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«Freedom of religion: who protects God ? Who protects humans ? »

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Why is it that a victim of a harmful cultist organisation (and by extension, of religious organisations in general) finds it so difficult in practice to be protected ? Why should infractions be treated differently when they occur within a religious movement? Why is it that the fundamental rights recognised at international level for over sixty years and entrenched in national constitutions are less guaranteed when they concern religious movements?

Two explanations of why this question is dealt with differently :

1. Communication plan: for public opinion, cults and religious movements have for many years learnt how to counter scientific research. In terms of communication, they have abused academic positions in order to legitimise their activities.
2. Legally , freedom of religion has become a catch-all concept that protects religious organisations, but not the believers and followers.
1. With regard to public opinion, cults and religious movements have for many years learnt how to manipulate scientific research. In terms of communication, they abused academic positions in order to legitimise their activities.

To introduce this view, simply mention the following quote: "Christianity is a cult that succeeded ." A cult can become a respectable religious current. This theory implies that a cult is not negative per se, but can be the start of something beautiful .

Many scientific disciplines have attempted to provide a definition of the word cult: linguists, historians, jurists, theologians, but also sociologists and especially sociologists of religion . They have all sought a definition that would allow the public to identify the cult phenomenon.

The Belgian parliamentary inquiry report of 1997 on cults found that there were significant differences in the way the academic world assessed cults. In the course of many auditions, the parliamentarians noted that experts were opposed with seemingly contradictory conclusions. This opposition had not only led to different interpretations of the meaning of a cult within society and the degree of the threat that it represented for society, but also encroached onto very personal ground into the settling of scores both verbally and in writing between a few key figures on both sides. In its report, the Commission identified two main groups:

¹ Chambre des Représentants de Belgique, 1996-1997 : 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.

- the theorists (sociologists and historians of religion) and
- the practitioners (social workers and members of anti-cult movements).

The theorists often conclude that cults are wrongly very negatively labelled and are also denied the right to be called *new religious movements*.

Practitioners, on the other hand, especially highlight the negative effects of belonging to a cult and mainly base themselves on the testimony of members, former members and on those of their relatives.

Mostly cultist groups extensively referred to the opinion of sociologists of religion. These groups believe that it is important to cite academics of well-known universities. A problem which was discussed during the parliamentary inquiry. These professors have conducted extensive work, but their conclusions were misused.

Sociologists of religion describe and interpret the appearance of groups. They can understand when groups are absorbed or when a school of thought disappears.

This too presents no problem: free associations have their place in an open and free society, as long as they respect the laws and rules in force and do not turn into criminal gangs. Cultist groups have however used academic research to justify all their activities and even further evade social control.

Based on numerous interviews with (former) victims, the parliamentary commission rejected the observations of sociologists of religion. The commission thought that the latter underestimated the dangerousness of cults because of the restrictive and unilateral approach they had adopted. They are limited in effect to analyse the doctrine of these movements and are not interested in the financial and other malpractices that can be committed by these movements.

Cultist organisations and their advocates make extensive use of the findings of these sociologists in the media to show the character and integrity of their organisations and criticise the intolerance of their opponents on the legal status of the adept within the cult.

Such information also creates confusion among judges and police services. That is why it is also helpful to always remember the recommendations relating to the information of justice and police services on the phenomenon of cults, so that prosecution policy can be firmly conducted.

The biennial report of CIAOSN 2011-2012 devotes a chapter to the techniques used by cults in order to gain legitimacy.²

1. Legally, freedom of religion has become a catch-all concept that protects religious organisations, but not the believers and followers.

This second element is more important than the first.

² http://www.ciaosn.be/rapport_bisannuel2011-2012.pdf (pg 13)

We therefore seek an answer to the question of why the activities and practices of religious organisations are apparently not treated in the same way as those of other associations in the ambit of our rule of law. Specifically, the question is why it is so difficult to obtain a response to a summon before a judge from a cultist organisation and why the instructions are carried out with so much scrupulous reserve.

To understand this, we must examine in depth the misuse of the legal concept of "freedom of religion ". Freedom of religion has become a catch-all concept. Religious organisations use it to keep civil society and therefore the rule of law from scrutinising their activities.

Freedom of religion in itself is a protection of personal thought and faith . Over the years , the interpretation of the notion has gone astray and has deviated from the original meaning . This has caused more harm than good.

The Right to freedom of thought and religion is guaranteed by Article 18 of the Universal Declaration of Human Rights:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

The article begins by any "person", not any association . Here is the starting point.

Freedom of religion has evolved to protect religious institutions and cultist organisations, instead of the individual believer.

During the parliamentary inquiry, questions were asked, for example on home teaching to children members of " The Family ". To explain this type of schooling, the people responsible invoked religious freedom and the separation between State and Church. This argument had discouraged the inspection services to do their job. The fact that the fundamental rights of children to a quality education had been violated was not addressed. Since 1998, France has tightened up its of legislation on the control of compulsory education and it is proving a success.

Should freedom of religion be maintained according to the interpretation currently given to it ?

The term **freedom of conscience** seems more appropriate. In this context, personal, individual choice is clearly what matters the most. Everyone is free to think his thoughts, everyone is free to believe or not to believe, and to believe in whatever he wants.

This right is so fundamental that it should enjoy maximum protection in our arsenal of legal rules. This goes in depth into the heart of fundamental freedoms. Is one freedom more important than another freedom? This is a theoretical discussion. That which should clearly be a priority is the absolute respect of individual human dignity. And this is also a priority when compared to the dignity of organisations.

What can be done about institutions that so extensively hide behind freedom of religion ? Should they lose this protection?

Freedom of association continues to apply nevertheless to movements and religious institutions.

Why should fundamental freedoms of religious movements need more guarantees than the fundamental freedoms of other private associations?

Each association of persons must operate within the rule of law in respect of the personal freedoms and the ideas of its members.

Why should a religious movements represent more than a sports club or a cultural group ?

It could be argued that one does not wage war or sacrifice human beings for sport. If we admit that this argument may convince, there are always many other associations, trade unions, environmental agencies, organisations or human rights movements that deal with sensitive social issues and have also been threatened. They too have caused bloodshed.

The offenses are not prosecuted in the same way for religious organisations or cults as are other associations. Justice always seeks to find additional arguments clearly because a religion is party to the case.

In our Western society, we can be content with two freedoms :

- freedom of conscience ;
- freedom of association .

In this context , religious movements have neither more nor fewer rights than any other association in our country.

Indeed, a believer is not someone who has more rights than another person, if that were the case, there would be **discrimination** vis-à-vis other citizens.

When defending the concept of freedom of religion, champions of the latter (in Belgium) have in mind recognized religions. Now and then, matters become complex when cultist organisations like the Church of Scientology also claim to be covered by this. Has any commercial organization the right to evade the rule of civil law by qualifying itself as religious ?

How can some religious organisations dare to assert that their internal legal system is parallel to civil law ? Many organisations have their own disciplinary rules. As far as

I'm concerned, canon law cannot be considered different than the disciplinary law that is found in many organisations.

Recent pedophilia scandals within recognised religions have shown that this "church order" was actually used to stifle affairs.

Conclusion :

Religious movements should be considered like any other organisation . The misuse of freedom of religion disrupts the fundamental rights of individuals within our society.

We demand more transparency in politics, sports and media , why should it not be the case for religious organisations ?

In this contribution, the question was raised as to how a basic misunderstanding in communication and fundamental rights resulted in crimes being difficult to prosecute. It is not the institution that should be protected first but the individual believer, the follower inside religious movements.

Who then protects the believer?

Certainly not the cults or religious organisations !

The authorities, and no one else, should assume this protection. Aid organisations, on the other hand, can do a great deal to diffuse information, prevention and assistance.

The recent history of our country has shown that even recognised ecclesiastical institutions fail to protect the rights of their followers . That a parallel legal system does not work as the protection of the institution prevails.

As an organisation, a religious movement should be treated like any other association, but that within a religious movement, an individual needs extra protection in matters where authority and trust are crucial.