 1990s, after the mass suicide of 74 members of the "Ordre du Temple Solaire" (Order of the Solar Temple), one of the two leaders of which was a Belgian citizen – Dr Luc Jouret - Belgian authorities decided that it was their duty to protect their citizens from the dangers posed by religious and belief communities.

A public cult-watching institution

On 10 January 1996, the Justice Commission of the House of Representatives started examining a proposal from Antoine Duquesne and several of his colleagues¹ who wished to set up a parliamentary inquiry commission² that would work out a policy against sects³ and the dangers they pose to people, particularly to minors.⁴

¹ Mr. Duquesne (Liberal Party PRL) was then in the opposition. After the June 1999 parliamentary elections, he was appointed Minister of Interior. The sect issue was then partly falling under his responsibility.

² The first title of the proposal was *Commission d'enquête parlementaire chargée d'élaborer une politique en vue de lutter contre les sectes et les dangers que représentent ces sectes pour les personnes et particulièrement les mineurs d'âge* (Parliamentary enquiry commission in charge of working out a policy in order to fight against sects and dangers that these sects pose to persons and particularly to minors). At the final stage, the Justice Commission renamed the proposal *Commission d'enquête parlementaire visant à élaborer une politique en vue de lutter contre les pratiques illégales des sectes et le danger qu'elles représentent pour la société et pour les personnes, particulièrement les mineurs d'âge* (Parliamentary enquiry commission aiming at working out a policy in order to fight against illegal practices of sects and the danger that they pose to society, to persons and particularly to minors).

³ Belgian definition of "sect": At the 55th session of the UN Commission on Human Rights, Abdelfattah Amor, Special Rapporteur on religious intolerance and discrimination, submitted a report entitled "Civil and Political Rights, Including Religious Tolerance" (E/CN.4/1999/58, 11 January 1999) in which he summed up Belgium's reply to a communication he had previously sent to Belgian authorities: "The Parliamentary Commission provided definitions of the terms

'secte' (organized group of individuals espousing the same doctrine within a religion); the Commission considers sects in this sense to be respectable and to reflect the normal exercise of the freedom of religion and assembly guaranteed by fundamental rights and

'*organisation sectaire nuisible*' (harmful sectarian organization) (group having or claiming to have a philosophical or religious purpose whose organization or practice involves illegal or injurious activities, harms individuals or society or impairs human dignity)."

⁴ Sexual abuses of children, denial of medical treatments by the parents, isolation from society, sectarian religious education under cover of homeschooling, and so on.

This enquiry commission, comprised of 11 members, was created on 28 March 1996. It started its work on 25 April 1996, held 58 meetings and heard 136 witnesses. Among those duly invited to take part in the public hearings were three members of the government, four magistrates, three police or intelligence officers, three administrative officers, six academics, six journalists and writers, six representatives of associations defending victims of sects, eight former members of sects, and relatives of former members. Sometimes only a few members of the commission, and without the others' knowledge, heard all of the other witnesses behind closed doors. Sociologists of religion were not consulted. Associations suspected of being dangerous or harmful sects, including some small Evangelical and Pentecostal movements, were not invited to participate in the hearings, but the commission sent a letter to seventy-one of the associations mentioned by "various state agencies" as possibly harmful to society or to the individual. The letter⁵ asked the groups to describe their objectives and to refute their possibly sectarian character, but they were not informed of any concrete accusation raised against them during public and non-public hearings. They could not, therefore, defend themselves. The other 118 movements listed did not get such an invitation and were consequently not able to present a summary of their activities or to contest any accusations.

On 28 April 1997, the parliamentary commission issued its 670 page report.⁶ A synoptic list of 189 movements that were dealt with during the discussions, without judging their sectarian or harmful character, was attached to it. This was both a methodological and political mistake that has since then generated a lot of intolerance and discrimination as well as up to then unheard conflicts between new religious movements and various Belgian public authorities. In the introduction to the list, the drafters admitted that they had not been able to control the collected data. Nevertheless, unilateral accusations made against the movements were reproduced in the report without any further information - or any cross-examination, sometimes despite strong evidence presented by the incriminated movements (i.e., the Anthroposophic Society) that criticisms voiced under oath were biased and even false. The

⁵ Translation into English of such a letter dated 29 July 1996 and addressed in Dutch to the Anthroposophic Society:

Concerns: Parliamentary commission of enquiry in charge of the policy of fight against the illegal practices of sects and against the dangers they pose to society and to the individuals, especially to minors.

In the framework of the activities of the commission of enquiry, some official agencies stated that your association (on the basis of the conclusions of the French commission of investigation) could be considered a sect that carries out some activities that are dangerous to society or to the individual.

If you wish, you can send us a memorandum (maximum 2 pages) in which you expose the goals of your organization and, in case, refute its so-called sectarian and dangerous nature.

Your faithfully

Mr Serge Moureaux, chairman of the enquiry commission

⁶ The official title of the report is *Enquête parlementaire visant à élaborer une politique en vue de lutter contre les pratiques illégales des sectes et le danger qu'elles représentent pour la société et pour les personnes, particulièrement les mineurs d'âge. Rapport fait au nom de la Commission d'enquête par MM Duquesne et Willems*, Chambre des Représentants de Belgique, Session Ordinaire 1996-1997, 49th Legislature, 28th April 1997 (Parliamentary enquiry commission aiming at working out a policy in order to fight against the illegal practices of sects and the danger that they pose to society, to persons and particularly to minors. Report drafted on behalf of the enquiry commission by Mr Duquesne and Mr. Willems).

parliament failed to adopt the report as such and only voted to accept the conclusions and recommendations. This reluctance to approve or disapprove the list of 189 movements, mainly expressed by the ruling Catholic political parties CVP and PSC, was due to the fact that some Catholic movements such as Opus Dei, The Work, the Opstal Community, and the Charismatic Renewal were included on the list. Despite this disavowal and some academic dissenting voices⁷, the government did not find it inappropriate to publish the whole report, including the controversial list!⁸ The media jumped on the list and publicized it widely, interviewed former members of movements investigated by the Commission and reproduced their stories without any further verification or consultation of sociologists of religions, creating hereby an atmosphere of mistrust and even panic.

In the aftermath of this report, a draft law proposing the creation of a *Federal Observatory of Sects*, under the authority of the Ministry of Justice was introduced⁹. At the ordinary session of the House of Representatives on 15 April 1998, two important changes were brought to the draft law: the Federal Observatory of Sects was renamed *Information and Advice Center Concerning Harmful Sectarian Organizations* (CIAOSN or IACSSO) and a section called *Administrative Agency for the Coordination of the Fight against Harmful Sectarian Organizations* (“Agency”) ¹⁰ was added to it. Both changes expressed a will to dissociate the independent study of the phenomenon from the inter-ministerial agency created to combat it. The draft law, however, provided for close collaboration of both agencies.¹¹

⁷ One of them was Adelbert Denaux, Professor at the Faculty of Theology of the Catholic University of Leuven (Belgium) and author of the book on religious sects in the Flanders, who had been invited by the Commission as an academic expert. He warned against the publication of such a list but however accepted to become the president of the first public cult-watching institution the board of which he is still a member of. In his article entitled “The Attitude of Belgian Authorities Toward New Religious Movements” published in *Brigham Young University Law Review* 2002 (See footnote 9 p. 239), he quoted a paragraph of the summary of his testimony before the parliamentary commission as follows: “Professor Denaux is not personally favourably disposed to the establishment of a list of sects, such as exists in France. He fears that this would rapidly degenerate into a witch hunt, because once placed on the list, the religious grouping will often be considered a priori as a sect and could not but with difficulty, prove the opposite.”

⁸ The strongest opposition to the report came from the Christian-democrat parties CVP and PSC. See Alain Lallemand, *Sectes: Va-t-on réactiver la “cellule Bulthé” ?* (Will the « Bulthé cell » be revived ?) in *Le Soir*, 6 May 1997, 23. In a letter dated 21 May 1997 and addressed to the Anthroposophic Society, Dr. Jan Van Erps, a CVP member of the House of Representatives, wrote: “I have read your letter about the Sect Report very carefully. The Commission has indeed been very negligent and biased in its work. That is why I and a substantial majority of my colleagues at the CVP have refused to adopt the report of activities, have rejected the famous list and have only adopted the general lines of the recommendations. (...). As you certainly know, the report was not even proposed to vote. (...).” Note: at that time, the CVP, the most powerful party in Belgium for more than fifty years, was in power with other parties.

⁹ The proposed law was presented by Antoine Duquesne on 22 September 1997 under the name *Proposition de loi créant un Observatoire Fédéral des Sectes* (Proposed law for the creation of a federal observatory on sects).

¹⁰ The French names of both institutions are “Centre d’Information et d’Avis sur les Organisations Sectaires Nuisibles” and “Cellule Administrative de Coordination de la Lutte contre les Organisations Sectaires Nuisibles ».

¹¹ See article 6, paragraph 1, 5° of the 2 June 1998 Law.

On 2 June 1998, the parliament adopted the Law regarding the establishment of an *Information and Advice Center* and an *Administrative Coordination Agency*. This law was published in the *Moniteur Belge* - the Official Gazette - on 25 November 1998. On 6 March 1999, The Council of Ministers drew up the list of candidates and deputy candidates for appointment to the *Information and Advice Center*. On 16 March 1999, this list was presented to the House of Representatives. On 29 April 1999, at its last session before its dissolution, the House of Representatives appointed twelve members and twelve deputy members of the *Information and Advice Center* for a period of four years. The members were chosen from so-called eminent personalities that were allegedly known for their knowledge, experience, and interest in the problems of the harmful sectarian movements (Article 4 of the law). On 12 October 1999, five months after the parliamentary elections, the new House of Representatives adopted the "International Regulation" of the *Information and Advice Center*. Regarding the *Administrative Coordination Agency for the Fight against Harmful Sectarian Organizations*, a royal decree dated 8 November 1998 determined its composition, its operation, and its structure.¹² The members of this agency were appointed by the Ministry of Justice on 3 May 2000.¹³ Both agencies only became operational in the fall of 2000.¹⁴

Private anti-sect groups

In the framework of the work of the parliamentary inquiry commission, two foreign anti-sect groups were heard by the parliamentary inquiry commission despite their lack of reliability : Mrs. Tavernier¹⁵, president of the French organization UNADFI¹⁶ and J.-A. Fisch¹⁷ from CDIF (Group of defense of the individual and family) in Luxemburg.

The representatives of three Belgian anti-sect organizations were also invited to the hearing: ADIF¹⁸ and VVPG¹⁹ (Francophone and Flemish associations for the defense of the individual and family), AVPIM²⁰

¹² According to the royal decree published in the *Moniteur Belge* on 9 December 1998, the *Administrative Coordination Agency* is composed of fourteen members: a representative of the College of public prosecutors, a magistrate and representatives of the Gendarmerie, the Criminal Investigation Department, the Police of the Ministry of Interior, the State Security, the Ministry of Public Service, the General Directorate of the Ministry of Justice for Civil Legislation and Religions, the General Directorate of the Ministry of Justice for Criminal Legislation and Human Rights, the Criminal Police Service of the Ministry of Justice, the Ministry of Interior, the Ministry of Finances, the Ministry of Employment. Fourteen deputy representatives were also appointed. The Minister of Justice, on proposal of the ministers upon whom they depended, appointed both categories of representatives.

¹³ Publication in the *Moniteur Belge* on 30 May 2000.

¹⁴ The first report of the *Information and Advice Center on Harmful Sectarian Organizations* was expected in the first semester of 2001. The *Administrative Coordination Agency* gathers at least once every second month and reports to the Center every sixth month. The Minister of Justice or his representative chairs the meetings.

¹⁵ On 27 May 1992, the Court of Grand Instance of Paris (1st Chamber, 1st Section) sentenced Mrs. Tavernier for wrongly accusing on the French TV Channel FR3 Josiane Henri and Ian Combe, the owners of a Magnet Castle (Berry region), to host a dangerous sect.

¹⁶ Four pages of the parliamentary were devoted to her hearing.

¹⁷ Ten pages of the parliamentary report were devoted to this testimony.

¹⁸ Mrs. Nyssens, a lawyer.

(Association of victims of illegal medical practices). In the parliamentary report, two pages and a half were devoted to ADIF representative's testimony, Mrs. Nyssens; ten pages to VVPG's spokespersons, Mrs M. Degrieck and Mr. L. De Droogh, and four pages to AVPIM's representative, Dr. Charles Berliner.

ADIF/ VVPG (Associations for the defense of the individual and family) was founded in 1976 by Mrs. Julia Nyssens-Dussart, a lawyer attached to the bars of Brussels and Elizabethville (Congo), in the aftermath of the court case against the four Melchior Brothers who were accused of illegal practice of pharmacy in the framework of the activities of the pseudo-Catholic sect "Les Trois Saints Coeurs" (The Three Holy Hearts). When she died in 2004 at the age of 73, ADIF became practically inactive and the Flemish branch VVPG has just kept an address and a phone number in Brasschaert (Antwerp). No website and no email address.

AVPIM (Association des Victimes des Pratiques Illégales de la Médecine/ Association of victims of illegal medical practices) was founded in Brussels in 1992 by Mr. Charles Berliner, physician, after a child named Annaëlle B. died on 8 October 1991, allegedly because of Anthroposophic medical practices developed by Rudolf Steiner but a court decision in 2006 denied this accusation²¹. Dr. Berliner who was a deputy member of the first board of CIAOSN is now a full member of the federal cult-watching institution despite his ungrounded accusation against Anthroposophy²². AVPIM has no website and can only be contacted through the personal email address of Dr Berliner.

Other anti-sect groups usually have no office, no full day service and no website. This is particularly the case of **AVPA (Association d'aide aux victimes de psychothérapeutes auto-proclamés/ Association of assistance to victims of self-claimed psychotherapists)** and **ASFVS (Association de Soutien aux Familles Victimes des Sectes/ Association of assistance to families of victims of cults)**.

AVCS (Aide aux victimes de comportements sectaires/ Aid to victims of sectarian behaviors), a non-profit association created by a married couple of former Jehovah's Witnesses and located in a village in the south of Belgium has a website hosted in France²³ but most of the links do not work and it does not seem to have been updated for a long time.

¹⁹ Ms. Degrieck, sociologist, and Mr. L. De Droogh, vice-president of VVPG.

²⁰ AVPIM is listed as a corresponding member of FECRIS, the umbrella organization grouping together more than 20 European anti-sect associations.

²¹ In his testimony at the Belgian Parliament, Dr. Charles Berliner accused the Anthroposophic medical practices of being responsible for the death of a child named Annaëlle who had a cancer. The Anthroposophic Society lodged a complaint against the French Community of Belgium which had reproduced this accusation in a widely publicized brochure warning against cults (Gourou, gare à toi) and won the case (Court of Appeal of Brussels, 9th Chamber, Decision nr 2006/2846, 7 April 2006), stressing among other things that the said physician was not registered as a member of the Anthroposophic Physicians Association.

²² He is also the Belgian correspondent of FECRIS, an umbrella organization for 25 European anti-sect associations.

²³ See www.multimania.com/avcs. Accessed on 15 May 2010.

ADCAM (Association de defense contre les agressions mentales/ Association of defense against mental aggressions) is based in a small city in the eastern part of Belgium. It does not have a website and its president is only accessible “in the evening until 8 pm” by through his personal email address.

Despite their lack of representativeness, those organizations got the support of the CIAOSN and of the French Community of Belgium which recommended to former cult members to contact them for help in its 38-page brochure warning against cult leaders (Gourou, gare à toi)²⁴.

None of these Belgian organizations was receiving public money and although they were courted by the media every time they covered a sect issue, they had a low membership and were just representing themselves.

Unlike the Belgian anti-sect groups, the budget of the French anti-sect organizations UNADFI, CCMM and others is massively covered by various public subsidies (around 95%) and not by membership fees. Without that financial support, they would certainly not have survived either after a few years or their role would have been insignificant.

In the last few years, three other groups have emerged and have seemed to be more active and better organized than any other: **CIGS²⁵ (Contacts et Informations sur les Groupes Sectaires/ Contact and Information on Sectarian Groups), S.O.S. Sects and S.A.S. (Study and Advisory Group on Sects).**

The family of anti-sect groups in Belgium is rather heterogeneous. Some have been created by former members (mainly Jehovah’s Witnesses) and have a revenge dimension²⁶. Some have disappeared with the death of their founder or just exist on paper. Others have been promoted by physicians and psychotherapists whose motivation seems to be linked – at least partly – to the defense of their respective corporate bodies or sometimes for the sake of their own publicity.

It must however be noted that the federal cult-watching institution CIAOSN has always privileged its collaboration with the anti-sect groups to the detriment of the psychologists, sociologists and historians of religions. Under the heading “Help and information associations”, it makes publicity for these Belgian anti-sect groups and even hosts a presentation page of one of them on its website²⁷. French and other foreign anti-sect groups enjoy the same publicity and legitimacy by the federal cult-watching institution CIAOSN despite repeated court sentences against several of these anti-sect groups or their leaders on the grounds of defamation against various religious and belief communities²⁸. CIAOSN which should only

²⁴ The phone numbers of ADIF, ADCAM, ASFVS, CIGS, VVPG and AVPIM were listed as contact points for victims of cults and their families.

²⁵ CIGS is a member of FECRIS (See footnote 22).

²⁶ S.A.S. is presented as a militant, and even revenge-oriented association, according to some people. *Courrier hebdomadaire* Nr 1908 “L’état belge face aux dérives sectaires”, Henri de Cordes, CRISP 2006, p 5.

²⁷ See <http://www.ciaosn.be/liens.htm>

²⁸ Out of 15 organizations promoted by CIAOSN, only INFORM (UK) has a neutral academic background; all the others are hostile to sects. The GSRL (Groupe de sociologie des religions et de la laïcité, <http://www.gsrl.cnrs.fr>) created by Professor Baubérot, the “Observatoire du Religieux » at the « Institut des Etudes Politiques” of Prof. Raphaël Liogier in Aix-en-Provence (<http://www.obs-religieux.iep.u-3mrs.fr>), and others have been ignored.

deal with “harmful sectarian organizations” also makes publicity for books about sects, including one against Jehovah’s Witnesses by one of its former members²⁹. Question: “Is this the role of a federal cult-watching institution?”

Last but not least, all these actors keep silent on the sexual abuses and violence committed by the Catholic clergy around the world and in Belgium while they accuse some groups as the Raelians of promoting pedophilia; they keep silent about the various limitations on Muslim women’s freedoms on the name of Islam; they keep silent on forced marriages and honor killings on the name of Islam; they keep silent about the indoctrination of Muriel Degauque³⁰ and young Muslims by extremist and terrorist groups while they condemn the terrorist attempts by Aum Shinrikyo in Japan. No parliamentary inquiry commission and no parliamentary report. Question: Why such double standards?

Synergies between the federal cult-watching institution and private anti-sect movements

The first board of the federal cult-watching institution CIAOSN was led by Mr. Adelbert Denaux, Professor at the Faculty of Theology of the Catholic University of Leuven (KUL)³¹. It comprised 12 full members and 12 deputy members. Among the latter ones, three leaders of antisect organizations: L. De Droogh, head of the VVPG, Julia Nyssens-Dussart, head of ADIF, and Charles Berliner, head of AVPIM³². In the current board, Dr Charles Berliner (AVPIM) has been promoted to full member and Johan Detraux, one of the three former Jehovah’s Witnesses having founded S.A.S., has become a deputy member.

The second report of the CIAOSN (2001-2002)³³ listed a number of 9 anti-sect associations they were working with. Three of them had been created in the aftermath of the parliamentary inquiry commission on sects:

OLS (Observatoire local des sectes/ Local Sect Observatory) was created in 1996³⁴ by the well-known Catholic intellectual Professor Ringlet, deputy rector of the Catholic University of Louvain-la-Neuve, but beyond the publicity made by the CIAOSN, nothing is known about their activities. No website and no email address are publicized anywhere.

S.A.S. (Studie- en Adviesgroep Sekten/ Study and Advice Group Sects) was created in 1997 by three former Flemish Jehovah’s Witnesses. It is obviously oriented against the movement they previously belonged to. A visit of their website indicates that this group is very active and organizes lectures in

²⁹ See <http://www.ciaosn.be/actu.htm> (accessed on 15 May 2010).

³⁰ Muriel Degauque, a young Belgian woman converted to Islam, carried out a suicide bomb attack in Iraq in 2005. See <http://news.bbc.co.uk/2/hi/4488642.stm> (accessed on 15 May 2010).

³¹ He is still a member of the board.

³² CIAOSN, Rapport Bisannuel (Années 1999-2000) p 30. On 31 December 2002, they were still on the board as deputy members (See CIAOSN, Rapport Bisannuel, Années 2001-2002, p. 3).

³³ CIAOSN, Rapport Bisannuel 2001-2002, p. 12.

³⁴ Observatoire Local des Sectes de Louvain-la-Neuve. rue des Wallons, 10 - 1348 Louvain-la-Neuve. Tél. 010.47.40.18

schools to warn minors against some religious groups. The current president of this anti-sect group, Johan Detraux is a psychiatrist and researcher at the University Psychiatric Center of the Catholic University of Leuven and has been a deputy member of the board of the Federal Sect Observatory since 2007.

SOS Sectes, a service providing assistance to victims of sectarian behaviors, was created in 2001. This organization is the continuation of a part of the activities of the Marconi Center which created a focal point for psychological assistance to victims of sects in 1996. Its founder is Jean-Claude Maes, a psychotherapist. In December 2000, Socialist Minister Tomas for Employment at the Brussels Regional Parliament granted two staffs to the service put in place by Jean-Claude Maes: a psychologist and a secretary. In 2001, he created a new non-profit association called "SOS Sectes" which could enjoy the financial support of successive ministers of different political parties: Minister Gosuin (Liberal Party) and Minister Benoît Cerexhe (Christian-Democrat Party).

The bylaws of "SOS-Sectes » indicate that the main objective is to provide assistance to victims of sects :

1. to inform the public about sects and mental manipulation;
2. to help former members, spouses and parents of sect members ;
3. to publicize scientific works and develop prevention activities;
4. to organize colloquiums, conferences, seminars in order to raise awareness ;
5. to train people who might be in contact with victims of sects ;
6. to develop research on sectarianism.

CIAOSN accuses African Pentecostals in Belgium of rejecting medical treatments

In a front page article published on 6 June 2008 by the Flemish daily paper "De Standaard", Eric Brasseur, the director of the CIAOSN, was quoted as saying "We are especially concerned about the healthcare in the Pentecostal movement."

"When believers refuse medical treatments on the grounds of their religious beliefs, we have to deal with a major social problem," he went on saying during his interview. However, not all Pentecostal churches seem to be targeted by the CIAOSN but only those attended by Africans and Latin Americans living in Belgium.

These statements were made in early June 2008 at a colloquium held by the CIAOSN at the Federal Parliament. This event had not been announced on its website and major actors in Belgium known to disagree with its practices had not been invited.

The colloquium made the headlines on the front page of several Francophone and Flemish newspapers. Two full pages with provocative titles in "De Standaard": "Advisory Center on Sects concerned about the influence of the Pentecostal movement" - "AIDS virus is Satan, only praying helps" - "Physicians sound the alarm about African patients" - The faith of the Pentecostal Churches prohibits medical treatments.

Testimonies and statements

First-hand actors had been invited to testify: Anne-Françoise Gennotte, medical doctor, and Marcella Ares, psychologist at the University Medical Center St-Pierre in Brussels.

According to “De Standaard,” Dr Gennotte is mainly consulted by Africans. Some are said to sometimes complain of standing for hours in the church and of dropping their medication during the Lent period. Others are said to be influenced by “some” pastors who have a negative opinion about treatments in a hospital or to be rejected by their community because the HIV/AIDS virus is a sign of Satan.

Both medical specialists stated that in the last two years they had registered a dozen cases of patients who had abruptly interrupted their treatment. “These are only people that we reach,” said Gennotte and Ares. However, they said that they were officially not given any reason for this interruption but “every time there were strong indications that it had to do with their faith and that they could not continue because of their pastor.

Gennotte and Ares gave a concrete case of a girl who had stopped her HIV treatment for two months, allegedly because the pastor of her parents was supposed to have said that praying and fasting was a better treatment than going to the hospital.

In none of the cases raised during the colloquium the point of view of the other actors of those stories was given a chance to be exposed.

Pseudo-scientific evidence

A first analysis of the statements leading to serious accusations made against African Pentecostal churches in Belgium highlights deep shortcomings in the methodology: no scientific survey, no valid statistical data, insufficient sample, no investigation in the incriminated congregations, no cross-check of the testimonies of the “victims”, no certainty about the motivation underpinning the interruption of a medical treatment, hasty extrapolations and conclusions, and so on. All this backed by the CIAOSN...

Psychologists and medical doctors are not sociologists of religions and should limit their activities to their respective fields of expertise. They are out of their role when they say that “the most sensitive moment for the African migrants to fall under the influence of such churches is on their arrival in Belgium” because they are homeless, they do not know the language, the habits and the rules, and that “those churches abuse their vulnerability.” They are out of their role when they say that “the recruitment of members by churches is not limited to disorientated newcomers” and that representatives of churches extend their activities to hospitals during visiting hours “although it is always difficult to say with 100% certainty that they represent a church” (!)

They are however in their role if they want to provide some medical and sexual education among the African populations of Belgium, to train them about the use of condoms and to open a dialogue with their religious leaders as they plan to do and as has already done by other medical centers with Muslim populations of foreign origin.

Acts of defamation against religious groups and communities of belief by Belgian federal and federated agencies

Until the mid-1990s, the relations between the state, state-recognized religions and small religious or belief groups had always been peaceful. With the suspicions created by the public authorities and amplified by the media and anti-sect associations, the relations have become more complicated and conflicting. In a number of cases, religious groups and their members have gone to court to defend their rights or their reputation.

1. Case of Sahaja Yoga v. the Belgian State

“By a judgment of the Court of First Instance of Brussels dated 29 February 2008, the Belgian State was sentenced for mistakes made in the drafting of an opinion on Sahaja Yoga on 7 March 2005 by the Information and Advisory Center on Harmful Sectarian Organizations (CIAOSN), on the ground that it was not established with the necessary accurateness and fair-play, and it was insufficiently motivated. The full version of this judgment can be consulted on the website of the CIAOSN (www.ciaosn.be).” This is the text that should have been published in two major Belgian newspapers, *De Standaard* and *De Morgen*, if the Belgian State had not appealed the decision.

The court decision also provides that the CIAOSN must publish the text of the judgment in French and in Dutch on its website and in its next report of activities. The CIAOSN must also send a copy of the judgment to any person who may have received its 2003-2004 report of activities or has requested information on the non-profit making organization Sahaja Yoga from the CIAOSN since its creation. Last but not least, the Belgian State must pay 1500 EUR to Sahaja Yoga and bear the costs of the proceedings. The implementation of this severe sentence is however suspended until the decision of the Appeal Court and more than two years later, the case is still pending.

On 7 March 2005, the CIAOSN, the federal sect observatory, gave a negative opinion on the movement to the City of Ghent which had requested its expertise before deciding to let or not a public hall to Sahaja Yoga. This opinion was published on the website of the CIAOSN in August 2005. On 17 October 2005, Sahaja Yoga initiated an emergency procedure against the Belgian State. On 7 December 2005, the judge in charge of the emergency procedure declared the request of Sahaja Yoga admissible but groundless. On 23 December 2005, Sahaja Yoga appealed the decision. On 12 June 2006, the Court of Appeal of Brussels declared its request admissible and well-founded; it also ruled that the CIAOSN did not abide by its legal obligations to motivate its opinion, lacked objectivity and did not respect the defense rights of Sahaja Yoga. The news was published by the Flemish daily newspapers *De Standaard* and *De Morgen*, sometimes on their front page, and reported by the Flemish radio of VRT. On the francophone side, the event was then reported by *Le Soir*.

In its 5-page opinion, the CIAOSN was saying among many other things that “Sahaja Yoga was presenting itself to the public and potential candidates in a deceitful way” and that its recruitment campaigns were also deceitful. The CIAOSN was also presenting the movement as dangerous for children.

In 1998, Lieve Van Roy, a believer in Sahaja Yoga, had been deprived of the custody of her child to the benefit of her former companion although he had been a drug addict and had spent five years in prison on the grounds of an attack of a post-office and many other acts of robbery. Up to now, the negative image of Sahaja Yoga has been mainly conveyed by “antisect” organizations and “state sect observatories” without any serious control of the rumors concerning this movement as the Belgian court decisions clearly show.

In the legal battles against the Belgian State, minority communities of faith or belief are always in an unfavorable position as they have to bear all the costs of lengthy proceedings while the Belgian state has unlimited financial and human resources and moreover has the power to financially wear out the victims of its discriminatory policy.

2. Case of the Universal Church of God v. the Belgian State

In September 2005, the Belgian State had to publish a decision of the Court of Appeal of Brussels in two major national newspapers which was saying that the parliamentary commission on sects had published biased information stigmatizing the Belgian branch of the “The Universal Church of God.” The judgment was dismissed by the Cassation Court in 2006 on the sole technical basis that a parliamentary commission was protected by parliamentary immunity but the decision was in the meantime published in two daily newspapers.

3. Case of the Anthroposophic Society v. French Community of Belgium

In 2006, unreliable information published by the parliamentary commission was again highlighted in a judgment of the Court of Appeal of Brussels concerning the case Anthroposophic Society against the French Community of Belgium, one of the federated entities of Belgium. The Anthroposophic Society had been wrongly accused of the death of a young girl, a statement made by the spokesperson of AVPIM, a Belgian private anti-sect group, during the hearing by the parliamentary commission and reproduced without any control in the parliamentary report. The French Community was sentenced to a symbolic Euro for publishing this false information in a brochure called “Guru, beware of you”, widely publicized on television and radio, in newspapers, schools, police stations, and so on. The judgment also provided that the distribution of the brochure had to be stopped but the damage caused to the reputation of the Anthroposophic Society was then already irreparable.

In the last ten years, no community of faith or belief has been sentenced as a harmful sectarian organization in Belgium. Since 1999, proceedings have been in progress against the Church of Scientology but despite several public announcements, there has not been any trial yet. Prosecutions against the leader of Spiritual Human Yoga and US citizen, Master Dang, started in 1999 on the ground of alleged fiscal fraud committed in Belgium but he died in Australia before all the judicial means had been exhausted.

Conclusions

Faced with the mutation of the domestic religious landscape and the globalization of religious issues, Belgium has followed France's policy, though in a less aggressive way, in the development of public policies spreading de facto suspicion towards 'non-conformist' religious doctrines and groups. Belgium's policy of stigmatization of such groups and collaboration with anti-sect organizations is however unjustifiably discriminatory and even dangerous. The language that has been used can be labeled 'hate speech' and would be considered Islamophobia or anti-Semitism - other faces of religious intolerance and racism - if it were applied to Muslims or Jews.

By setting up a parliamentary commission of inquiry about sects, by listing and naming 189 suspicious movements, by creating a public cult-watching institution - CIAOSN/ IACSSO - and subsequently parliamentary working groups on sects, the Belgian state has created and maintained a climate of intolerance and defamation that has been amplified by the media and has shaped the negative perception of such groups by society.

In short, the whole policy of the Belgian State has caused more problems than it has solved. Some small communities of faith or belief have taken several federal and federated institutions of the Belgian state to court because they had been defamed by their reports or their "prevention" campaigns and have won their cases.

While it is the duty of the state to guarantee public order and the security of its population, potential dangers must be assessed by non-biased actors. The main mistake of Belgium has been, as in France, to listen to political, ideological or private groups of interests and to turn a deaf ear to the opinions and warnings of sociologists, historians of religions, and professors of constitutional and human rights law.

Freedom of religion or belief has its limits but laws and mechanisms of exception targeting specific groups or meant to prevent so-called "sectarian deviations" are not the right answer to perceived possible dangers.

The advisory mission of the state should better be entrusted to a network of independent experts from university institutions dealing with the psychological, sociological and historical dimensions of the issue in consultation with the Advisory Panel of Experts on Freedom of Religion or Belief of the OSCE/ODIHR, the Venice Commission of the Council of Europe and the U.N. Special Rapporteur on Freedom of Religion or Belief.

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