RELIGIOUS FREEDOM IN WESTERN EUROPE: RELIGIOUS MINORITIES AND GROWING GOVERNMENT INTOLERANCE

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OPENING STATEMENTS

PAGE

Sen. Ben Nighthorse Campbell, Co-Chairman 1
Sen. Sam Brownback, Commissioner 23
Rep. Steny H. Hoyer, Ranking Member 23

WITNESSES

PAGE

Willy Fautré, Chairman, Human Rights Without Frontiers 3
Alain Garay, Esq., on behalf of the Jehovah's Witnesses 7
The Reverend Louis DeMeo, Theological Institute of Nimes, France 11

APPENDICES

PAGE

Written Statement of Rep. Christopher H. Smith 32
Written Statement of Sen. Ben Nighthorse Campbell 34
Written Statement of Rep. Steny H. Hoyer 36
Questions Submitted by Sen. Ben Nighthorse Campbell to Alain Garay 37
Written Submission of Willy Fautré 40
Written Submission of Alain Garay 58
Testimony of Pastor Louis Charles Demeo 65
Letter from Members of the Commission to H.E. Konstandinos Simitis, Prime Minister of the Hellenic Republic, dated October 6, 1998 68

RELIGIOUS FREEDOM IN WESTERN EUROPE: RELIGIOUS MINORITIES AND GROWING GOVERNMENT INTOLERANCE

TUESDAY, JUNE 8, 1999

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The Commission met at 10:11 a.m. in Room 2212, Rayburn House Office Building, Washington, DC, Hon. Christopher H. Smith, Chairman, and Hon. Ben Nighthorse Campbell, Co-Chairman, presiding.

Commission Members present: Hon. Christopher H. Smith, Chairman; Hon. Ben Nighthorse Campbell, Co-Chairman; Hon. Sam Brownback; Hon. Steny Hoyer, Ranking Member; and Hon. Benjamin Cardin.

Witnesses present: Willy Fautré, Chairman, Human Rights Without Frontiers; Alain Garay, Esq., on behalf of the Jehovah's Witnesses; and the Reverend Louis DeMeo, Theological Institute of Nimes, France.

OPENING STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, CO-CHAIRMAN

Senator CAMPBELL. Good morning. In the absence of a gavel, I will just use one of our member's names here to call the hearing on the Commission on Security and Cooperation in Europe together, and Chairman Smith will be along very shortly, and I will just fill in starting it until he gets here. I thank you for appearing today.

This Commission has already had two hearings on this issue, but the developments that raised our initial concerns have not stopped, and it is timely to revisit the issue of religious freedom in Western Europe, and that is what this hearing is going to focus on.

I am pleased to join the Chairman to welcome the day's distinguished panel of guests, which I will introduce subsequently, but I certainly look forward to hearing your testimony.

There have been some negative reactions to the Commission's earlier hearings on religious freedom. Some Europeans hold the view that the Commission is attempting to force the American First Amendment views on religion in Europe. The states certainly have different institutions and different values, and that criticism is just plain wrong.

Principle VII of the Helsinki Final Act states, and I quote, that "the participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief for all without distinction as to race, sex, language or religion."

And later it says, "Within this framework, the participating states will recognize and respect the freedom of the individual to profess and practice alone or in community with others religion or belief acting in accordance with the dictates of their own conscience."

The Final Act was signed on August 1, 1975, and all participating states voluntarily agreed to this principle.

Principle VII's language was strengthened and elaborated in subsequent Helsinki process documents, all of which were adopted by consensus of all participating states. Thus, the idea that the Commission or the United States is trying to force our views on unwilling European states and peoples simply does not stand up to examination.

What we are doing is asking our European partners to live up to the commitments they have already made to abide by these well-established international standards. The conflicts in Chechnya, Nagorno Karabakh, and the Balkans strong reinforce the need for this focus on religious freedom.

While calling these conflicts religious wars could be wrong, it is true that there have been clear elements of religious intolerance in each of the conflicts, leading to some of the most brutal and vicious actions seen in Europe since the end of World War II.

Thus, recognizing and respecting the individual's right to freedom of thought, conscience, religion, or belief is not an abstract ideal. It is an issue with direct impact on peace and security because when this human right is violated, people will react and react very strongly.

Violations of religious liberty are not restricted to newly emerging democracies. We'll hear from our witnesses that some of our long time friends and Western allies are engaged in conduct that violates the Helsinki commitments.

While some of the measures these states have taken are explained with reference to recent tragedies, we believe it is possible for these states to address legitimate welfare and law enforcement concerns without limiting or violating their citizens' human rights.

And I welcome the first panel and would like to introduce them and thank them for traveling many miles to be with us today. Our distinguished panel includes Willy Fautré, Chairman of the Human Rights Without Frontiers; Alain Garay, a human rights lawyer from France and counsel to the Jehovah's Witness; and the Reverend Louis DeMeo of the Grace Church of Nimes, France.

Representatives of the administration were invited to testify, but unfortunately had scheduling conflicts and were unable to join us today.

And with that we'll go ahead and maybe start in that order with Mr. Fautré.

Mr. CARDIN. Mr. Chairman, if I could.

Senator CAMPBELL. Pardon me. I apologize.

Mr. CARDIN. Just for a moment, I just really wanted to acknowledge that Mr. Hoyer, our Ranking Member, is currently in mark-up and hopes to be here a little bit later and apologizes for not being here at the start.

And, Mr. Chairman, I just really wanted to compliment you and the Commission for holding these hearings. I have participated in many of the Helsinki delegation OSCE meetings in which we have raised the religious protection issues that you have so well pointed

out that are in the Helsinki Accords. So it is our right and obligation to point out when we think religious rights are being violated or could be jeopardized in the member states.

And we are very concerned about some of the trends that are developing in Europe on new laws being passed by the more mature states that do threaten religious freedom, laws that set up different tiers of recognition of different religious groups, and some that could see their status jeopardized because of very subjective tests.

So I applaud the convening of this hearing. I look forward to the witnesses. It is a very serious matter, and one in which I would hope our delegation will continue to play a lead role in OSCE.

Senator CAMPBELL. Thank you for your comments.

Many of you know that Ben and I came in together as freshmen in the House, and we served three terms together before I went downhill, and I am delighted to be here to share this dais with him.

With that, go ahead. Well, let's see. Who do we start with? Mr. Fautré, yes, go ahead.

Mr. FAUTRÉ. Thank you, Mr. Co-Chairman.

TESTIMONY OF WILLY FAUTRE, CHAIRMAN, HUMAN RIGHTS WITHOUT FRONTIERS

Mr. FAUTRÉ. I feel honored to have received your invitation to talk about the growing tide of religious McCarthyism that is hitting a number of democratic states in Western Europe, and I thank you for your interest in this issue.

In recent years, Europe has been shaken up by a new phenomenon, the fear of sects. This fear has been triggered off by the collective suicides, homicides, and attacks perpetrated on the initiative of leaders of religious movements or movements claiming to be religious.

Western European states have been concerned by this phenomenon and rightly so. The question was asked as to whether their policies on unconventional religious should be changed so as to prevent these tragedies taking place in the country.

The responses have been varied. Eleven out of 15 European Union states considered that sects did not harm the individual, the family, society, or their democratic institutions to the point of having to create new institutions, organizations to combat their influence. In their view, just as in past years, problems posed by certain religious movements could be resolved by the existing legislative arsenal or, where necessary, by resorting to normal legal methods.

These countries have not as a result become a refuge for questionable religious movements or are not experiencing an increase in any crimes of harmful activities carried out by them.

However, four of the countries decided to take a new course of action. Austria simply created an information and documentation center about sects, placing it under the authority of the Federal Ministry of Environment, Youth, and Family. A brochure containing information about sects was also widely distributed.

This prevention campaign warned principally against 11 guru-led movements of oriental origin, three psychological groups, two groups claiming to spring from New Revelations, three religions of Christian origin, and four other groups under the category "various."

Germany set up a parliamentary commission and published a report. Scientology was placed under surveillance, but no legal action is currently being taken against the movement.

France set up a parliamentary inquiry commission which published a report containing a list of 172 so-called dangerous and harmful sects. An observatory of sects was put into action, and then later replaced by a more operational instrument, the Interministerial Mission to Fight Sects.

A widespread climate of suspicion and fear has already been spawned by the media, leading to new acts of intolerance and religious discrimination unheard of before the setting up of the anti-sect policy by the French authorities. The all-out war against sects by the Interministerial Mission reinforces this pervading phobia.

Belgium followed closely on France's heels: creation of a parliamentary inquiry commission; publication of a report annexing a list of 189 movements suspected of being harmful sects; creation of an observatory of sects at the beginning of May, along with an administrative coordination committee against sects; a sect prevention campaign led by the French community of Belgium on TV, radio, along with a massive distribution of an information brochure. The depraved effects noted in France are now spilling over into Belgium.

In France and in the French-speaking part of Belgium, the authorities have chosen to reject any form of dialogue with minority religions, unlike, for example, Sweden or Spain and others, favoring the confrontational method, more often than not with the support of anti-sect associations.

Ever since the beginning of the phenomenon, no dialogue has been entered into, and there is no sign of a change in course.

In Greece, the war against cults has been carried out with much zeal by the Anti-heretic Department of the Orthodox Church. Therefore, the state has never felt the necessity of setting up a parliamentary inquiry commission on cults.

However, in 1993, the confidential report drafted by the Greek National Intelligence Service which was leaked to the media revealed that the Intelligence Service had been keeping files and classifying non-Orthodox citizens according to their respective religion, putting their activities under police surveillance, and encouraging authorities to take repressive and preventive measures against these "non-genuine" Greeks.

The Roman Catholic Church and more than 30 Protestant churches and organizations, including the Lutheran Church, were listed as national enemies and put under surveillance by the Intelligence Service. Since then the Greek authorities have put an end to such practices, but one of the victims of this policy, a Jehovah's Witness named Gabriel Tsavachidis, went to court and presented his case in Strasbourg.

The case concerned allegations that he had been placed under secret surveillance by the National Intelligence Service in the context of criminal proceedings against him for operating a church without the necessary permit. In this case, the Greek state was anxious to avoid a new public condemnation by the European Court on Human Rights and asked Tsavachidis to conclude a friendly settlement.

The final agreement concluded on the 21st of January of this year provided that the Greek state would pay him one million and a half drachmas, and that in the future an end would be put to the surveillance of Jehovah's Witnesses.

This decision is of vital importance at a time when several member states of the European Union are putting a number of so-called cults under surveillance in total impunity.

What are the latest developments? Since the European Parliament rejected Mrs. Maria Berger's report on cults in the European Union in July 1998, no further initiative has been taken in that body.

At the Council of Europe, Mr. Nastase's report on cults is pending. On the 29th of April 1999, it was withdrawn from the agenda, but it is now on the agenda for June 21.

In Austria, there are no new developments. The massive distribution of an information brochure warning against a number of sects goes on within the legal framework of the federal law about the setting up a bureau for documentation and information about cult questions.

In Germany, no further initiatives have been taken by the new government formed by the SPD and the Greens, but sect filters barring the access of Scientologists to jobs in the public sector is still in force.

Regarding the Scientology movement, there are now some signs that the authorities at the level of the Landers have no concrete illegal facts to produce against the Scientology movement that justifies continued surveillance.

I will now discuss the aftermath of these policies for minority religious groups. Since the publication of reports in France and in Belgium, Human Rights Without Frontiers has received an increasing number of complaints from individuals adhering to one of the so-called 172 cults: defamation, slander, anonymous threats, loss of reputation, loss of jobs or promotions, dismissals, loss of visitation rights or child custody in divorce settlement, bomb threats in rented rooms, denial of room renting for religious ceremonies and so on.

The so-called campaigns of information and prevention against sects have also produced negative effects. In France, fourth grade students in public junior high schools are subjected to anti-cult propaganda and tales of atrocities about a number of "sects" included in an official school book of civic education.

In Austria, names of so-called dangerous sects are included in a brochure which was massively distributed all over the country.

In Belgium, a free phone help line has been set up to disseminate teaching material on "sects" and to suggest responses to any cultist's questions or concern, or to make a referral to an anti-sect association.

In Belgium, the French community has published 250,000 tracts and 60,000 brochures targeting about 30 movements labeled as dangerous sects. Spots warning against sects are also presented in cinema halls, on radio, and on television.

However, courageous active resistance against this all-out offensive needs to be stressed. The Anthroposophic Society, presented as, "an esoteric sect passing on secret teaching and magic powers," and accused of illegal medical practices supposedly resulting in the death of a young girl, has successfully lodged a complaint against the French Community of Belgium.

A court of first instances in Brussels has ordered the French Community to stop the distribution of its brochure. Now the Anthroposophic Society has filed another complaint against the Belgium Observatory on Sects on the grounds that Belgians who do not profess an estab-

lished religion or are secular humanists or members of other philosophical or religious movements are discriminated against through the activity of the Observatory

These lawsuits add a new dimension to the ongoing debate over attempts by some European governments to investigate and control religious groups considered to be dangerous cults.

In Greece, the issue of religious intolerance and discrimination is closely connected with the status of its religious minorities which must live in the shadow of the powerful Orthodox Church. Religious minorities in Greece include Orthodox Old Calendarists, Catholics, Jews, Muslims, Protestants of various denominations, and Jehovah's Witnesses, to name a few.

In Greece, there are two official categories of religions: known religions and unknown religions. The status of known religions allows a specific faith to fully enjoy the constitutional provisions guaranteeing religious freedom. Known religions have more rights than any other religion.

The Eastern Orthodox Church, which is the dominant religion, enjoys the most privileges. The state finances the salaries of the clergy, the construction and the maintenance of their church buildings, with taxes gathered from all taxpayers, including those professing another faith or no faith at all.

Under the dictatorship of General Metaxas at the end of the 1930s, laws were passed that denied non-Orthodox believers the right to manifest their religion or beliefs in teaching, worship, and observance in community with others and in public, and the right to express their faith and religious beliefs or to publicly endeavor to share them through individual contacts, personal conversations, et cetera.

These laws, called "laws of necessity," made it compulsory to acquire a state permit for building or setting up non-Orthodox places of worship, provided for the expulsion of foreigners engaged in missionary activities and so on. These laws are still in force in 1999.

Another issue also needs to be highlighted: the compulsory mention of religious adherence on the identity cards. Despite repeated condemnations by the European Parliament, Greek authorities have upheld this obligation. Moreover, the Orthodox Church has voiced strong opposition to the parliamentary ratification of the Shengen Agreements because, among other things, religious adherence will not be mentioned on the identification documents in all the signatory countries.

In conclusion regarding the situation in Greece, I'd like to point out that since the socialist government has gained power in Athens, there is an opportunity to end the status quo in religious matters, and it needs to be stressed.

The decisions of the European Courts on Human Rights have largely contributed to the change of the mentalities. Now in Greece there is a political will to adapt the religious policy to the European standards. Yet the powerful Orthodox Church remains an obstacle to the modernization of the existing legislation.

Several battles have been won in the field of conscientious objection to military service, freedom of religious expression, and discrimination toward minority religions.

In the *Kokkinakis* and *Manoussakis* cases, half victories have been won against the anti-proselytism laws. They must be transformed into full victories. These laws and the corresponding constitutional

provisions must be abolished by the Greeks themselves. This is of vital importance not only for Greece, but also for other Orthodox countries which have signed the European Convention.

Indeed, tomorrow the parliaments of other countries where the Orthodox Church is dominant or where there is a state church might vote or be tempted to vote for similar laws especially under the guise of anti-cult legislation.

An end must be put to the categorization of religions in Greece, to the discriminatory financing of the sole Orthodox Church, to the mention of religious adherence on identity cards, and, last but not least, to unfair relationships with minority religious communities, particularly the Muslim community.

I will end with a few words about the international agreements that guarantee religious freedom in Europe.

All European states, those I have mentioned, but also others, have agreed to be bound by several international agreements, including the charter of the United Nations, the European Convention, the International Covenant for Civil and Political Rights, and the OSCE, commitments including the important 1989 Vienna Concluding Document.

In addition to these binding instruments, there are several other important documents that outline international standards, including the Universal Declaration of Human Rights, the U.N. Declaration of the Elimination of All Forms of Intolerance and Discrimination Based on the Religion or Belief, and the Human Rights Committee general comment on Article 18.

All major international human rights conventions, as well as other international conventions to which France, Belgium, Germany, Austria, Greece, and other European states, are signatories include a clause that prohibits discrimination on the basis of religion, and they should be reminded of them.

Thank you for your attention.

Mr. SMITH. Thank you, Mr. Fautré, for your excellent testimony.

I want to apologize for being late. Another Commissioner on the Helsinki Commission and I, Congressman Markey from Massachusetts, just kicked off a congressional caucus on Alzheimer's disease, which is a devastating tragedy here in the United States. I am sure it is as well in Europe. We had David Hyde Pierce there from the comedy "Frasier," and that made things go a little bit slower than they might have gone otherwise. So I do apologize for being late.

I would ask without objection that my full statement be made a part of the record. Without objection, it will be so ordered.

And I would like to invite Mr. Garay to present his testimony.

TESTIMONY OF ALAIN GARAY, ESQ., ON BEHALF OF THE JEHOVAH'S WITNESSES

Mr. GARAY. Thank you, Mr. Chairman, members of the Commission.

I am a French lawyer who has been involved in the cases in Strasbourg against Austria, Greece, and Bulgaria. Now I am involved in cases in Strasbourg in front of the European Commission against Russia and my own country. It is quite significant, I feel.

Today I am in charge of approximately 1,500 cases concerning the rights of Jehovah's Witnesses.

It is true that in the past two years the Russian Federation, an eight-year-old democracy, has been roundly criticized for its discriminatory treatment of religions minorities. The passage of the 1997 Law on Religion in Russia, for example, brought about an international hew and cry.

However, the French Republic, a 200-year-old democracy, has not received the same attention for its discriminatory treatment of some of those same religious minorities.

Since 1995, Jehovah's Witnesses, the third largest Christian faith in France, has suffered from a virtual administrative inquisition. Jehovah's Witnesses have been subjected to parliamentary inquiries, a campaign of defamation in the media, continual audits by tax, labor, and social authorities, the assessment of a punitive $50 million tax bill, and the loss also of employment of some members because of the faith.

The climate is such that one French national deputy felt free to publicly refer to Jehovah's Witnesses as "pigs" who should have their "throats cut" by the tax authorities.

Despite the fact that European Court of Human Rights in Strasbourg has clearly supported the rights of Jehovah's Witnesses to practice their faith without harassment and despite the protection of religious freedom that should be afforded by France's own constitution, Jehovah's Witnesses continue to be treated like criminals in their own country, and this pattern of discrimination reveals a disregard for religious freedom that is unacceptable for a modern democracy and for a member of the OSCE.

So let me quickly review the pattern of discrimination in France since the year of 1995.

Jehovah's Witnesses have been established in France since the beginning of the century, and they now number a quarter of a million practicing Christians and their associates.

Trouble began for this peaceful religion in 1995 with a defamation campaign in the media. Then in 1996, the Parliamentary Report of Investigation created by the French National Assembly into so-called sects published a blacklist of 173 movements, including Jehovah's Witnesses. And the report identified without distinction all 173 groups as "dangerous sects."

Even though the report was strongly criticized by scholars and human rights advocates for its unscientific treatment and obvious bias, the French report spawned other so-called sect lists in Europe. And the consequences for many groups, including the Jehovah's Witnesses, have been devastating.

Because this report is informational and has no legal standing, it has not been possible for us to challenge it in the French courts. But the report has encouraged the media in their campaign against minority religions in general and against Jehovah's Witnesses in particular. In 1995 and 1996, there were more than 300 negative articles in the media on Jehovah's Witnesses alone.

In addition, the report recommended repressive actions, such as tighter fiscal scrutiny and taxation of listed groups. French tax authorities used these recommendations as their authority to launch a full-scale attack against the listed groups.

The national organization of Jehovah's Witnesses was subjected to continuous audits from 1995 to 1998. These audits included inspections from tax, social, and labor authorities. As a result of the inspections, the authorities found evidence that the activity of the Association of Jehovah's Witness was of a commercial nature.

We maintain that, on the contrary, all of the activities of Jehovah's Witnesses are purely religious and charitable in nature.

Nonetheless, on May 14, 1998, the tax authorities filed a notice of assessment against the religion claiming that the religion owed a 60 percent tax on all contributions receive at their places of worship. This means that for every $10 donated by one of Jehovah's Witnesses to his church, $6 goes to the state in the form of a tax.

The same is not true for the other Christian religions in France. Why it is true only for the Jehovah's Witness? The back taxes amount to about $50 million now.

On January 18th, 1999, the fiscal authorities confirmed their assessment by sending the collection bill for the taxation on religious contributions, and until today they have not replied to the administrative protest made by the Jehovah's Witness Association.

At the same time, the parliamentary inquisition is not over. On June 15, 1999, next week, a new Parliamentary Inquiry Commission on the financing of sects will complete its work and is expected to issue another report. A very detailed questionnaire of 29 pages was sent to a number of minority groups in April 1999. And this new commission has also asked the state police, gendarmie, a sort of secret police, for assistance with their investigations.

There is also additional evidence of the pattern of discrimination against religious minorities in general and Jehovah's Witnesses in particular in France, both as a religious faith and as individuals. For instance, I am going to highlight four things.

As just mentioned, in 1999, there has been a nationwide inquiry by the state police on the legal and fiscal structure of the local churches of Jehovah's Witnesses.

Second, the French administration has refused to renew the work contracts of several day care workers simply because they were Jehovah's Witnesses.

Third, a public school teacher in Brittany was transferred from her well-established job in one school to another school in 1996 simply because she is one of Jehovah's Witnesses.

Four, by a decree, dated October 7, 1998, signed by Lionel Jospin, Jacques Chirac, the Interministerial Mission to Fight Against Sects, was established. The purpose of the Mission, and I quote, is "to incite the public services to take, while respecting public liberties, any appropriate measures to foresee and to fight against the actions of sects that undermine human dignity or that are a threat to public order."

And, finally, recently, on December 1, 1998, the Minister of Justice, Elizabeth Gigou, signed a circular addressed to the courts in order to counteract the actions of sectarian movements that hinder persons and their belongings.

So these administrative weapons are aimed at movements simply because they were listed by the state police, gendarmes, and the Parliamentary Commission, while scientific or legal explanation for inclusion on that list is distinctly lacking.

Since there is no acceptable legal definition of sects or constitutional definition of sects, the public authorities in France are using the political definition prepared by the state police and a few, very few members of the parliament. These measures are threatening the material existence and the activities of minority religious groups in France.

Let me finish with some standards of the jurisprudence established in Strasbourg by the European Commission on Human Rights.

As you know, Article 9 of the European Convention for the Protection of Human Rights guarantees to all freedom of thought, conscience and religion, either alone or in community. Article 14 requires also that rights and freedoms set forth in the convention are secured without discrimination on any group, including religious groups.

So by time, Jehovah's Witnesses' repeated appeals to the European Court of Human Rights for protection of these rights have had systematic success against Greece, Austria, and recently, Bulgaria.

For instance, in the first case dealing with Article 9 in Strasbourg, the European Court, in the *Kokkinakis* case, described Jehovah's Witnesses as a "known religion," which is a technical legal term under Greek law.

Initially, as mentioned by Mr. Fautré, in 1999, the Court in *Tsavachidis v. Greece,* decided against Greece, which was forced to abandon secret surveillance of Gabriel Tsavachidis whose only crime was involvement with his religion, Jehovah's Witnesses.

Have these court precedents provided sufficient protection for Jehovah's Witnesses in France and in the rest of Europe? No. The international law on which these court precedents rely continues to be ignored in many ways.

In conclusion, today's anti-sect hysteria or paranoia in Europe has been compared by some to the McCarthy period in the United States. Danger is seen everywhere, even in the most innocent settings. Although U.S. Senator McCarthy failed to make a plausible case against any of his victims, his flamboyant accusations drove people from their jobs and ruined the reputations of the innocent.

Today, the mere accusation that a religious movement is a sect is enough to bring persecution to its members. Those with the courage to fight the slander and to speak for the falsely accused are themselves labeled as "sect sympathizers."

The fact that France and other countries in Western Europe feel free to discriminate against minorities poses a special danger. Why should emerging nations feel compelled to respect minority rights if a world leader like France is free to discriminate?

The evidence of intolerance is seen in an explosion of parliamentary investigations and discriminatory laws in Belgium, Germany, and Austria. So we call on the respected members of this Commission to use their voices to encourage France to set an example of tolerance, to practice the principles of "liberte, egalite, fraternite" on which France was founded.

Thus, we ask you to turn the spotlight of international attention toward the discrimination of minorities and xenophobia growing in Western Europe, and we hope that you will continue to encourage respect for fundamental freedoms as outlined in the United Nation's Universal Declaration of Human Rights, the European Convention for Human Rights, and of course, the freedoms guaranteed by the Helsinki Final Act and the Charter of Paris.

Thank you very much.

Mr. SMITH. Thank you very much for your excellent testimony.

Mr. Cardin and I do have a vote on the floor that we should make. So we are going to briefly go over and then come back, but, Reverend DeMeo, if you could begin, we will be back momentarily to ask questions.

THE REVEREND LOUIS DEMEO, THEOLOGICAL INSTITUTE OF NIMES, FRANCE

Rev. DEMEO. Thank you so much for having us come in. I just arrived last night from France.

It is a privilege for me to be here today to voice publicly some of our concerns over the religious liberty situation in France.

I have lived in France for 17 years, and I am the founder of Institut de Theologique de Nimes, which is a Baptist Bible college and seminary. I also founded Eglise Evangelique de la Grace and the Christian day school called Grace Christian School, for children from ages four to 14, and ITN, which is the name of the Bible college.

We train pastors, missionaries, and lay ministers for ministry throughout France and worldwide.

The members of the Eglise Evangelique de la Grace are completely French. We have never sought to import American religion or culture, but rather to encourage the French people themselves to return to their Christian roots as a solution the rising problems within the French society.

Religious discrimination has been increasing in France over the last few years, as you have heard. Religious freedom is a human right, and under the Helsinki Accords, is deserved to all citizens of each country.

Principle VII of the Helsinki Accords states that each country will recognize and respect the freedom of the individual to profess and practice alone or in community with others religion or belief acting in accordance with the dictates of his own conscience.

Article 18 of the Universal Declaration of Human Rights declares that everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to change his religion or belief in freedom, either alone or in community with others or in public or in private, to manifest his religion or belief in teaching practice, worship in observance.

The United Nations' International Covenant on Civil and Political Rights also clearly addresses religious liberty.

In addition, Article 2 of the French constitution declares that France is a republic indivisible, secular, democratic and social. She insures the equality of all her citizens in respect to law without distinction of origin, race or religion. She respects all confessions.

The Declarations of the Rights of Man, Article 10 states, "No one can be disturbed on account of his opinions, even religious, provided their manifestation does not derange the public order established by the law."

According to Article 9 of the Declaration of the Rights of Man, the free communication of ideas and opinions is a right of man which is most precious. Each citizen can speak, write, and freely publish according to the responsibility for the abuse of this liberty in a case determined by the law.

These commitments clearly state that religious liberty is a fundamental human right. Since 1996, the country of France has neither kept its part of the Helsinki agreements, nor followed its own constitutional commitments to religious liberty.

In 1996, the National Assembly of France printed and released to the public a report containing a list of 172 possibly dangerous cults. On this list was an organization called the Institut de Theologique de Nimes, or ITN, a Baptist Bible college and seminary founded by myself, Louis Charles DeMeo, who also founded Eglise Evangelique de la Grace and also a Christian school, as well.

The church and ITN have existed in France for 17 years, but have never been the subject of government inquiry. Thus, our inclusion in the government cult list was not only unexpected, but extremely unjust, given the fact that we have never been given an official hearing or explanation for our inclusion on this list.

It was also surprising, given the fact that my focus has always been on supporting and reestablishing the Protestant faith that has been a rich part of French culture.

The 1996 sect report is irreversible in that the parliamentary commission that drafted the report has been dissolved.

In addition, the report not being a legal document cannot be challenged directly in the French courts. I and MY staff contacted on numerous occasions the Prime Minister Jospin, President Chirac, the Minister of the Interior, parliamentarians responsible for the original report, and Mr. Alain Vivien, head of the new Interministerial Mission to Battle Against Sects to find the reason why they had been accused of being a cult.

ITN has sent more than 15 letters to various French officials requesting help to resolve the situation. The Observatory of Cults, the precursor to the Interministerial Mission, was also contacted before its dissolution in 1997.

Now, despite all of these efforts, the situation has not been resolved. The few letters of response have been vague and have not led to any concrete solutions.

Recently ITN contacted the U.S. Embassy in Paris and has been working with them to resolve the situation. It is our understanding that French officials have maintained to their American counterparts that the only recourse to the situation is through one of the few men who have taken up the cult issue, notably Mr. Vivien, President of the Interministerial Mission; Mr. Gest, a parliamentarian; and Mr. Guyard, a parliamentarian.

Since the publication of the cult list, ITN has experienced undeserved and, we believe, illegal harassment and persecution by French officials and the private sector that is taking its cue from the French governmental policies. Listen to these things. They are quite something.

For example, an individual in the medical field who is a member of an Assemblies of God church had one of his children enrolled in Grace School, the Christian day school founded by Pastor DeMeo and affiliated with Eglise Evangelique de la Grace.

Our day school is a member of the Association of Christian Schools International, ACSI, which contains more than 4,000 internationally recognized schools in 93 countries.

This individual has been accused of putting his daughter in a school that brainwashes children. Even more outrageous, he himself has been accused for having medically treated myself, my family, and other members of the church.

In March of this year, a person who held a job in the airport security and in training others was told that in order to keep his job, he had to write a letter stating that ITN was a cult and renouncing any ties to ITN. While he did not himself attend our church, his brother is a pastor associated with ITN.

Another case involves Pastor Jean Luc Megret, who was trained at ITN. In 1997, he organized an evangelistic outreach in the city of Sete, where he pastors, near the city of Nimes. In the middle of the campaign Pastor Megret was told he could no longer use the public hall which he had already obtained through the town council. According to French law, every association has the right to use public halls.

In the same city, two families attending Pastor Megret's church who had been home schooling their children, were threatened by the National Education Department that they risked two years of imprisonment if they did not place their children in a public school.

We suspect these families were targeted because of their membership in Pastor Megret's church.

Several members of Eglise Evangelique de la Grace have also been refused jobs, which they were perfectly qualified, only because of their religious convictions, or association with the church, ITN, or the Christian day school.

Now, just three weeks ago—we heard this in earlier testimony—every religious group on the 1996 sect list as far as we know has received a 29 or 30 page questionnaire investigating all of the income and the expenses and all financial details of the organization. Commercial banks have denied ITN loans for refinancing our mortgage and the right of overdraft on our account.

It was confirmed verbally by bank officials that this denial was due to ITN's listing in the 1996 sect report.

In 1997, an American Baptist missionary who was to co-labor with the Theological Institute was refused the right to open an account at a local bank because he was working in conjunction with ITN and the church.

Recently my personal finances—this is over the past month—have been audited by the French Government, and once again, we believe it is because ITN was listed on the sect list.

In October of 1998, a well-known French newspaper, *Le Midi Libre*, printed three newspaper articles against the Institute based on the charges from the 1996 sect report of the National Assembly. These biased articles caused a domino effect of religious persecution from the public, some being criminal and violent.

In January of 1999, the Institute initiated a court case against this newspaper to defend its religious freedom. The first hearing is scheduled next week for June 14th, 1999. The final hearing is tentatively scheduled for September 1999.

In conclusion, due to the fact that ITN received no response from the French officials, I and my staff contacted the United States Congress, the U.S. State Department, the Helsinki Commission, and the

European Parliament in order to confront the French government concerning French violations of religious liberty, including commitments under the Helsinki Accords.

More than 700 professional researchers of cult issues have condemned the French National Assembly report. This report was neither professionally nor adequately completed. We agree that the government has a legitimate right to investigate criminal activity, but we do not adhere to the principle that the government has the authority to control religious thought.

My final statement here is that the religious freedoms of members of Eglise Evangelique de la Grace and my personal rights are being unjustly and illegally infringed upon. Innocent people are being persecuted because of their personal beliefs and affiliations. This is criminal.

In the City of Nimes there stands a monument of a former pastor and mayor from the 18th century whose inscription states that all religious freedom is insured to all people. This is in total contradiction of what I, the Eglise Evangelique de la Grace, Grace Christian School, and Institute Theologique de Nimes have been able to enjoy in the country of France.

Religious freedom is a precious human right and should be treasured by all as one of the most sacred.

Thank you.

Senator CAMPBELL. Thank you.

I found your testimony to be extremely interesting, and I was trying to read while I was listening, too.

I know you are all speaking primarily from the standpoint of religious freedom in France, but I have a couple of other questions dealing with other countries that you might want to answer, too.

Are you American, Mr. DeMeo?

Rev. DEMEO. Yes, I am.

Senator CAMPBELL. And I assume Mr. Garay and Mr. Fautré are French.

Mr. FAUTRÉ. Belgian.

Senator CAMPBELL. Belgian.

The United States is not without guilt in religious discrimination. You probably know that. I am Indian on my father's side, and you probably know the history of this country that was founded on religious freedom, but they did not have any compunction about taking away that religious freedom from the Native peoples that were here before they got here.

So when I hear your testimony, I understand coming from a people who had some of their religious freedoms denied. I know the terrible devastation that it creates.

Let me ask you two or three questions. In reading, there was a lot of testimony written here, but in some countries, as in Austria, I understand that they have a government standardized number. If you have more than 16,000 members, you can apply for an application to be considered a religion, and yet some religions have less than that. The Buddhists, for instance, in Austria have only 870 members, and yet they do have this classification by government, and yet other larger ones who have bigger numbers do not have.

Is there such a system like that in France or Belgium?

Mr. FAUTRÉ. Well, in Belgium we have got the same system of categorization of religions, a two tiered system. We have a first category of what we call state-recognized religions, which includes the Catholic Church, a part of Protestantism, a part of Orthodoxy, Judaism, Islam, and also secular humanism. Those churches and, in the case of secular humanism, philosophical movements are financed by the state. That means that the salaries of the clergy are paid by the state. Money also is devoted to the construction and maintenance of churches. Religious classes are organized in public schools at the cost of the state for these various religions.

The second category is non recognized religions. They have basic rights. They can own property. They can open a bank account. They can organize all sorts of activities, enjoy full freedom of association, but they do not have the possibility of getting money from the state, although the members of those religions who are taxpayers contribute to the financing of the established religions. Part of the tax income is used by the state to finance a limited number of religions.

Senator CAMPBELL. So those in the second category are taxed. Then those in the first category are not taxed and, in fact, they are subsidized.

What is the criteria? Is there a number? They have to have a certain number of practicing people in that religion?

Mr. FAUTRÉ. No, in Belgium there are no special criteria to be a recognized religion. When Belgium became independent in 1830, it inherited the religious situation from France and from the Dutch government who had occupied the country. So the Catholic Church and Judaism and Protestantism were automatically recognized.

And then later on it was the Anglican Church and also in 1973, Islam was recognized. In 1985, Orthodoxy was recognized without meeting any criteria.

Senator CAMPBELL. Would you say that these larger accepted religions have any impact on the legal actions or on the government? I know that there is some discrimination against the smaller religions, but does it work the other way, too, where the larger religions tend to influence court decisions?

Mr. FAUTRÉ. There is separation of state and religions in Belgium, including separation with the Catholic Church, although the influence of the Catholic Church can be felt through various political parties, the PSC—Social Democrats on the Frankophone side, and CVP—Christian Democrats on the Flemish side, and these have been ruling parties for most of this century and the last century.

So they have influence in one way or another on the policies of the government, but in these specific matters concerning minority religions, called "cults," they do not have so much influence. I would say that separation has been respected in this regard.

Senator CAMPBELL. Separation respected in some regards, but not to the extent of paying them dividends for building their churches.

Mr. FAUTRÉ. No, there is some institutionalized discrimination that has existed in Belgium for a century and a half.

Senator CAMPBELL. In my opening statement I mentioned some of the accusations that OSCE is getting kind of accusing us of interfering, trying to influence European policy with our First Amendment beliefs.

I would ask you. What risks do we take as the United States in raising these religious issues, especially in light of some of the anti-American sentiment that is growing in some parts of Europe?

Anyone. Mr. Garay, or since you are an American, Mr. DeMeo, maybe you would like to comment on that.

Mr. GARAY. It is true, Mr. Co-Chairman, that when we are defending such principles of religious freedom and, in particular, because some religions are seen as coming entirely from the United States, the first reaction of many people is, "But you are defending the American point of view. You are defending the concept of the First Amendment."

For example, I can quote Mr. Alain Vivien, the Chairman of the Interministerial Mission to Fight Against Sects. He was appointed by Jacques Chirac, the President. In an article about these freedoms he says that, and I quote him,"Americans may revise the First Amendment, understandable because the first pioneers who were persecuted in Europe for religious reasons are the idea of secular and religious peace, but today vast enough and very nefarious interests hide themselves behind an allegedly religious cultist. In this we have a good fight to pick up with our U.S. friends."

And the same statement is made by many, many people against the U.S. concept of religious freedom. They try to separate religious with political borders, but we believe that the religious freedom does not have any border if we hold governments to their international commitments.

Senator CAMPBELL. Okay. Thank you.

Now, Pastor DeMeo, you also mentioned in your statement, as I understood it, that your church and the Institute have been targeted for surveillance. What does that entail? What are the tangible effects of being targeted, first of all?

Do you have people following you around or photographing you, that kind of stuff?

Rev. DEMEO. Just recently, and I cannot give all of the details now because some of the people in France are trying to find recourse and appeal in the country, and they fear if things are said here, they might not be able to go through the French system, but recently, we were told that our phones are being tapped, that our people coming to our church—

Senator CAMPBELL. Assuming that it is government doing the tapping?

Rev. DEMEO. Yes, and that people coming to our church, they have their license plate numbers noted.

And I have heard people listening in on our phones, and of late I was just audited by the government as well.

Senator CAMPBELL. And you have been there how many years did you say?

Mr. FAUTRÉ. Seventeen years.

Senator CAMPBELL. Seventeen. Are these experiences getting worse would you say?

Rev. DEMEO. Oh, by far. Yes, there was no problem up until about 1995 or 1996.

Rev. DEMEO. What do you attribute that to, that kind of feeling that sees to be on the rise in many countries in Europe?

Rev. DEMEO. I think the 1996 report that came out was a real warning, and I think that happened with the cult, the suicide situation in Switzerland.

Senator CAMPBELL. And since you were on that report, you have noticed more legal complications and economic problems, too, I assume?

Rev. DEMEO. Yes, completely.

Senator CAMPBELL. Have you had trouble getting bank loans, as an example?

Rev. DEMEO. That is right, and it is interesting because, of course, they do not want to put anything in paper or sign anything. One of my assistants has been working now with an accountant for two years to remortgage our property. We had a very good file. It was ready to be signed, and at the last minute, the banker called him and said, "We cannot sign this."

He said, "Why?" The banker says, "Because we found out that your Bible college was put on the 1996 report."

And so our assistant said, "Well, will you write that down."

And of course he said, "Yes, I will."

Then we get a call back an hour later and he said, "First of all, forget that I ever said that. And, number two, I cannot write this in paper."

Senator CAMPBELL. So he did not want to record it. Do you have trouble reserving places for public events?

Rev. DEMEO. That is right.

Senator CAMPBELL. And people that are of your faith are also having trouble with their jobs, discrimination in the job market, too?

Rev. DEMEO. That is right. That is right. There is a recent case of which I cannot really speak about in too much detail because we are hoping to deal with this within the country.

Senator CAMPBELL. Yes, okay.

Rev. DEMEO. But the other cases, yes. The one case of this man working at the airport, he had a job related to security. He held this job for a number of months, before he was told that he could not keep the job unless he would sign a paper affirming that ITN was a cult. The reason seems to be not that he went to this church, but that his brother was the former president of ITN and also a pastor.

Senator CAMPBELL. Now, clearly, the United States, I am sure, would have a real problem with what is going on, but in the OSCE there are many members. What other countries would you say would join the United States in raising these concerns about the deterioration of religious liberty in Europe?

Rev. DEMEO. I have heard that Italy seems to be very cooperative and has allowed relative freedom for people to express their religious beliefs.

Senator CAMPBELL. Mr. Fautré, what do you say?

Mr. FAUTRÉ. I would like to stress that for about a year, the United States has taken a number of initiatives that were welcomed by minority religions in quite a few European countries, and I will list just some of them.

First, the strong statement confronting France, Belgium, Austria, and Germany with their OSCE commitments to which they are signatories at the OSCE conference in Warsaw in October of last year.

Then, at the Supplemental Meeting on Religious Liberty in Vienna in March of this year, there was a complementary statement made to encourage a number of European countries to opt for dialogue with minority religions and philosophies.

Even if that way seems difficult, long, and slow, we think that we must go on opening these perspectives for Belgium, France, Germany, and Austria.

Then there was also the final report of the State Department's Advisory Committee on Religious Freedom that is very useful and recently, there was a visit that was made by an official U.S. delegation to collect information from official sources and also from minority religions in a number of European countries.

These are the major positive signals, I would say, that have been welcomed by minority religions. These people feel at last that somebody is listening to them. A state, a powerful state, is listening to them and may help them in their fight for their equal rights and for religious freedom.

These efforts are also encouraging for human rights organizations and human rights advocates, and that strengthens their energies, and their efforts to try to get equal rights for people whatever their religious or nonreligious beliefs.

So these moves that were made over the last year are quite positive.

Senator CAMPBELL. Well, we are listening.

Mr. Chairman, I have a number of questions that I really am interested in asking, but have another conference that I have to go to. With your permission, I would like to submit them to these gentlemen and have them answer some of these in writing for the record, if that would be all right.

Mr. SMITH. Without objection, so ordered.

Senator CAMPBELL. And I thank you very much for your time.

Mr. SMITH. Thank you, Co-chairman Campbell, and I appreciate your questions, and again, those questions will be given to our witnesses and hopefully you can get back to us very quickly with written responses.

I had a number of questions myself I would like to ask, and then I will yield to my good friend for any questions he might have.

One of the concerns that many of us have is that there is almost an assumption that in the more mature democracies that somehow the human rights has been overcome, and except for, say, policing issues and some of the issues that rear their ugly head, when it comes to religious freedom, that seems to be a given, an assumption.

And there seems to be concurrent with that a very dangerous trend emerging in Europe and in some quarters in the United States to disenfranchise certain groups, to use the law to harass, to use the tax code, to use a myriad of other tools are repressive measures against people that are blackballed and put outside the circle of what someone might construe to be acceptable.

I recently was in Russia about a year and a half ago with Dr. Billington, the Librarian of Congress, and some other members, to meet with members of the Yeltsin government. President Yeltsin was out on vacation at the time so we did not meet him but we did meet with a number of his top people on the religious issue because it was then and continues to be a very real concern.

I was amazed how often people used the justification for disenfranchising certain religious denominations. They just pointed to Europe. They pointed to France. They pointed to Austria and said, "Well, why don't you bring your argument to these countries that have been around and have very settled jurisprudence?"

And the comeback was, "Well, we happen to believe they are wrong as well." It begged the question. "Why are we not spending more time on them as well?"

And this hearing is really the beginning of that kind of focus. We have been doing it through staff work and through member to member parliamentary types of exchange, but we do need, I believe, more hearings and more focus, more scrutiny, including at the upcoming OSCE Parliamentary Assembly that will be taking place in St. Petersburg with parliamentarians from the OSCE region.

It is absolutely unacceptable, and I am sure Mr. Campbell conveyed to you as well, that France and other countries are blackballing organizations. As you have pointed out, Mr. Garay, in your statement, where is the definition? It is very loose. It is porous. It is in the eyes of the bureaucrat who wants to perhaps blackball a certain organization or group.

We ran into this recently when Mr. Alain Vivien, the head of the Interministerial Mission, originally refused to meet with Karen Lord sitting right here, a member of our staff, and her delegation because he obviously had wrong information. This incident was certainly an eye opener for this Chairman and for the members of our Commission because she was thought to be part of a dangerous sect.

Well, alarm bells went off all over Washington and certainly among the Democrats and Republicans that make up this Helsinki Commission. We do have a very good, broad group of conservatives and liberals and moderates on the Commission.

It seems to me that, and this is more of a statement and then I will yield to any comments you might have, if there is a similar kind of treatment that the Jehovah's Witnesses are getting or, Reverend DeMeo, that you are receiving, it is time that this is put at the top of the human rights concerns and not be treated as a sovereignty issue that ought to be handled by the French or the Austrians or any of these other countries on their own.

We need to do more in the Helsinki process, not less.

We saw the same thing. Maybe not in degree because they are not torturing, but in Romania under Nicholas Ceaucescu. He talked about the "cults" and the "14 cults" that were included and the rest of the "cults," so-called, that were excluded. When you have power to include or exclude, it is a potentially very dangerous power to have.

So I really think that we need to do more, and again, our own experience on this Commission with Karen certainly brought it to our attention in a very real way.

What do you think is at the root of this increasing [in]tolerance, which puts people on the outside and using, especially in a place like France, all of the tools at the government's disposal, including the tax laws and other laws to make life miserable, if not impossible, for groups that the government does not want to exist? What is at the core of that?

Mr. GARAY. We feel that today the government is lacking information. They need more information and dialogue. France is not alone in the world, of course, and a number of the groups are organized on an international scale. Why France does not ask you or does not ask Italy, does not ask Great Britain about the situation of Jehovah's Witnesses, for instance, or other groups? So the lack of information, basically it is a problem.

Second, I will say that the role of the secretaries is fundamental. Now we know that in France we have what we call the sect police gendarmie. It acts officially without any legal definition of what is a sect. Why? Because they began investigating after the suicides of the Order of the Solar Temple in France and in Canada, and after the suicides of Heaven's Gate in San Diego, and they believe that every group that is different is like these groups.

There is a belief that any non-Catholic group promotes suicide, or that a group will promote fanaticism because they are not Protestants. So we feel that it is very important to clarify in a democracy what groups are doing in their sacred services because they are not working openly.

If we are working in a democracy, we need transparency, but the blacklist of the 173 movements was made by the Secretary. It is clear. It is evident in the report. The French parliamentary, the French deputies say that we do not have any definition, but we will agree with the Secretary and with the list made by the Secretary without any contradiction.

And the third reason, maybe it is a lack of religious faith of the French officials. France is a republic which does not recognize any religion. As you know, since 1905, the state does not recognize any religion. It is the lacite.

But I think it is a myth because the state recognizes on the fiscal ground what is a religion. For instance, if you want to receive a legacy, if you want to be exempt from the tax donation, you have to prove that you are a religion. So who is able to say you are a religion or not?

And many, many officials do not understand this system. They say that if you are not Catholic, Protestant, Jew, or Muslim, you are not a religion. It is so simple.

Mr. FAUTRÉ. I think that beyond this matter of minority religions, there are various ideological and other religious forces at work, depending on the country.

I will start with Germany. There was an Enquette Commission, but inside the commission you had representatives of established churches. So that was a wonderful opportunity for them to get rid of competitors like minority religions.

In Belgium and France, you had no such representatives of minority churches on the Parliamentary Commissions. But, there were representatives of other forces, and I will explain about that.

The president of the Parliamentary Commission on Cults in Belgium is a Socialist. He is agnostic. Mr. Moureaux is known to be anti-Catholic, and in Belgium generally if you are a member of the Socialist Party, you are anti-Catholic and anti-religious.

One of the vice chairmen, Mr. Desquenes from the Liberal Party, is known to be a Freemason, and Freemasonry in Belgium is also quite anti-religious. Quite recently, an association, an anti-cult association was created in Belgium. That was last month. In fact, they were all

former members of Jehovah's Witnesses. An article was published in the press, and you saw a picture of the founding members, and next to the founding members you had the vice chairman of the Parliamentary Commission on Cults who is supposed to be neutral and objective.

So we have Socialists in Belgium. We have agnostics. We have atheists. We have Freemasons.

In France, at the head of the Commission, you had a fierce communist, Mr. Brard. He is communist and an atheist. I think that he is following his personal agenda using the Commission for personal purposes.

So I think that it is different from one country to another, and that should be taken into consideration. Austria is a bit more like Germany because the established churches could also get rid of minority religions through measures that were taken, such as prevention campaign against cults.

Mr. SMITH. Let me just briefly follow up on that, and then yield to Mr. Brownback, who will have to leave momentarily for another hearing.

We know the communists, and as a matter of fact, Solzhenitsyn was so clear on this as to the hatred of God, that it truly is at the core of atheistic communism, but you mentioned the Freemasons. How widespread are they, and what is their—

Mr. FAUTRÉ. In Belgium, they are very influential. At the University of Brussels, ULB, most of the professors are Freemasons, and it is known to be the bastion on the Freemasonry in Belgium, and that university produces, I would say, most of the intellectuals who are not Catholic in Belgium. They have got key positions in the media, in the political parties, and in the state institutions.

Mr. SMITH. Now, does that have any impact on the report that will be coming out from the Council of Europe?

Mr. FAUTRÉ. It does.

Mr. SMITH. How do they influence the Council of Europe, those different groups, the communists, the Freemasons, those who are taking an anti-religious point of view?

Mr. FAUTRÉ. It is quite clear that they try to lobby the European institutions, including the Council of Europe. A few years ago, there was a meeting behind closed doors assessing the situation of the danger that was posed by sects, and in that meeting there were figures coming from anti-cult movements, like Mr. Abacale in France, but no one from the academic world, no sociologist of religion, no historian of religion was invited to that meeting. The minutes of that meeting were not accessible to public.

Mr. SMITH. Are we approaching a period of time when clerics may, as they have in places like the PRC and in other communist countries, find themselves being arrested?

Are people at risk if this cancer of anti-faith and anti-religious perspective takes hold?

Mr. FAUTRÉ. It is a battle. It will be waged at the Council of Europe on the 21st of June will be of major importance because the first battle was fought at the European Parliament which culminated in Mrs. Berger's report being rejected.

The Council of Europe involves many more countries than the European Union, including Orthodox countries which might be interested in also getting rid of minority religions.

We do not know how the parliamentarians will vote. In the provisions that are being proposed, there are two elements that are a source of concern: first, observatories on sects; and, secondly, so-called information or prevention campaigns against sects.

Now, I would like to say a few words about these two initiatives that are being promoted at the pan European level and also at various national levels.

We have seen where such an observatory has led France. France is really at the forefront of that sort of policy of confrontation. We expect the same sort of problems in Belgium, which is under the influence of French culture as it partly shares the same language.

In Belgium there is an observatory. It has not been operating yet, but it will soon. We will see how it will work.

But there is also an administrative coordination committee with the various ministries that will be involved in the fight against sects. It will be a fight, too, as it is in France with the Interministerial Mission. I don't say that it will be as serious in Belgium as it is in France because the general political, social, and historical context is different, but there is legitimate fear about what will happen.

The next point is about the information campaigns. We have seen in Belgium the Anthroposophic Society has gone to court because 30 groups were mentioned in a government brochure. This is the brochure in French that has been massively distributed all over Belgium with TV spots and radio. The brochure is in four color, and wonderfully laid out. The Anthroposophic Society was accused of a number of things in the brochure that had been taken from the parliamentary report, but it had not been verified by the Belgian Government before publication.

And so the Anthroposophic Society went to court, and they won the case. This brochure may not be distributed any more until the content has been corrected.

There are a lot of potential problems if campaigns such as the anti-sect brochure in Belgium are launched in other countries, and those are the measures that the draft recommendation of the Parliamentary Assembly of the Council of Europe will propose, according to the documents that we have.

We could imagine that there would be observatories or such information campaigns warning against some practices of religious associations, but not naming specific religious movements. It is legitimate for a state to say we must warn our citizens against illegal practices of groups, for instance, the malpractices of insuring companies because their contracts are very complicated. There are footnotes in contracts that people cannot read. So we should draw their attention on that.

The state could do the same with dangerous movements, but then without mentioning any name of movements. It would be up to everybody to make his own judgment about which movement seems to have illegal and dangerous practices.

Mr. SMITH. Mr. Brownback.

OPENING STATEMENT OF THE HON. SAM BROWNBACK

Senator BROWNBACK. Yes, if I could just make a quick comment, Mr. Chairman. Thank you for holding the hearing, for your attendance and Mr. Hoyer, Ben Campbell's attendance and, Karen, thanks for all of your work on this.

I just want to make the note that I have done a lot of work in Central Asia with the new governments that are forming there, and they very much watch what takes place in Europe, what takes place in Russia in framing their own freedoms, and religious freedoms in particular, because everybody is edgy about that. They would really, frankly, rather not deal with it. They would rather keep it pretty well shut down. They are scared of faith or scared of religion.

And so to the extent that Western Europe gives them a model or a template to be able to limit religious freedoms, they are happy because it helps them a lot on their own desire to have limitations.

To the extent that Western Europe provides a very open, free marketplace and discussion of faith and freedom associated with faith and gives it wide latitude and wide authority, it is more difficult for countries in the east. They are compelled to view issues of faith as things that are left best to the individual and non-interference should be guaranteed by the state so that individuals have freedom to do with their own soul as they choose.

I appreciate you raising this issue because I think it is important that we do point that out even though it is uncomfortable to a number of people, and I appreciate the panel members for their being spokespersons on this. They have spoken with clarity about the need to address this issue.

With that, I am sorry that I have to go on to another meeting.

Thank you.

Mr. SMITH. Thank you, Mr. Brownback.

And Mr. Hoyer.

OPENING STATEMENT OF THE HON. STENY H. HOYER

Mr. HOYER. Thank you, Mr. Chairman.

I apologize for being late. As you know, we had an appropriations mark-up. I want to apologize as well to the witnesses and assure you that not only will I read your statements, but I will review the record with our staff.

As you know, our Chairman, Chairman Smith, has made this issue a particularly high item on our agenda and significant focus. He and I share a conviction that, of course, the United States, our First Amendment deals with the ability of individuals to pursue their faith as they see the light to do so.

And we have had discussions in Austria, in Vienna, with reference to their legislation. We have raised that with the Speaker of the Parliament and with various ministers there, including the foreign minister.

So I think these hearings are important, and it is important that we keep high the focus on this issue in Europe. I agree with Senator Brownback, and, Mr. Chairman, I know you do as well, that as we see development in the former constituent parts of the Soviet Union, particularly in Central Asia, they do look to Europe as an example of what is acceptable.

One of the historical problems we have in Europe is that there has been a state church, and that state church was and continues to this day to be very jealous of the prerogatives and status they have within the state and feel threatened by the growth of evangelical faiths or other faiths. We had in the early years here in the United States a similar problem.

I think that this is an issue that we need to focus on within the context of the OSCE.

Mr. Chairman, I would suggest—you have not been before, but I am really pleased you are going—at the Parliamentary Assembly that we each have about a five minute opportunity, that maybe you would want to use your time to focus on this issue. Certainly in the Third Committee of the Parliamentary Assembly, which has jurisdiction over this matter, you could raise this matter. Perhaps we would want to have a resolution that we circularize now. We have to do it almost immediately as we need a certain number of signatories to support an amendment. The amendment could make reference to this issue to the other countries, based upon some of the testimony we have heard here and testimony and discussions we have had in the past.

This is an issue that is difficult for the emerging democracies because as they have gained freedom, their state churches have, again, been re-enfranchised, and they want to return, of course, to what they perceive to have been their favorite position of dominance and approval in the past, prior to the advent of communism in their countries.

So I think this is a very timely hearing, Mr. Chairman. I appreciate your leadership and strong voice on this issue.

Clearly, if you can compromise one's right to pursue one's religion, you can compromise almost every other right the individual has, so that this is one of the primary rights.

Of course, the Vienna Concluding Document made it very clear, reiterated the Helsinki Final Act's provisions dealing with individual conscience and autonomy and supremacy in pursuing their beliefs. This comes not at the state's direction, but at the individual's direction.

I think in light of the testimony, the brief testimony I have heard, but also the background that is in our book highlighting the resurgence of intolerance we need to heighten once again, Mr. Chairman, our vigilance in discussion of this issue within the Helsinki context.

Our experience has been that the strength of the Helsinki Final Act and its impact was far greater than the Soviet Union thought it would be when it agreed to the principles of the third basket in return for the *de facto* recognition of the then existing borders. The Soviet Union did not think it was going to have any effect.

In fact, however, it had a major effect because the power of these ideas, if they are given exposure and discussed are such that they will ultimately win because they are right.

So I thank the three of you for your advocacy, for your leadership, and for joining us here.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Hoyer.

Let me just ask some final concluding questions. If Mr. Hoyer has any additional questions, I will ask him to offer them.

The issue of proselytizing in Greece, I wonder if, Mr. FautrÉ, you might want to touch on this. Any of the other witnesses are also certainly welcome to comment as well.

The Greek constitutional provision that outlaws proselytism does not square with the Helsinki Commitments. Where are we in terms of the Greeks revisiting that issue?

And, secondly, if I'm not mistaken, they still deny legal identity to the Catholic Church in Greece. Is that true?

Mr. FAUTRÉ. That is right.

Mr. SMITH. What is being done to try to inform them, encourage them that that, too, is contrary to United Nations, European, and Helsinki commitments to which they have agreed?

Mr. FAUTRÉ. Yes, those anti-proselytizing laws were introduced under a dictatorship, and so at that time the parliament had no say in those laws.

However, almost 60 years later, they are still in force, and many people have been victims of those laws, mainly Jehovah's Witnesses, Protestants, all those who were manifesting their religious beliefs in public.

Now, in these last few years, thanks to the European Convention and the work at the level of the European Court in Strasbourg, specifically in *Kokkinakis* case, the implementation of the law has been challenged although the law itself has not been overturned. So that's why I said that half victories were won against those anti-proselytizing laws, which are, in fact, not only against proselytism, but also against the full freedom of any minority religion to open places of worship without the consent of the dominant church, the Orthodox Church.

So, these laws are still in force, but as the implementation has been condemned by the Court in Strasbourg, guidelines have been sent by the relevant ministries to the Greek courts and the magistrates to take into consideration the decision that was made in Strasbourg.

There are fewer and fewer cases of sentences on grounds of anti-proselytism law, but the law still exists, and I would say fanatical clerics of the Orthodox Church go on their battle against minority religions either in the framework of the anti-heretic department of the Orthodox Church or on their own. They still continue lodging complaints against members of minority religions.

I think that the next move by the Greek Government should be banning the law because it is not consistent with the OSCE commitment.

The new Government of Greece is now more prone to listen to the criticisms that are voiced by Strasbourg, by Brussels, and by the United States on this issue, I think that the political parties that are now ruling the country should be helped in their efforts to try to separate the political field from the religious field, and so to have a greater separation between the Orthodox Church and the state.

There is a good opportunity now as the constitution is being revised to encourage Greece to revoke these laws. If that could be removed from the constitution, and if there could be an exchange of expertise between Greek scholars and Greek politicians, on the one side, and other European and American experts, I think that would be welcome. It would contribute to the consolidation of religious pluralism in Greece.

Mr. FAUTRÉ. It is of utmost importance because other orthodox countries that were under communist yokes are looking at the example of Greece. These countries might be tempted in the future to ask the governments to introduce such laws under the guise of the fight against cults.

Now, there is a window of opportunity to campaign for the cancellation of the anti-proselytism laws in Greece.

Mr. SMITH. Would that also include trying to get rid of the identity cards and also the surveillance of people based on their religion?

Mr. FAUTRÉ. Regarding surveillance, that there was the Savakedes case in Strasbourg that has been settled in a friendly way.

Now, regarding the identity cards, this is another battle that should be fought. Public opinion and the Orthodox Church remain quite firm on their positions. They do not want to change that regulation although they are ready to allow one not to mention one's religious identity. However, the Orthodox want to continue identifying themselves as Orthodox on the identity card.

As you can imagine, this is not a solution because if one does not mention one's religious affiliation on the identity card, the assumption is that you are non-Orthodox. This may bar some individuals from some jobs in the public sector, mainly in teaching positions where the teacher must be able to uphold and to promote the Orthodox values.

Mr. SMITH. One can only wonder how Saint Paul might fare if 2,000 years later he were to walk the streets of Greece and happened to be promoting a denomination that somehow did not comport with the Orthodox.

I find it amazing because I am a Christian. I am a Catholic, and I believe—

Mr. HOYER. He did not fare too well then.

Mr. SMITH. No, he was stoned, and he was under surveillance.

As Christians or any faith, there needs to be this tolerance factor, and it needs to be worked into the law, otherwise exclusion very quickly becomes repression.

Which leads to a question to Mr. Garay and Reverend DeMeo: what impact might you suffer for coming to this hearing, especially Grace Church in France? We want to follow very carefully what happens as you leave here to raise at the highest authoritative level in France, especially with Reverend DeMeo, as to whether or not there is retaliation, whether or not there is a stepped up repression against you and the people of your congregation.

We have had that happen to those who have come before to testify. We will not leave—and I know this will be bipartisan—any stone unturned in making France a religious pariah, and will continue to raise this issue because many of us find this outrageous, to begin with, and see this going in a very bad direction.

Ten years from now where will we be as the number of excludables grow? It seems to me that once you open that door to repression and intolerance, it is a slippery slope, especially when you have confluence of factors like the Freemason, like communists or socialists who are anti-religious at their core. I think you give them a tool that very quickly becomes a bludgeon in 10 or 20 years down the line. At some point they will turn their guns on those groups that are now considered acceptable to the government and to the state.

Do you think there will be any retaliation?

Rev. DEMEO. I think that there could be, and that is something that we have been considering in coming here. However, I think that the whole situation has gotten out of hand. It is absolutely absurd that phone calls are listened to, just because I am a Protestant in France.

I understand and appreciate what was said earlier about not wanting to import American religion or culture into France, but that is not

what we are doing there. France is a country that has one of the highest rates of teenage suicide. They certainly do need to be looking for some solutions.

If anybody looks to what is happening in France either with the movement amongst the Catholics, especially some movements amongst Catholics—I have spoken with some of the priests—it started out as a very anti-sect movement, but it is becoming quickly an anti-religious.

So some of the priests are very concerned because they are being mocked, and the same thing is happening with the Protestants. Two weeks ago I met with the French Protestant Federation in Paris whom I believe Karen also met, and they were very concerned about our situation. They said, "We want you to know that we are behind you and we want to know how this develops." They also said, "You are the first case."

Because I am not French, I have dared to step out from the cultural restrictions and say this is not normal. Most of the French people will not do that. They are under this government, and they feel that this is normal. It is progressing in such a way that they do not see the changes. It is gradually becoming a very hostile environment if you are a Christian—Catholic or Protestant—in the country.

Mr. SMITH. Mr. Garay, you might want to respond as well. The Universal Declaration of Human Rights was a declaration. It was not a covenant; it was not a law. It declared something that was thought to be self-evident with regards to religious freedom and other human rights that inure to the human person just because they are human beings.

It sends a message, as Mr. Brownback pointed out so well, because we hear it with many of the emerging democracies who point the finger at France or Austria or some of these other countries that are becoming increasingly intolerant and repressive in their mistreatment of the cults or sects, which are words that I find offensive.

These are believing communities and ought to be treated with respect. You do not have to agree with what they believe in, but you need to respect their viewpoint and give them maximum latitude in expressing it.

We will be following this very closely.

Mr. Garay?

Rev. DEMEO. Can I just say one thing about the education as well?

Mr. SMITH. Yes.

Rev. DEMEO. I think one of the things that has become an issue in France is that we started a private Christian school. During the 1800s in France there were over 2,000 Protestant Christian schools in France. There were 35 high schools and about eight Bible colleges, and they were all shut down.

Twelve years ago, we started one of the first Christian schools in France since the 1800s. We have a program. We have a curriculum, and we start our day off with prayer. It is a Christian school. It is private. It is not subsidized by the government, but the government officials are petrified by private education, and even more so if it is Christian.

Mr. HOYER. Can I ask a question, Reverend, if I might?

Mr. SMITH. Oh, I am sorry.

Mr. HOYER. You indicate it's not subsidized. Does France subsidize any of its churches? Does it subsidize the Catholic Church in any way?

Rev. DEMEO. I think Mr. Garay could better answer that question. In Strasbourg there is a special situation where the religious groups have worked hand in hand with the state, but in the rest of France there is a separation.

Mr. GARAY. In France, the state does not give money to the churches because the state is separate from the churches, but if you are a Jehovah's Witness, you have to pay 60 percent on your donations. You do not have any tax exemption. So it is a sort of subsidy for the main religions indirectly, of course. In Alsace, there is a different situation.

I wanted to focus on two main possible consequences for my professional law practice when I defend for instance, Jehovah's Witnesses. First of all, the primary consequence is that I lose a lot of cases simply because I defend Jehovah's Witnesses. It is difficult to win cases because public opinion is against the group, and the judges are very aware of the public opinion.

Mr. SMITH. So it colors the judges' judgments and jury judgments?

Mr. GARAY. Oh, yes, particularly in the 20 cases I have against journalists. It is clear that we do not have legal decisions, but have political decisions made by many judges. I am sure, quite sure of this.

I argue the case on the legal grounds and I receive political answers, not legal answers. Public opinion is very influential after the campaign made by the press, main newspapers, TVs, et cetera.

So, the primary consequence is that we lose a lot of cases, and it is quite difficult to find lawyers who want to take on such cases.

A secondary consequence is that I have more contacts with people outside France and with other religious groups that are disfavored. For instance, I know that the Mormons are facing a similar situation of negative press in France, and now with the scandal in the press about what happened in Salt Lake City with the Olympic Games, they say that the Mormons tried to bribe the International Committee of the Olympic Games.

Some newspapers print negative stories about the Mormons. You see the situation. So I have more and more contacts with other groups. This is necessary to fight with the legal situation. French officials are very sensitive to public opinion.

I also want to add that the big issue—the role and the function of the anti-cult movement in France— is also a big factor in public opinion. Now the anti-cult movement is officially appointed by the Minister of Justice to work with the public prosecutors in cases.

We have a circular signed in December 1, 1998, which calls on the public prosecutor to share information with the anti-cultists. The problem is that the anti-cultists are part of the controversy. I feel that it is very important to share the U.S. experience with the cult world network and the debunking of the brainwashing theory. It is important to share your experience with French officials because nobody is aware of what happened in the States a few years ago.

Mr. SMITH. Are there no parliamentarians speaking out, trying to cut across this perspective, trying to challenge it, bend into the wind rather than with it? Mayors, politicians?

Rev. DEMEO. It would seem if they take a position, they are really mocked.

Mr. SMITH. No editorial writers in major dailies?

Mr. GARAY. No. Mainly there is a consensus against the "sects."

Rev. DEMEO. Yes.

Mr. GARAY. In the press, in the parliament, everywhere. They create an impression that the freedom in the U.S. is not real freedom, but a license for dangerous groups to operate and they oppose this for Europe.

I just want to quote Danielle Sulais Lavierre (phonetic). He is a famous lawyer in the Paris Bar. He said some can view the new law you adopted in the United States on September 9, 1999, the International Religious Freedom Act, as a fair application of Article 18 of the Declaration of Human Rights, but for others it is an imperialist attempt by American Christian fundamentalists to mount an exaggerated defense of their interest in all non-Christian countries.

Somewhere between these two routes with their pitfalls lies the useful path that has been charted by Article 18. So systematically they try to oppose your views with their misconceptions.

Mr. FAUTRÉ. I would like to make a last comment. The main priorities should be devoted to France, and a little bit to Belgium because an increasing number of countries in Central and Eastern Europe are revising their constitutions, and their religious legislations. In those countries where there is a dominant religion, they all look at France because they can find a good justification for saying, "We follow the example of France. We will have categories of religions. We will have, like in Belgium, an anti-cult policy because that is what France is doing and France is known to be the cradle of human rights, the cradle of democracy, the cradle of liberties and equality." So this is a major point.

Now, apart from that, France is getting more and more isolated on the international scene because it is the country that is the most intolerant toward minority religions. We also know that there are a number of European countries which have very good relations with their minority religions, such as Sweden, Norway, the Netherlands, Great Britain, Finland, and Italy.

So we should also look at those models of good relationships where governments have open dialogues with their minority religions and have refused to enter into a fight against sects. These countries and their policies should also be promoted and publicized internationally as good models for central and Eastern Europe.

Mr. SMITH. Let me ask one final question, and then allow Mr. Hoyer to proceed if he has any additional questions.

Have any of the members of the minority religions been singled out for prosecution for alleged crimes? In other words, rather than going after them for their religious belief, trump up something, claim they stole or are involved with bribery or some other crime, and then prosecute them along those lines? Has it evolved into that yet in France or anywhere else?

Rev. DEMEO. I think ultimately behind my being audited that is what they are hoping, that I have some sort of secret bank account somewhere or something, and am stealing. It is really ridiculous, but we have heard of things like that, where they do investigations to try to find something like that.

Because of Jehovah's Witnesses' view about medical treatment, the government tries to focus on that. If there is a situation where there is a refusal to get medical treatment, this becomes a criminal offense and is tied directly to religious belief.

Mr. GARAY. We have some criminal cases taken against groups like the Church of Scientology. We have a big case in France. It was in front of the court in Lyon.

And another case, it is about a small community called Mandernum in the south of France, where the prosecutor tried to charge the leader or the chairman, Mr. Bordon, of certain offenses.

But I will say that apart from these two cases, very well known, we can consider that legally speaking we do not have legal decisions which prove with evidence that such groups are dangerous or criminals. We know about the suicides in conjunction with the Order of the Solar Temple. There may be some individuals who are engaged in illegal actions, but you cannot say in general that all of these groups are breaking the law.

There are very few cases where criminality has been found in relation to minority religious groups. There are a few cases, but this can also be said for the communists. it is true for the communists. It is true for the socialists. It is true for atheists.

Nobody asks if somebody is a Catholic when he is in front of the judge. Of course, if someone's beliefs directly provoke them or cause them to commit an illegal action, of course, we need to look into the underlying beliefs, if your beliefs are illegal in the practice. The prosecutor will be in charge of the situation.

But there are very few decisions against minority religious groups in the criminal courts.

Mr. SMITH. Mr. Hoyer.

Oh, Mr. Fautré?

Mr. FAUTRÉ. Yes, I have two more cases to raise. A few weeks ago we got an expected visit of a Vietnamese lady teaching Yoga in Belgium, and she told us that she had been imprisoned for 22 days in Belgium. I was quite amazed to hear that, and I said, "On what grounds?"

She said, "Well, I was teaching Yoga and my movement. So I created a nonprofit organization just to have a legal framework. I am founding member with my husband who is an engineer. All we do is teach Yoga. I was visited by the sect police" (there is also a sect police in Belgium, not only in France, and there are sect magistrates). They came to my classroom and asked me to go to the police station for an interview."

So she asked to postpone the police interview until the following day and then asked how much time it would last. They said, "Two hours." However when she went to the station, it lasted the whole day.

Then she was sent before a magistrate, and she was sent to prison for 22 days on the grounds of financial embezzlement and illegal practice of medicine. Why illegal practice of medicine? Because she was transferring energy from people to other people. There was also no grounds for keeping her for 22 days in prison because of suspected financial embezzlement. There wasn't any evidence and still is no evidence of financial mismanagement.

She had also invited their Master, who was coming from America, and he was also arrested by the police and put in prison for more than a month. He was only released on bail, which was a high amount of money.

I have got another testimony from a group called Spiritual Human Yoga and another testimony from the Saja Yoga. A woman who had custody of her child in a divorce case, because her former husband had been a criminal, involved in drugs, and other illegal activities. At some point he managed to get the visitation rights for the children, but she had gone to Italy to the Ashram of Saja Yoga near Rome. She was living there with her child, who was about five or six years old, who was there in a kindergarten.

She was asked to come to Belgium to settle that problem of visitation rights, and she was arrested in the courtroom by the police and imprisoned for more than a month because she had kidnapped her own child.

So these are some sorts of problems that we are witnessing in Belgium. In France, there are also problems because when you talk about the refusal of banks to open a bank account to members of this church. I heard the same stories in Belgium about members of the Raelian (phonetic) Movements and also about Scientologists. So that is a widespreading phenomenon.

Mr. SMITH. These personnel, are they growing in number? Are they adding to that force?

Mr. FAUTRÉ. Pardon?

Mr. SMITH. Are they adding to the number of sect police in Belgium and France? Is that police force growing?

Rev. DEMEO. Definitely.

Mr. FAUTRÉ. They are specially appointed and trained as sect police, and also as magistrates.

Mr. SMITH. But their numbers are growing? Is it something that they are expanding?

Mr. FAUTRÉ. We do not know about the number.

Rev. DEMEO. It seems that the secret French police really do have Le House du (speaking French) in incredible access. I was told recently that every single one of my trips that I have taken over the past year have been monitored.

Mr. SMITH. They are probably sitting here.

Rev. DEMEO. And every single place I have gone.

Mr. SMITH. Well, I hope they take note because I will tell you we will raise this, Mr. Hoyer and I and Ben Nighthorse Campbell and other members of the Commission. This is something we really need to do more about, not less.

Rev. DEMEO. We also were told they came into our churches and also came into our classes, and the one comment they made was, "Boy, that pastor is a great pastor. He's very open," and they said, "But that is why he is suspect to us."

Mr. SMITH. I want to thank all three of our very distinguished witnesses for your excellent testimony, and, Mr. Hoyer, do you have any closing comments?

Mr. HOYER. Mr. Chairman, I just want to ask that my statement be included in the record.

Mr. SMITH. Without objection, so ordered.

Mr. HOYER. And also I am including the letter, if we can, that you and I and Senator D'Amato and Senator Lautenburg sent to Simetis, the Prime Minister of the Hellenic Republic with reference to sects. I think that ought to be in the record.

Mr. SMITH. Without objection, that too will be made part of the record.

Mr. HOYER. Thank you.

Mr. SMITH. We do have a vote on, which is why we have to wind down right now, but I want to thank you again, and I can assure you that the Commission will be doing much more on this in a bipartisan way. We hope to really have some influence because I do believe it is getting worse.

And I wish that the person that is dogging you would please stand up if he is in the room.

Thank you very much.

(Whereupon, the hearing was adjourned at 12:04 p.m.)

(Written inserts follow.)

APPENDICES

WRITTEN STATEMENT OF HON. CHRISTOPHER H. SMITH, CHAIRMAN

JUNE 8, 1999

Ladies and gentleman, I am pleased to convene this Helsinki Commission hearing on issues of religious freedom in Western Europe. This is part of a continuing series of hearings and briefings we have held over the last few years that have addressed religious liberty, in our effort to promote the principles enshrined in the Helsinki Final Act.

I welcome our panel of witnesses today and thank them for traveling the miles and taking the time to share with us their remarkable expertise and personal experience. Our distinguished panel includes Willy FautrÉ, chairman of Human Rights Without Frontiers, Alain Garay, a human rights lawyer from France and counsel to the Jehovah's Witnesses, and the Rev. Louis DeMeo of the Grace Church of Nimes, France. Representatives from the administration were invited to testify, but unfortunately had scheduling conflicts and are unable to join us today. We hope that in the near future we can hear from the executive branch on these important matters. In addition, the Commission is very disappointed that we will not have the benefit of having the announced witness from the US Institute of Peace, who is a fellow at Department of State and recently returned from a series of meetings in Austria, Belgium, France and Germany.

During today's hearing we will explore recent developments particularly affecting religious minorities in Western Europe. We will look at the growing trends of intolerance as reflected, for example, in investigations conducted by government institutions into the activities and belief systems of religious minorities. A number of Western European countries, such as Austria, Belgium and France, have established such government institutions, which often produce lists of what, in the opinion of government authorities, are 'suspect' religious groups.

These investigations are based on the premise that religious beliefs and spiritual convictions can be objectively analyzed by government bureaucrats in their consumer protection role, belying a certain paternalistic approach. A number of West European countries also have laws on the books that directly restrict religious freedom. For example, the Greek Constitution itself prohibits proselytism, and in 1997 Austria passed legislation that leads to unequal treatment of minority religions. Government actions like these contribute to an overall climate of intolerance in Western Europe and are in violation of OSCE commitments.

The debate on 'sects' is not only occurring in national parliaments but also within influential pan-European institutions such as the Council of Europe and the European Parliament. Ongoing discussion in both bodies has focused on establishing a European-wide advice and information center to disseminate information on religious groups which government has determined to be 'dangerous.' In fact, later this month the Council of Europe's Parliamentary Assembly will meet to consider a specific proposal for an advice and information center. Another angle which I would appreciate the perspective of our wit-

nesses is the effect this ominous debate in Western Europe is having on countries in transition further east. What is the potential for spillover in Eastern Europe?

The Commission appreciates very much the testimony which will be presented this morning and will continue to monitor these issues. We will proceed now to the testimony and then reserve time for questions and answers.

OPENING STATEMENT OF CO-CHAIRMAN BEN NIGHTHORSE CAMPBELL

JUNE 8, 1999

Mr. Chairman:

Thank you for calling this hearing on religious freedom in western Europe. The Commission has already had two hearings on this issue, but the developments that raised our initial concerns have not stopped. It is timely to revisit this issue now to examine some of those developments.

I am pleased to join with the Chairman to welcome today's distinguished panel of witnesses. We have with us today Willy Fautre, Chairman of Human Rights Without Frontiers, the Rev. Louis DeMeo, of the Grace Church of Nimes (France), and Alain Garay, Esq., human rights lawyer and counsel for Jehovah's Witnesses in France. I look forward to hearing their testimony.

There was some negative reaction to the Commission's earlier hearings on religious freedom. Some Europeans hold the view that the Commission is attempting to force American First Amendment views on religion upon Europe, whose states have different institutions and different values.

This criticism is just plain wrong. Principle VII of the Helsinki Final Act states, and I quote, that 'The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language, or religion,' and later, 'Within this framework the participating states will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.' The Final Act was signed on August 1, 1975 and all participating States voluntarily agreed to this principle.

Principle VII's language was strengthened and elaborated in subsequent Helsinki Process documents, all of which were adopted by consensus of all participating States. Thus, the idea that the Commission, or the United States, is trying to force our views on unwilling European states and peoples just doesn't stand up to examination. What we are doing is asking our European partners to live up to the commitments they have already made to abide by these well-established international standards.

The conflicts in Chechnya, Nagorno-Karabakh, and the Balkans strongly reinforce the need for this focus on religious freedom. While calling these conflicts religious wars would be wrong, it is true that there has been a clear element of religious intolerance in each of these conflicts, leading to some of the most brutal and vicious actions seen in Europe since the end of World War II.

Thus, recognizing and respecting the individual's right to freedom of thought, conscience, religion or belief is not an abstract ideal. It is an issue with direct impact on peace and security, because when this human right is violated, people will react and react strongly.

Violations of religious liberty are not restricted to newly emerging democracies. We will hear from our witnesses that some of our longtime western Allies are engaged in conduct that violates their Helsinki commitments. While some of the measures these states have

taken are explained with reference to recent tragedies, such as the Solar Temple's self-destruction in a murder-suicide pact, we believe it is possible for these states to address legitimate welfare and law enforcement concerns without limiting or violating their citizens' human rights.

I look forward to hearing from today's witnesses about these developments and learn their recommendations for dealing with them.

Thank you, Mr. Chairman.

OPENING STATEMENT OF HON. STENY H. HOYER

JUNE 8, 1999

Thank you, Mr. Chairman.

If our country stands for anything, it stands for freedom of religious belief. Many of our forbearers came to these shores specifically to escape the persecution they suffered in Europe. The state which I represent, Maryland, was founded by just such a group, intent on practicing its religion without fear of harassment or reprisal. America stands as a beacon for religious tolerance.

Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, is one of the ten guiding principles of the Helsinki Final Act to which all of the countries of Europe are signatories. Chairman Smith, myself and other members of our commission have consistently and forcefully raised human rights issues, including freedom of religion, with other nations who are also signatories of the Final Act.

In January 1998, I traveled to Athens, Greece with several colleagues from the Commission as part of our ongoing work to encourage improved implementation of OSCE commitments. During that official visit our delegation met with representatives of various minority faiths—the Jewish, Roman Catholic, Jehovah's Witnesses, Evangelical Christian, and Muslim communities. The individuals we met described a variety of legal and administrative challenges faced by their respective communities. Several individuals—Greek citizens by birth—observed that they were commonly viewed as foreigners because of their membership in non-orthodox denominations or faiths. Mr. Chairman, I request that a copy of a letter from members of that Commission delegation to the Greek prime minister raising a series of human rights concerns, including religious liberty, be included in the record.

Similar issues have arisen in other European countries as well. Austria, Belgium and France, for example, have established government offices to investigate religious groups and disseminate information on which religious groups are suitable for the public and which ones are not. Governments are looking into the theological beliefs of religious communities.

Clearly, Mr. Chairman, if a religious organization, or any group in society, promotes criminal behavior or violence, it is the duty of the government to investigate and take action to protect its citizens. However, absent such a threat, individuals and religious communities are free to worship or profess their beliefs in any way they choose. The Helsinki Final Act enshrines freedom of thought, conscience and belief, as well as any particular religious philosophy to which an individual may subscribe.

I look forward to examining these issues with our distinguished panel of witnesses.

Thank you, Mr. Chairman.

QUESTIONS SUBMITTED BY CO-CHAIRMAN BEN NIGHTHORSE CAMPBELL TO ALAIN GARAY, ESQ.

Senator Campbell. To your knowledge, is the French government using the tax law against any other religion or belief in France the way they have targeted the Jehovah's Witnesses?

Mr. Garay. Regarding the tax on manual donations contributed by the fellow believers of a religious group, I confirm that, to my knowledge, the following religious movements Eglise Évangélique de Besançon along with Mandarom have been subjected to the same request from the French administration. This point is also quoted in the report by Deputy Brard.

Regarding tax audits and local interventions organized by the tax administration, other religious groups in addition to Jehovah's Witnesses, the Eglise Évangélique de Besançon and the Mandarom have been the target of such administrative measures. For instance, the Institute Théologique de Nîmes, whose pastor is Louis DeMeo, was subjected to the same audits. (See also Mr. Brard's report that makes an account of the tax control undertaken.)

Senator Campbell. If the French government's legal actions against the Jehovah's Witnesses are successful, what impact will it have on the Witnesses in France? What message will it send to other non-traditional religions or beliefs in France?

Mr. Garay. Of course, the French government's actions against Jehovah's Witnesses resulted in a very great emotion among the 250,000 Jehovah's Witnesses and their associates in France. In concrete terms, now Jehovah's Witnesses are more reluctant to manifest their religious affiliation and especially at work, whether it be public or private, and also at school. Professional relationships may deteriorate when someone learns that a colleague is a Jehovah's Witnesses. According to a survey conducted by the SOFRES agency in 1996, close to 72% of interviewed people have a bad opinion of Jehovah's Witnesses. This is without a doubt the result of a media campaign from 1995 through 1997, which targeted Jehovah's Witnesses. Of course, this is the same with other religious groups called "cults" included in the Gest-Guyard Report of 1995. The mere mention on the list is in itself the cause of difficulties on a family and professional level.

Senator Campbell. An underlying issue here is confusing the group with the individual. States are apparently concerned about groups and fear the impact of non-traditional beliefs and practices upon the welfare of individuals. Would you please discuss this divide, and explain why they appear to believe that special measures are necessary against non-traditional groups as collective entities, and that legal protections for the rights of individuals are, in their views, insufficient?

Mr. Garay. The French Law ignores minorities as such, even if they are linguistic, religious, or ethnic. From the strict legal point of view, the jurisprudence as a whole does not provide a specific definition for this notion of minority. Rights and freedom considered as such by French law aim for the protection of individuals. Thus, it is in the

name of individual protection that the State, responsible for the public order, ensures the control of groups that might violate the physical and moral integrity of individuals.

The various measures of the parliamentary inquiry (in 1995, under Mr. Gest, as well as in 1999, under Mr. Guyard) aimed at non-traditional movements, came as a result of the work achieved by the Direction Centrale des Renseignements Généraux, which compiled a list of the groups suspected of threatening republican public order. Because these groups were purportedly engaged in mental manipulation by leaders or gurus of the group, the actions of groups were seen as detrimental to rights and freedoms of the individuals. Therefore, these groups were listed as dangerous. In that climate, some parliament members as well as the government expressed the will that a larger supervision on the groups occur to protect the individual. This was done through the establishment of the Parliamentary Inquiry Commission and the Interministerial Mission to Fight against Cults, created by the Government and supported by the Prime Minister.

Senator Campbell. Religious liberty for individuals can be threatened by certain laws, registration requirements and governmental investigatory commissions. Practically speaking, how are minority religious groups affected by these government policies? In your answer, please specifically address such policies in France, Belgium, Austria, and Greece, and their effects.

Mr. Garay. Religious minorities as well as some groups that are undoubtedly dangerous have been the target of the measures taken by the authorities in France.

At this stage, it is appropriate to distinguish the measures taken by the Parliament and those taken by the Government in a regime where the powers are clearly separated. In fact, the awareness of this phenomenon was the result, first of all, of the action of the anti-cult lobby, then the media strategy set up by some journalists to oppose such religious groups and finally the practical measures adopted both by the Parliament and the Government: inquiries and controls of every kind. Mainly in France, the authorities "legally" adopted a series of control measures: tax audits, Social Security control, and police and customs checks. A large array of information on cult phenomenon was also used: specific training of school inspectors, magistrates and policemen, and the Ministry of Justice circular, dated December 1, 1998, which was addressed to every court in France. Public prosecutors were invited to bring an action against any notorious case involving cults, and anti-cult associations were given the possibility to cooperate directly with the public prosecutors in order to inform them of any fact that they may know.

In addition to the parliamentary inquiry report, the Belgium government has set up an Observatory for studying cults.

In Austria, a State body under the Ministry of Education is in charge of studying and inquiring into cults.

In Greece, within the Orthodox Church, a special section is in charge of studying and inquiring into so-called "heretical" movements. All these measures express the same will, that is to introduce repressive measures against those groups by making a distinction between cult and religion.

Senator Campbell. Have you witnessed any linkages between West European government polices toward religious groups and initiatives being taken in Eastern Europe, or Central Asia?

Mr. Garay. The measures taken in France, particularly, have an influence on countries such as Bulgaria, as well as Vietnam, which I have witnessed. Several times, the persons I have spoken with in these countries indicated that Jehovah's Witnesses are considered, by public authorities, as a dangerous cult in France. The same occurred in countries where I recently went to work, such as the Federation of Russia, the Romania Republic and the Macedonia Republic.

Senator Campbell. To what extent are the leaders of the both the minority religious movements and the more traditional faiths becoming engaged in the public debate about government controls on religious practice? Or, is this a debate being held mainly by policy makers and government officials?

Mr. Garay. The responsible people who are members of religious minorities are prevented from engaging in the public and political debate regarding the measures taken against cults by the Government and the parliament. Access to the media is almost systematically refused: they are not invited by the press to the conferences. For example, the Parliamentary Commission of Inquiry on Cults, whose report has been issued on June 17, 1999, did not invite the leaders of the religious groups that had been targeted. Only the press was invited. The debate is completely dominated by the public authorities and some parliament members who have access to the media. Thus, apart from some contacts with certain journalists, it is extremely difficult to express a different point of view from what is now published by the media, which is in fact the reflection of the anti-cult discourse. Of course, from the strict electoral point of view, it represents a significant asset because the majority of public opinion is against cults and covering discourse of the opposition is politically interesting.

WRITTEN SUBMISSION OF WILLY FAUTRÉ, HUMAN RIGHTS WITHOUT FRONTIERS

INTOLERANCE AND DISCRIMINATION TOWARDS RELIGIOUS MINORITIES IN PRESENT-DAY GREECE

The issue of religious intolerance and discrimination in Greece is closely connected with the status of its religious minorities which must live in the shadow of the powerful Orthodox Church, the "prevailing religion."

DATA ABOUT RELIGIOUS MINORITIES

Data about these minorities are unavailable as far as the censuses of 1991, 1981, 1971 and 1961 are concerned. The only points of reference are the linguistic and religious data of the 1951 and 1928 censuses. However, their reliability has been questioned by specialists for several reasons, the analysis of which is not essential for understanding the issue we are dealing with.

Greek society is the most homogeneous in the Balkan area. Its main ethnic minority is composed of about 120,000 - 130,000 Muslims who live in Western Thrace, in the northeastern part of Greece. Their religious freedom is determined by the Treaty of Lausanne (July 24, 1923) which also conferred the same rights to the ethnic Orthodox Greeks of Turkey. The fate of both minorities has been the object of two reports by Helsinki Watch: "Destroying Ethnic Identity. The Turks of Greece" (1990) and "Denying Human Rights and Ethnic Identity. The Greeks of Turkey" (1992). Therefore, we will not look into the case of the Muslim minority in Greece.

Apart from the Eastern Orthodox Church of Christ (better known as the Greek Orthodox Church), to which 96-98% of the population belong, other religious movements are also recognized or enjoy the status of "known religion:" Islam, Catholicism, Protestantism, Judaism, SeventhDay Adventists and Jehovah's Witnesses. This status enables these religions to perform marriages and funerals which are duly recorded by the Registrar's Office.

Religious minorities in Greece include Orthodox Old Calendarists, Catholics, various Protestant denominations, Jews, Jehovah's Witnesses, Mormons, Baha'is . . .

The Old Calendarists who number about 700,000 to 1 million members are traditionalist Orthodox believers who refused to adopt the new Gregorian calender in 1924. They set up their own separate churches but yet they called themselves the only "True" Orthodox. Conflicts with the Orthodox Church erupt from time to time and are sometimes brought to court.

Catholics mainly live in Athens and in the islands of the Cyclades, which were under Venetian and Genoese yoke respectively for a long time. For centuries, the Greek Catholics have considered themselves and have been considered as foreigners in an Orthodox society which has been extremely hostile towards Catholics ever since the 1054 schism between Rome and Constantinople. Nowadays, they claim Greek identity. At the European Bishops' Synod in Rome, in November 1991, Nicholas Foscolos, Catholic Archbishop of Athens, complained that the members of the Greek Catholic Church could not fully enjoy their rights. According to the Archbishop, there are 7 bish-

ops and 106 priests and about 52,000 Greek Catholics of Latin, Byzantine and Armenian rite in Greece. Moreover, about 40,000 settled foreign Catholics, no less than 80,000 Polish refugees and about 45,000 Filippinos, have, in the last few years, added to the membership of Greek Catholic Church. They have few possibilities of satisfying their spiritual needs, and so therefore the Bishops' Conferences of the concerned countries have been requested by Archbishop Foscolos to send their own priests to Greece. The Catholic Church now and then complains that Catholic teachers are not hired to teach in public schools, even in cases where the majority of the pupils are Catholic and also that its priests are denied the right to hold religious processions.

There are approximately 16,000 to 18,000 Protestants, mainly Evangelical and Pentecostal. Around 130 congregations are concentrated mainly in Athens, Thessalonica and Patras.

Sephardic Jews who fled from Catholic persecution in Spain in 1492, settled in Thessalonica in the 16th century. Although the town was under Ottoman yoke, these Spanish Jews enjoyed some religious tolerance. They never really felt Greek and so they never took part in Greek-organized rebellions against the Turks in the 19th century. When the Greek army seized Thessalonica in 1912, they found a town where commercial and industrial life was dominated by Jews. Since then, however, their number has steadily dwindled, primarily because of the holocaust of the Second World War and the later exodus to Palestine. Presently, there are only a few thousands left (around 4,000) in Thessalonica and in certain other places: they are descendants of assimilated Greek Jews.

Jehovah's Witnesses number approximately 43,000. They are gathered into more than 300 congregations. Their movement first appeared in Greece early in the 20th century and opened its first office in Athens in 1922. They are very well organized and devote much time and energy to defending and legally establishing their rights. They were not considered as a "known religion" until the revision of the Constitution in 1975. Despite this recognition, they continue to face serious problems with the civil authorities.

Throughout its history, the Eastern Orthodox Church of Christ has been defending itself against 'heresies' and the influence of other religious dogmas. Its fight in defense of Orthodoxy first assailed "heretics," in the Asian regions of the Byzantine Empire, such as the Monophysites, the Nestorians, etc., who were persecuted and excommunicated. Later on, war was waged against the 'new heretics'—in this case the Papists (Catholics)—who were viewed as a greater danger than the Turks, because of their crusades, which the Greeks term "the last invasion of the Barbarians." In 1821, the Metropolitan Bishop of Patras, Father Germanos, launched the rebellion movement against the Ottomans from the Greek Orthodox monastery of Agia Lavra. In 1830, Greece was recognized as an independent State but was placed under the protection of France, Great Britain and Russia. From 1833 to 1862, the country was governed by an autocratic monarch imposed by the great powers, Othon I of Bavaria. After a putsch in 1843, Othon I had to accept a new and very conservative Constitution. The Greek Orthodox Church, which had been complaining for a long time about the intense propaganda carried out by the German Evangelical Church to "the detriment of young Orthodox pupils," managed to have the prohibition of any form of proselytism enshrined in the first Hellenic

Constitution (1844). Thus, the Greek Orthodox Church was duly rewarded for the decisive role it had played in the national independence movement. This constitutional provision underwent some revisions in subsequent Constitutions but it never actually disappeared. Nevertheless, the last revision of the Constitution (1975) extended the prohibition of proselytism, at least formally, beyond the Orthodox Church, to any 'known religion.'

These pages of history forged the Greek people's identity whose Hellenism is deeply rooted in the Orthodox Church, the only bulwark they could take refuge in against Rome and while suffering under the Ottoman yoke. The identification of Hellenism with Orthodoxy has partly degenerated into some sort of McCarthian hyper-nationalism and integration into the prevailing Greek Orthodox culture of religious minorities such as the Catholics, the Protestants, the Jews and the Muslims has therefore been made made difficult. This also explains the emergence of the concept of "known religion," the only status which allows a specific faith to exist, openly and legally, and to be recognized

INTERNATIONAL INSTRUMENTS

All European states have agreed to be bound by several international agreements, including the Charter of the United Nations, the (1950) European Convention on Human Rights, the (1966) International Convenant for Civil and Political Rights and several documents of the Organization for Security and Cooperation in Europe, including the important 1989 Vienna Concluding Document. In addition to these binding instruments, there are several other important documents that outline international standards, including the Universal Declaration of Human Rights, the (1981) UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief and the (1993) Human Rights Committee General Comment on Article 18.

All major international human rights conventions as well as other international conventions to which Greece is a signatory, include a clause that prohibits discrimination on the basis of religion.

Article 14 of the European Convention, for example, provides that "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origine, association with a national minority, property, birth or other status."

The Article 1, section 3 of the Charter of the United Nations similarly provides that there should be no "distinction as to race, sex, language or religion."

Language of this type is repeated in many other texts.

OSCE participating states, which include all European countries except Serbia, have pledged not only to prohibit discrimination but to "take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers."(Vienna Concluding Document Art. 16.1).

OSCE participating states also have taken upon themselves the affirmative obligation of promoting tolerance. As the 1989 Vienna Concluding Document provides, all participating states shall "foster a climate of mutual tolerance and respect between believers of differ-

ent communities as well as between believers and non-believers" Vienna Concluding Document Art. 16.2).

Moreover, there are specific provisions concerning the Muslim minority of Western Thrace. The main instrument is the 1923 Treaty of Lausanne which, inter alia, guaranteed freedom of religion, equality before the law, the right to establish and control any charitable, religious and social institutions and any schools and full protection for religious establishments.

THE CONSTITUTIONAL AND LEGAL FRAMEWORK

Article 13 of the Greek Constitution of 1975 guarantees religious freedom, which implies freedom of belief or freedom of religious conscience (para. 1) and freedom of worship or of the practice of rites or worship (pare. 2). Freedom of belief is guaranteed to all, whereas freedom of worship, although protected by the Constitution, may be subject to certain limitations arising in particular from the status of "known religion" and from the manner in which proselytism is viewed.

CATEGORIZATION OF RELIGIONS

In Greece, there are two official categories of religions: known religions and all the other religions. However, there are no constitutional, legislative or other definition of the concept of known religion. This label is arbitrarily granted or denied by the Ministry of Education and Religion or the Ministry of Justice or the Council of State when one of these institutions is seized for a concrete case. However, this form of recognition is not necessarily endorsed by the other institutions. The basic problem is that the concept of known religion is not defined in the Constitution.

The category of known religions is subdivided into two sub-groups: corporations under public law, such as the Eastern Orthodox Church, Islam and Judaism, and corporations under private law, such as the Orthodox Christians of the Old Calendar, Catholicism, Jehovah's Witnesses and Seventh-Day Adventists. All other religions—Protestant churches, Buddhism, Mormons, Bahai's—are religious corporations under private law.

The status of known religion allows a specific faith to fully enjoy the constitutional provisions guaranteeing religious freedom. Known religions have more rights than any other religion.

The Eastern Orthodox Church is the dominant religion, in conformity with the Constitution, and enjoys the most privileges in the category of known religions. The State finances the salaries of its clergy, the construction and the maintenance of their church buildings with the income tax of all taxpayers, including those professing another faith or no faith at all.

LAWS OF NECESSITY

Under the dictatorship of General Ioannis Metaxas (1936-1941), laws were passed that denied non-Orthodox believers the right to manifest their religion or beliefs in teaching, worship and observance, in community with others and in public, and the right to express their faith and religious beliefs publicly, to endeavor to share them through individual contacts, personal conversations, etc.

These laws also made it compulsory to acquire a state permit for building or setting up non-Orthodox places of worship, provided for the expulsion of foreigners engaged in proselytizing, restricted the

entry into the country of foreign non-Orthodox clergymen and evangelists, and imposed discriminatory regulations on the publishing, spreading and importation of non-Orthodox religious literature.

These laws are termed 'Laws of Necessity or Compulsory Laws 1363/1938 and 1672/1939'. They were enacted in 1938 and 1939, at a time when the Greek Parliament itself was suspended, and yet they are still fully implemented today.

The last constitutional revision in 1975 formally extended the prohibition of proselytism beyond the Orthodox Church, to any known religion, but until now courts have never been seized by proselytism cases against the dominant church.

ACTS OF INTOLERANCE AND DISCRIMINATION

RELIGIOUS ADHERENCE AND IDENTITY CARD

Greek citizens have the right to have or not to have a religion or belief of their choice but Act No 1899/1986 (art. 3, para. 1, subpara. 12) provides that their religious adherence must be mentioned on their identity card. Unless a declaration to that effect is made, the identity card is not issued.

Despite repeated condemnations by the European Parliament, Greek authorities have upheld this obligation. When the law was passed on April 6, 1993, it was viewed by the Greek Orthodox Church as a resounding victory. Moreover, the Orthodox Church has voiced strong opposition to the parliamentary ratification of the Schengen Agreements because, among other things, the religious adherence will not be mentioned on the identification documents.

Everybody has the right to change religion or belief but in Thessaloniki and in some villages, the municipality has refused to record the conversion of former Orthodox believers to another religion. The Orthodox Church fully disapproves of such decisions taken by its members and can influence local civil authorities to thwart such conversions, at least partially. All means of intimidation are used such as segregation and denial of burials in the local cemetery.

However, cases have also been reported where citizens from religious minorities have changed the reference into Orthodox Christian in the hope they will not be discriminated against in getting a job in a state institution.

FREEDOM OF RELIGIOUS EXPRESSION

Pursuant to Necessity Law No 1672/1939, proselytism is a criminal offence. It is defined as any direct or indirect attempt to influence or alter the religious beliefs of others, in particular by fraudulent means or with promises of any type of material or moral gain. The practice of proselytism is subject to severe penalties: these include imprisonment, fines, police surveillance and the expulsion of foreigners.

Since the enactment of the anti-proselytism laws, about 20,000 Jehovah's Witnesses have been arrested and those sentenced have served over 700 years in various prisons. From 1983 to 1988, over 2,000 known cases of prosecution and 400 convictions on grounds of proselytism were recorded. Since the decision taken in Kokkinakis case in May 1993, the number of condemnations has drastically diminished. With regard to Jehovah's Witnesses only, the major providers of proselytism cases, there have been some twenty acquittals and just one conviction (See Annex I).

The number of arrests has also sharply decreased. In 1993, 71 Jehovah's Witnesses were arrested on grounds of proselytism. In 1994, there were only 27 and in 1995 no more than 22. In 1996, the statistics almost remained at the same level: 23. In 1997, they went down to 19 and in 1998 to 11. In 1997-1998, the Greek branch of the Watch Tower recorded over a hundred cases of assault by Orthodox priests or fanatics and harassment by police officers while their members were preaching from door to door.

A few concrete cases will clarify the evolution of the implementation of the anti-proselytism laws. On the island of Zakinthos, Nikos Zontos and 17-year-old Theofilos Papadatos were arrested on January 6, 1998 and kept in custody for 24 hours. The next day, they were brought before the local One-Member Magistrate's Court. After a 30-minute trial and on the basis of the sole testimony of a policeman, they were sentenced to 4 months' imprisonment. They lodged an appeal and were released. In Athens, on two occasions in April and May 1998, Jehovah's Witnesses were arrested and detained for four hours before being released. In all the other known case, the proselytizers were quickly released after their arrests.

In 1997, Dimitris Iliadis, a Protestant evangelist arrested more than a dozen times in his life for his religious activities, was taken to court for holding public evangelism meetings in Thessaloniki but was acquitted.

On November 6, 1997, a Three-Member Magistrates' Court of Athens sentenced Andrew David Leese, a British citizen and the leader of a Hare Krishna group in Athens, to 2 years in prison for the practice of proselytism and to another three months for operating a house of prayer without a proper license delivered by the authorities. Yet, Mr. Leese did not serve his term as he was already abroad.

In another case, a teacher, Eva Androutsopoulou was accused of making frequent references to Buddhism and to the religious beliefs of the Orient during a German language class she gave at a private school in Komotini in May 1995. On June 18, 1998, a court in Thessaloniki pronounced her non-guilty.

Apart from the case of Larissis and others v. Greece that started in 1986 and involved three Pentecostal air officers, no other case has been taken to or is pending in Strasbourg. In Larissis v. Greece, the European Court held on February 24, 1998 that there had been a violation of Article 9 in respect of measures taken against Larissis and others for proselytizing civilians but not for proselytizing other airmen.

This less rigorous implementation of the anti-proselytism laws has been the result of the new policy of the Greek government since Kokkinakis case. On December 15, 1997, the Committee of Ministers issued a declaration saying that it had complied with the decision of the European Court. In an appendix, it also said "This judgment was transmitted on 3 August 1993 by circular letter of the Ministry of Justice to the President and the Public Prosecutor of the Court of Cassation, to the President and Public Prosecutors of the Courts of Appeals as well as to the President and Public Prosecutors of the first instance Courts. Following this distribution, the prosecutors and the indictment chambers of the courts have adapted their interpretation of Greek legislation to the requirements set by the Court's judgment so that the courts were involved only in very few cases of proselytism and that no conviction has been pronounced in a case similar to the Kokkinakis case. Since 1994, there have only been two convictions

for proselytism to minors. The Government is of the opinion that, given the direct effect attributed to the Court's judgment, there is no more risk of repetititon of that violation."

However, despite the new religious policy of the government, a number of obstinate Orthodox clerics are persisting in lodging complaints against faithful of minority religions on grounds of proselytism because they consider that the European Court did not condemn the validity of the anti-proselytism laws.

PERMITS FOR PLACES OF WORSHIP

For decades, all minority religions have been facing the Law of Necessity 1672/1939 which provides that the Ministry of Education and Religious Affairs can ask for the advice of the Orthodox Church for any application introduced by another religion to open, rent, build and operate a place of worship. Although this advice is theoretically not binding, it fully influences the minister's decision. Muslims, Protestants and Jehovah's Witnesses are among the minority religions that were most often sentenced by courts.

In the case Titos Manoussakis and others v. Greece, a group of Jehovah's Witnesses were denied the right to open and operate a place of worship in Heraklion (Crete) by the local public authorities on the basis of a negative opinion from the local Orthodox hierarchy. On September 26, 1996, after 13 years of legal battles, the European Court ruled unanimously that the condemnation of the plaintiffs had infringed Article 9 of the European Convention guaranteeing religious freedom. However, the European Court did not condemn the law, which remains in force, and therefore left the door open to more complaints.

Since Manoussakis case, there have still been several more condemnations. In the town of Kimeria (region of Xanthi, Western Thrace), 17 Muslims were arrested for adding a minaret to their mosque and were sentenced to 4 months in prison in January 1997. In June 1997, the appeal court reduced the sentence to 2 months with a 3-year suspension period. The renovation work of the mosque was interrupted but could be resumed in October. On the island of Zakinthos, Mr. Korianitis, a Greek-American evangelical believer, has been harassed by the local Orthodox clergy since 1997. He is accused of proselytism and of operating a church without a license.

In November 1998, a court of appeal postponed the hearing of the case of Hara Kalomoiri, a former director of a Buddhist center for artistic activities and meditation in Halkidiki. She had been convicted in March 1996 to three months in prison for operating a house of worship without a state license, although the center had nothing to do with a house of worship.

In Larissa, the municipality still refuses to issue a building permit for the construction of a Kingdom Hall. The case is pending at the Council of State. The hearing fixed on May 19, 1998 was postponed.

However, these are only isolated cases and Greek Jehovah's Witnesses report that since 1996, the Ministry of Education and Religious Affairs has granted them almost all the building permits they have requested.

Manoussakis case only concerns Greece, as there are no other such laws in countries that have signed the European Convention.

CONSCIENTIOUS OBJECTION

On January 1, 1998, a new law providing for alternative civilian service came into force (See the website of Human Rights Without Frontiers <http://www.hrwf.net>). Until then, about 400 objectors—almost all Jehovah's Witnesses—were permanently in prison. The sentences (a 4-year prison term) were to be served in military prisons with criminals and then in agricultural prisons. Conscientious objectors now work in various institutions for deaf and spastic children, in homes for aged people, in mental hospitals, etc.

Generally speaking, conscientious objectors are better treated than in the past but less well than the soldiers. Efforts are now being made to reduce the term of civilian service from 36 to 18 months, the length of the normal military service.

According to a law passed in 1988 (Law 1763/1988), "recruits who are religious ministers, monks or trainee monks of a recognized religion" can be exempted from military service. Although Seventh-Day Adventists and Jehovah's Witnesses were recognized by the Council of State as a 'known religion', the military has, for years, consistently refused to exempt their clerics from mandatory military service. In May 1997, the European Court of Human Rights found this practice was violating Articles 5 and 6 of the European Convention on Human Rights on the cases *Tsirlis and Kouloumpas v. Greece* and *Georgiadis v. Greece*. Subsequently, the Ministry of Defense sent a letter to all recruiting offices, requesting that they conform with the Strasbourg decisions and exempt all the religious ministers of Jehovah's Witnesses from military service. This problem is now almost solved.

CULT ISSUE

Forever, the war against cults has been carried out with much zeal by the Anti-heretic Department of the Orthodox Church. Therefore, the state has never felt the necessity of setting up a parliamentary enquiry commission on cults. However, in 1993, a confidential report drafted by the Greek National Intelligence Service (E.Y.P.) and leaked to the media revealed that the E.Y.P. had been keeping files and classifying non-Orthodox citizens according to their respective religion, putting their activities under police surveillance and encouraging authorities to take "repressive and preventive measures" against these non-genuine Greeks. The Roman Catholic Church and over 30 Protestant churches and organizations, including the Lutheran Church, were listed as national enemies and put under surveillance by the E.Y.P. Since then, the Greek authorities have ordered to put an end to such practices but...

One of the victims of this policy, a Jehovah's Witness called Gabriel Tsavachidis went to court and presented his case in Strasbourg. The case concerned allegations that he had been placed under secret surveillance by the National Intelligence Service in the context of criminal proceedings against him for operating a church without the necessary permit in Kilkis. In this affair, the Greek State was anxious to avoid a new public condemnation by the European Court on Human Rights and asked Tsavachidis to conclude a friendly settlement. The final agreement concluded on January 21, 1999 provided that the Greek State would pay him 1.5 million drachmas and that, in the future, an end would be put to the surveillance of Jehovah's Witnesses.

This decision is of vital importance at a time when several member states of the European Union are putting a number of so-called cults under surveillance in total impunity.

FREEDOM OF RELIGIOUS EDUCATION AND INSTRUCTION

Freedom of religious instruction at home is recognized and respected. Greek Catholics complain that they have not the right to create further private schools. In public schools, only Orthodox religion is taught. Since the decision of the Council of State (3356/1995) annulling a disciplinary action against a youth that had refused to say the Orthodox prayer in class, exemption from religious classes has become legally possible for non-Orthodox pupils.

In 1997-1998, the Greek branch of the Watch Tower recorded twenty cases of discrimination and religious intolerance in schools. Four students were suspended for one day from school because they refused to participate in nationalistic school parades. The other incidents are related to the attendance of religious education classes and other celebrations of religious or nationalistic character.

ALLEGATIONS OF DISCRIMINATION AND INTOLERANCE

OLD CALENDARISTS

In December 1998, a first instance court postponed the hearing of the case of an "Old Calendarist" Genuine Orthodox Christian, Dimitris Glinos, who was arrested in August 1998 and subsequently prosecuted for "disturbance or religious gathering" in a church he is nevertheless the owner of. This paradox was the result of the fact that the Municipality of Galatsi (Greater Athens area) and some neighbors, with the help of police, had seized the church on behalf of the official "New Calendarist" Orthodox Church, despite repeated court verdicts that their claims on it were unfounded. By February 1999, the New Calendarists' trespassing persisted.

CATHOLIC CHURCH

On December 16, 1997, in the case of The Canea Catholic Church v. Greece, the European Court stated that the Catholic Church of La Canea had legal personality, a right that had been denied by the Greek jurisdictions. Another case is pending in Strasbourg because the status of religious corporation of public law is denied to the Catholic Church.

Legal recognition has been denied to the Catholic archdiocese of Athens 'to avoid any confusion with the title of the Orthodox Archbishop'.

Residence permits have been denied to foreign Catholic nuns and monks or have not been renewed. In December 1998, as in many previous years, five Catholic nuns of Mother Teresa's Order faced expulsion as the authorities refused to prolong their residence permit despite past state assurances that this would not happen again.

In an interview given to ENI (World Council of Churches) in 1999, the Roman Catholic Archbishop of Athens, Nikoalaos Foscolos, complained about "practical discrimination" towards non-orthodox and mentioned Greece's armed forces where being Orthodox was the "first requirement" for officers. "Although the constitution guarantees citizens the same juridical status regardless of creed, religious discrimination exists", he said.

JEWS

Latent anti-Semitism is pervasive in Greece but unlike elsewhere, violent actions are rare. Repeated social surveys have confirmed that attitude. According to the one released in January 1998 by the National Center for Social Research, 56% of the inhabitants of Northern Greece have some aversion for Jews (and 54% for the Muslims of Western Thrace). Even in the mainstream press, one can sometimes find uncritically anti-Semitic texts.

In February 1998, one of the country's most popular singer, Stelios Kazantzidis, used a vast array of anti-Semitic clichés to discredit the adverse party in court: he called his adversary "agent of the Jews," denouncing a "Jewish plot" and "an international Jewish conspiracy." These statements were repeatedly made in front of television cameras and even in the courtroom. Subsequently they were quoted in the newspapers. There was absolutely no reaction for a few days: no journalist, media, or intellectual criticized Kazatnzidis. Although Greece has laws condemning incitement to racial hatred, no prosecutor nor any judge sued the singer who was committing the crime 'in flagrante' in the courtroom. In dismay, the Central Jewish Council, which generally downplays Greek anti-Semitism, issued a strong statement of protest: the media simply reproduced it without any comments.

MUSLIMS

Church of Greece announced the introduction of a special monthly financial benefit, only for Christian families in Thrace (home also of Greece's Muslim population) who will give birth to a third child, "to fight the area's major demographic problem." A few days before, the Archbishop had made it clear that this demographic problem resulted from the supposed larger number of children among Muslims than among Christians. Thsi clearly discriminatory measure triggered off much criticism of Muslim Turkish leaders.

In October 1998, a court in Komotini refused the registration of the "Association of Religious Clergymen of Western Thrace Holy Mosques" because of the name "Western Thrace" which "could be interpreted as malign and intentional challenge of the Greekness of Thrace."

Interference of the Greek government in the internal affairs of Islam is a source of permanent tensions. The Greek government refuses to recognize the muftis chosen by the Muslim community and has appointed other muftis, who are widely rejected by their religious community. Relations between the appointed muftis and a significant portion of the Muslim minority are very limited.

Under the decree of December 25, 1990, a committee chaired by the prefect and composed of men of religion and prominent Greek Muslim citizens is responsible for proposing a list of qualified persons to the Minister of Education and Religions. The Minister chooses a mufti on the basis of the personal qualifications of the candidate. A mufti may be relieved of his functions by presidential decree.

Some Muslims call for an election by indirect universal suffrage involving prominent Muslims and Muslim officials (about 200 to 300 people). On August 17 and December 24, 1991, Mr. Mehmet Emin Aga and Mr. Ibrahim Serif were elected muftis in mosques at Xanthi and Komotini despite the opposition of the Greek State.

In August 1991, the Greek government applied a new 1990 law abolishing the old 1920 one that called for elections of muftis and appointed Emin Sinikoglu as Mufti of Xanthi. The Greek courts have been charging Mehmet Emin Aga for violation of Article 175 (on Pretense of Authority), Paragraph 2, of the Penal Code, solely on the basis of 33 messages he had issued to the Muslims on religious holidays which he signed as Mufti of Xanthi between 1993-1997 (See Annex II). To this day, he has been convicted to over 100 months in prison by the First Instance Courts, sentences reduced to some 70 months by the Appeals Courts. He has spent six months in prison and has brought off the balance, at considerable financial cost. In February 1998, Amnesty International stated that Greece was acting in violation of international legislation which safeguards the rights to freedom of expression in sentencing Mehmet Emin Aga to terms of imprisonment solely for the peaceful exercise of this right to freedom of expression.

The right to create Muslim charities is obstructed by the state. In accordance with the December 25, 1990 decree, a committee administers the property (waqfs) belonging to Muslim religious communities and charitable institutions. The Greek authorities appoint the members of the committee.

JEHOVAH'S WITNESSES

Until recently, non-Orthodox teachers have been fired from public schools and even private schools but now, this practice has dramatically diminished. However, in November 1997, Mrs. Maria Vacharaki was dismissed from Polykarpi kindergarten in Edessa because she was a Jehovah's Witness. Her dismissal had been backed by the local Orthodox bishop.

Access to jobs in public services has been to denied to Jehovah's Witnesses because they had been imprisoned as conscientious objectors. A case opposing Mr. Stelios Ioannidis and the auditing board of Athens is pending.

In several divorce cases, the custody of the children has been denied by lower courts to the parent who was a Jehovah's Witness because he or she refuses blood transfusions. On September 11, 1998, the Supreme Court did not give Mrs. Aristea Kastrini the custody of her child because she was a Jehovah's Witness.

In January 1999, Panayotis Pantazis was buried in a field outside the cemetery in Strymoniko near Serras, following the refusal of the local authorities to bury him with Orthodox deceased.

SCIENTOLOGY

In December 1997, a court used controversial evidence to dissolve the Church of Scientology on the grounds that it was carrying out commercial activities which were inappropriate for an association under private law, that its aims were alien to the nature and the substance of a human being as a free person and also to the morals and customs of the Greek people and that it had engaged in proselytism and spying.

In December 1998, 15 scientologists were sued for the alleged crime of "unprovoked factual insult" on the grounds that they had collected information on individuals who were publicly attacking Scientology. The prosecution considered the case as one of "national concern" and Scientology as "hostile to Greece". On May 11, 1999, the Greek Ap-

peals Court dismissed the case after a two-day public hearing: the government prosecutor declared that Scientology represents a genuine religious belief and requested acquittal of all defendants.

CONCLUSIONS

Since a Socialist government is in power in Athens, an end has been put to the status quo in religious matters. The decisions of the European Court on Human Rights have largely contributed to the change of the mentalities. Now, in Greece, there is a political will to adapt the religious policy to the European standards. Yet, the powerful Orthodox Church remains an obstacle to the modernization of the existing legislation. Several battles have been won in the field of conscientious objection to military service, freedom of religious expression and discrimination towards minority religions.

In Kokkinakis and Manoussakis cases, half victories have been won against the anti-proselytism laws. They must be transformed into full victories. These laws and the corresponding constitutional provisions must be abolished by the Greeks themselves.

This is of vital importance not only for Greece but also for other Orthodox countries which have signed the European Convention on Human Rights. Indeed, tomorrow, the parliaments of other countries where the Orthodox Church is dominant or where there is a State Church might vote or be tempted to vote similar laws, especially under the guise of anti-cult legislation, because the Greek anti-proselytism have not been condemned by the European Court and are still in force.

An end must also be put to the categorization of religions, to the discriminatory financing of the sole Orthodox Church, to the mention of the religious adherence on identity cards and last but not least, fair relationships must be established with Islam.

ANNEX I TO STATEMENT BY WILLY FAUTRÉ—STATISTICS ABOUT JEHOVAH'S WITNESSES

During 1997-1998, there were over a hundred (100) cases of assault by priests and fanatics, and also harassment by police officers. Also, there were fifteen (15) incidents in the preaching work out of which 28 persons were arrested by the police officers. Namely:

ARRESTS DUE TO PREACHING ACTIVITY

Date	Name	Place	Result
January 15, 1997	Stratos KOKKINELIS	Dioannina	Trial brief has been prepared and he was released
March 8, 1997	Lazaros KALAMAKIDIS	Volos	He was released
April 10, 1997	Vaia XEVGENI Angela SANTI	Karpenisi	They were released
May 21, 1997	Nikos PIRIS Filippos PAPAVASSILIOU	Ierapetra, Crete	They were released.
July 19, 1997	Stavros VENIZELEAS Kostas ROUMELIOTIS Char. VAILAS	Kesariani, Athens	They were released
July 25, 1997	Katerina BORTZI Evi PANTZOU	Athens	They were released.
November 2, 1997	Kostas KOULIALIS Theopisti KATI	Thessaloniki	Trial brief has been prepared and they were released
November 27, 1997	Christos KARATHANASIS Ioannis PALAZIS	Avouliagmeni	They were arrested after an order from the mayor. They were released
November 30, 1997	Rosos KOUROUNIS Socrates FESSARIS Antonis KOUROUNIS	Kalymnos island	They were released. (They suffered ill-treatment by the policemen.)

January 6, 1998	Nikos ZONTOS (17 years old) Theophilos PAPAATOS	Zakynthos island	By order of the prosecutor they remained at the police station overnight and at 13.00 next day were brought before the One-Member Magistrate's Court of Zakynthos. After a half-hour trial, with only one testimony of a policeman, they were convicted to 4 months imprisonment each. They lodged an appeal and were released.
February 22, 1998	Michalis PAKKIIS	Genadi, Rhodes	The police chief forbade him to reach and threatened to send him to the district attorney.
April 5, 1998	Georgios VIGLAS (17 yrs old) Stamatis CHRISTOS (14 yrs old)	Amindeo, Florina	Violent attack from the local priest. No protection and support from local police.
April 8, 1998	Vasiliki KOKORAKI	Aharne, Athens	She was arrested and remained at the police station for 4 hours. Then she was released.
May 3, 1998	Vaso SGOURNOU	Drama	Two policemen told her to stop Preaching because she violated the law of proselytism
May 23, 1998	Stavros VENIZELEAS Kostas ROUMELIOTIS	Kesariani, Athens	They were arrested and remained at the police station for 4 hours. Then they were released.

NOTE : Arrests per year: 1993 :71, 1994 :27, 1995 :22 (8 incidents), 1996 :23 (11 incidents), 1997 :19 (9 incidents), 1998 :11 (6 incidents)

NOTE :

VANDALISM OF MEETING HALLS

EIGHT (8) CASES OF VANDALISM IN MEETING HALLS :

Date	Place	Incident
1996-1997	Thiva	Unknown persons broke many window panes and in one case they broke the main door and stole the P.A. system
February 26, 199	Kalamaki, Athens	Many window panes were broken with stones by a group of teenagers
April 3, 1997	Glyfada, Athens	Unknown persons threw fireworks and wrote fascist graffiti on the walls
April 25, 1997	Rhodes	Unknown persons shot at the door of the hall and threw fireworks
May 15, 1997	Chalkidona, Thessaloniki	Unknown persons wrote graffiti against JWs and they caused other damages
August-November 1997	Galatsi, Athens	Unknown persons wrote graffiti and they threw eggs and yogurt on the walls
November 10, 17 1997	Chalkida	Unknown persons caused damages
April 11, 1998	Galatsi, Athens	Unknown persons threw a bomb and caused damages

ANNEX II TO STATEMENT BY WILLY FAUTRÉ —THE DOSSIER OF THE PROSECUTION OF MEHMET EMIN AGA

Charges in all cases: Violation of Article 175, paragraph 2 of the Greek Penal Code forbidding "Assuming without justification the exercise of the function of a clergyman of (...) religion known in Greece."

Evidence in all cases: Signing as Mufti religious messages to Muslims on the respective dates.

CASE 1

Evidence: Messages released on five different Islamic holidays on January 11, April 19, 1993 and January 3, January 19 and February 10, 1994

First Instance Court: June 28, 1996; Single-Member Criminal Court of Agrinio.

Outcome: Guilty verdict for two cases combined in one trial. Sentenced to 20 months in prison.

Appeals Court: April 29, 1998; Three-Member Criminal Court of Agrinio.

Outcome: Guilty verdict upheld. Sentence reduced to six months in prison. He bought off the sentence.

Supreme Court: Case pending.

CASE 2

Evidence: Message released on an Islamic holiday on February 17, 1993.

First Instance Court: April 12, 1994; Three-Member Criminal Court of Xanthi.

Outcome: Guilty verdict. Sentenced to 10 months in prison.

Appeals Court: January 24, 1995; Criminal Court of Larisa.

Outcome: Guilty verdict and sentence upheld. Mehmet Emin Aga spent six months in jail and bought off the remaining four months (he was released due to serious health problems).

Supreme Court: Appeal rejected.

CASE 3

Evidence: Messages released on eight different Islamic holidays on March 6, April 1, May 15, August 5, August 14, November 22, December 24, 1994 and January 9, 1995.

First Instance Court: May 7, 1996; Single-Member Criminal Court of Salonica.

Outcome: Guilty verdict. Sentenced to 12 months in prison.

Appeals Court: November 5, 1998; Three-Member Criminal Court of Salonica.

Outcome: Guilty verdict upheld. Sentence reduced to eight months. He bought off the sentence.

Supreme Court: Case pending.

CASE 4

Evidence: Messages released on six different Islamic holidays on August 8, May 3, November 11, November 13, December 30, 1995, and January 17, 1996.

First Instance Court: April 3, 1997; Single-Member Criminal Court of Lamia.

Outcome: Guilty verdict for two cases combined in one trial. Sentenced to 20 months in prison.

Appeals Court: February 25, 1998; Three-Member Criminal Court of Lamia.

Outcome: Guilty verdict upheld. Sentence reduced to 14 months in prison. He bought off the sentence.

Supreme Court: Case pending.

CASE 5

Evidence: Messages released on four different Islamic holidays on February 11, February 17, april 22 and July 25, 1996.

First Instance Court: November 6, 1997; single-Member Criminal Court of Lamia.

Outcome: Guilty verdict for three cases combined in one trial. Sentenced to 22 months in prison.

Appeals Court: June 24, 1998; Three-Member Criminal Court of Lamia.

Outcome: Guilty verdict upheld. Sentence reduced to 14 months in prison. He bought off the sentence.

Supreme Court: Case pending.

CASE 6

Evidence: Messages released on four different Islamic holidays on June 28, July 25, November 8 and December 1, 1996.

First Instance Court: December 11, 1997; Single-Member Criminal Court of Lamia.

Outcome: Guilty verdict for two cases combined in one trial. Sentenced to 16 months in prison.

Appeals Court: January 27, 1999; three-Member Criminal Court of Lamia.

Outcome: Guilty verdict upheld. Sentence reduced to 12 months in prison. He bought off the sentence.

Supreme Court: Case pending.

CASE 7

Evidence: Message released on an Islamic holiday on January 7, 1997.

First Instance Court: May 28, 1998; Single-Member Criminal Court of Lamia.

Outcome: Guilty verdict. Sentenced to seven months in prison.

Appeals court: January 27, 1999; Three-Member Criminal Court of Lamia.

Outcome: Guilty verdict upheld. Sentence reduced to 5 months in prison. He bought off the sentence.

Supreme Court: Case pending.

CASE 8

Evidence: Messages released on two different Islamic holidays on January 30 and December 21, 1997.

First Instance Court: March 24, 1999; Single-Member Court of Seres.

CASE 9

Evidence: Messages released on two Islamic holidays on april 11 and July 7, 1997.

First Instance Court: December 14, 1998; Single-Member Criminal Court of Larisa

Outcome: Guilty verdict. Sentenced to seven months in prison.

Appeals Court: Case pending.

Summary: Prison sentences in cases 1-7: 107 months at the First Instance level; 69 months at the Appeals level. Case 9 is pending at the Appeals level (7 months at the First Instance level) and Case 8 at the First Instance level.

Source: Greek Helsinki Monitor

WRITTEN SUBMISSION OF ALAIN GARAY, BARRISTER AT THE PARIS COURT OF APPEALS

ATTACKS ON RELIGIOUS FREEDOM IN EUROPE: THE CASE OF JEHOVAH'S WITNESSES IN FRANCE

In the past two years, the Russian Federation, an eight-year-old democracy, has been roundly criticized for its discriminatory treatment of religious minorities. The passage of the 1997 Law on Religion, for example, brought an international hue and cry. However, the French Republic, a 200-year-old democracy, has not received the same attention for its discriminatory treatment of some of those same religious minorities.

Since 1995, Jehovah's Witnesses, the third largest Christian faith in France, have suffered from a virtual administrative inquisition. Jehovah's Witnesses have been subjected to parliamentary inquiries, a campaign of defamation in the media, continual audits by tax, labor and social authorities, the assessing of a punitive $50 million tax bill, and the loss of employment of some members of the faith. The climate is such that one French national deputy felt free to publicly refer to Jehovah's Witnesses as 'pigs' who should have their 'throats cut' by the tax authorities.

Despite the fact that the European Court of Human Rights in Strasbourg has clearly supported the rights of Jehovah's Witnesses to practice their faith without harassment and despite the protection of religious freedom that should be afforded by France's own Constitution, Jehovah's Witnesses continue to be treated like criminals in their own country.

This pattern of discrimination reveals a disregard for religious freedom that is unacceptable for a modern democracy and a member of the OSCE.

THE PATTERN OF DISCRIMINATION IN FRANCE SINCE 1995

Jehovah's Witnesses have been established in France since the beginning of the century, and they now number a quarter of a million practicing Christians and their associates. Trouble began for this peaceful religion in 1995 with a defamation campaign in the media. Then in 1996, the Parliamentary Report of Investigation created by the French National Assembly into so-called sects published a list of 173 movements, including Jehovah's Witnesses. The report identified, without distinction, all 173 groups as 'dangerous sects.' Even though the report was strongly criticized by scholars and human rights advocates for its unscientific treatment and obvious bias, the French report spawned other so-called sect lists in Europe. The consequences for Jehovah's Witnesses have been devastating.

Because this report is informational and has no legal standing, it has not been possible to challenge it in the French courts. But the report has encouraged the media in their campaign against minority religions in general and against Jehovah's Witnesses in particular. 1995 and 1996 saw more than 300 negative articles on Jehovah's Witnesses alone.

The report recommended repressive actions such as tighter fiscal scrutiny and taxation. (See page 95 of the Parliamentary report.) French tax authorities used these recommendations as their author-

ity to launch a full-scale attack against Jehovah's Witnesses. The national organization of Jehovah's Witnesses was subjected to continuous audits from 1995 to 1998. These audits were inspections from tax, social, and labor authorities. These authorities found no evidence that the activity of the Association of Jehovah's Witnesses was of a commercial nature. On the contrary, all of the activities of Jehovah's Witnesses were purely religious and charitable in nature. Nonetheless, on May 14, 1998, the tax authorities filed a notice of assessment against the religion claiming that the religion owed a 60% tax on all contributions received at their places of worship. This means that for every $10 donated by one of Jehovah's Witnesses to his church, $6 goes to taxes. The same is not true for the first and second largest Christian religions in France. Why is it true only for the third largest, Jehovah's Witnesses? The tax covers donations received from members of the faith from 1993 to 1996 and amounts to nearly $50 million dollars.

On January 18, 1999, the fiscal authorities confirmed their assessment by sending the collection bill for the taxation of the religious contributions, and until today, they have not replied to the administrative protest made by the Association of Jehovah's Witnesses in France.

At the same time, the parliamentary inquisition is not over. On June 15, 1999, a new Parliamentary Inquiry Commission on the financing of sects will complete its work and is expected to issue another report. A detailed questionnaire of 29-pages was sent to a number of minority groups, including Jehovah's Witnesses in April 1999. This new commission also asked the State police for assistance with their investigations.

There is additional evidence of the pattern of discrimination against Jehovah's Witnesses in France, both as a religious faith and as individuals:

- As just mentioned, in 1999 nationwide inquiry by the State police on the legal and fiscal structure of the local churches of Jehovah's Witnesses was initiated.
- The French administration has refused to renew the work contracts of several day-care workers simply because they are Jehovah's Witnesses.
- A public school teacher in Brittany was transferred from her well-established job in one school to another school in 1996 simply because she is one of Jehovah's Witnesses
- By a decree dated October 7, 1998, an Interministerial Mission to Fight Against Sects was established with its purpose 'to incite the public services to take, while respecting public liberties, any appropriate measures to foresee and to fight against the actions of sects that undermine human dignity or that are a threat to public order.'
- On December 1, 1998, the Minister of Justice signed a circular addressed to the courts in order to counteract the actions of sectarian movements that hinder persons and their belongings.

These administrative weapons are aimed at movements simply because they were listed by the State police and the Parliamentary Commission, while scientific or legal explanation for inclusion on that list was distinctly lacking. Since there is no acceptable legal definition of sects, the public authorities are using the one political definition prepared by the State police and a few members of Parliament. These measures are threatening the material existence of the activities of Jehovah's Witnesses in France.

EFFORTS TO OBTAIN RECOGNITION AS A RELIGION IN AUSTRIA

Jehovah's Witnesses were conducting religious services in Austria before World War I, and they first established a formal office in 1923. However, it wasn't until September 1978 that Jehovah's Witnesses in Austria first applied for the government recognition granted to religions under the law that had been in force since 1874. The application was ignored. Application was again made nine years later in 1987. This application was also ignored. Finally in 1990, the Ministry of Education declared the application to be lost, so Jehovah's Witnesses submitted yet another one. With no action taken on this third application, in July 1992 Jehovah's Witnesses initiated court proceedings to compel the Ministry of Education and Cultural Affairs to make a determination on their application for formal recognition as a religion. In December 1995, the Administrative Court directed the Ministry to issue a ruling. None came. In 1997, the Administrative Court again ordered the Ministry of Education to rule on the application. Finally the Ministry did—the application was denied. Jehovah's Witnesses sought relief in Austria's Constitutional Court, but this too was unsuccessful. An appeal to overturn the Ministry's refusal to recognize the religion of Jehovah's Witnesses in Austria was filed with the European Court of Human Rights and is pending. Twenty years of applications and court rulings have brought Jehovah's Witnesses no closer to being granted the status accorded to the dominant religions in Austria.

What does this mean for Jehovah's Witnesses in Austria? While the sanctions applied in Austria are currently milder than those applied in France, ministers of Jehovah's Witnesses are not recognized as such. Their ministers are not exempted from military service, nor can they make pastoral visits to hospitals or prisons. None of Jehovah's Witnesses can have their marriage vows solemnized by a minister of their own religion. Their donations are not exempt from tax. These privileges, granted to other religions in Austria, are denied to Jehovah's Witnesses.

Meantime, in December 1997, Austria passed a law that is inherently discriminatory. It created a multi-tiered system for recognition of religions.

The stance taken by the administrations of France and Austria stand in sharp contrast to the support for the rights of Jehovah's Witnesses given by the European Court of Human Rights.

JURISPRUDENCE ESTABLISHED BY THE EUROPEAN COURT OF HUMAN RIGHTS

Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms guarantees to all freedom of thought, conscience and religion, either alone or in community with others, and to manifest his religion or belief, in worship, teaching, practice and observance. Article 14 requires that rights and freedoms set forth in the

Convention are secured without discrimination on any ground, including religion. Jehovah's Witnesses repeated appeals to the European Court of Human for protection of these rights have had success.

In 1993, the European Court described Jehovah's Witnesses as a 'known religion.' Again in 1995, the European Commission of Human Rights described Jehovah's Witnesses as 'a movement whose rites and religious practices are widely known and authorized in many European countries.' In the child custody case Hoffmann v. Austria, the European Court determined that a difference in treatment based on religious adherence was discriminatory. In spite of the clarity of these statements, Jehovah's Witnesses in Europe have been forced to continue to appeal for protection under the Convention on Human Rights. The answer from the European Court of Human Rights continues to be the same. In the two cases involving Jehovah's Witnesses that were considered by the Commission in 1998, the Commission explicitly recognized the religious nature of Jehovah's Witnesses and condemned the discrimination they have faced. Additionally in the 1999 Court decision *Tsavachidis v. Greece,* Greece was forced to abandon secret surveillance of Gabriel Tsavachidis, whose only crime was involvement with his religion'Jehovah's Witnesses.

Have these court precedents provided sufficient protection to Jehovah's Witnesses in France and the rest of Europe? No. The international law on which these court precedents rely continues to be ignored in many ways.

Today's anti-sect hysteria in Europe has been compared by some to the McCarthy era in the United States. 'Danger' was seen everywhere, even in the most innocent settings. Although U.S. Senator Joseph R. McCarthy failed to make a plausible case against any of his victims, his flamboyant accusations drove people from their jobs and ruined the reputations of the innocent. Today, the mere accusation that a religious movement is a sect is enough to bring persecution to its members. Those with the courage to fight the slander and to speak for the falsely accused are themselves labeled as 'sect sympathizers.'

That France and other countries in Western Europe feel free to discriminate against minorities poses a special danger. Why should emerging nations feel compelled to respect minority rights if a world leader like France is free to discriminate? Its fruitage is evident in an explosion of parliamentary investigations and discriminatory laws. Russia passed its law in 1997. Austria passed a discriminatory law shortly thereafter.

Jehovah's Witnesses call on the respected members of this commission to use their voices to encourage France to set an example of tolerance'to practice the principals of libertÉ, ÉgalitÉ, fraternitÉ on which France was founded. They also ask you to turn the spotlight of international attention toward the discrimination of minorities and xenophobia growing in Western Europe. They hope that you will continue to encourage respect for fundamental freedoms as outlined in the United Nation's Universal Declaration of Human Rights, the [European] Convention for Human Rights, and of course for the freedoms guaranteed by Helsinki Final Act and the Charter of Paris.

A case from Greece that is relevant to the current employment discrimination situation occurring in France is *Thlimmenos v. Greece.* On March 6, 1999, the European Commission passed along the case to the European Court of Human Rights for consideration. This case deals with one of Jehovah's Witnesses, Mr. Iakovos Thlimmenos, who

successfully passed examinations to become a certified public accountant but was then denied such employment due to his background in prison for refusing military service due to his religious convictions.

On December 9, 1983, the Permanent Martial Court of Athens convicted Mr. Thlimmenos of insubordination for having refused to enlist in the army at a time of general mobilization. However, the martial courts considered there were extenuating circumstances and Mr. Thlimmenos was sentenced to four years of imprisonment. He served two years and one day and was released on parole. Then, in June 1988, Mr. Thlimmenos took a public examination for certified public accountants (chartered accountants). He came in second among 60 participants. However on February 8, 1989, the Executive Board of the Greek Chartered Accountants' Body refused to appoint him on the ground that he had been convicted of a felony. After exhausting internal remedies with the Greek court system, this employment discrimination case was filed with the European Court of Human Rights.

As stated in the Application (No. 34369/97): 'The case concerns the refusal of the [Greek] authorities to appoint the applicant, a Jehovah's Witness, to a post of chartered accountant because of his criminal conviction for refusing to do military service....' The Commission report of December 4, 1998, paragraph 45 states: 'The Commission cannot ignore the fact that the applicant refused to serve in the armed forces because of his religious beliefs. Moreover, the Commission notes that the applicant never refused to comply with his general civic duties. At the time of the applicant's conviction the possibility of alternative service did not exist in Greece. As a result, Jehovah's Witnesses were faced with the choice of either serving in the armed forces or being convicted. In these circumstances, the Commission considers that the applicant's conviction amounted to an interference with his right to manifest his religion.'

Although this case is yet to be judged by the European Court of Human Rights, the admittance of the application clearly shows that denial of employment based on religious discrimination is considered a direct violation of human right provisions that guarantee the right to manifest one's religion.

A case that was decided in favor of Jehovah's Witnesses by the European Court of Human Rights in January of this year has direct bearing on current activities in France, which involve surveillance by governmental authorities of the activities of Jehovah's Witnesses. Gabriel Tsavachidis brought suit against Greece in the European Court of Human Rights back in 1995. It was shown that Mr. Tsavachidis had been subjected to secret service surveillance by the Greek authorities. A secondary issue had to do with whether Mr. Tsavachidis had procured the necessary approval to 'operate' a Kingdom Hall (a place of worship) in the village of Kilkis, Greece.

The summary in the press communiquÉ issued in 1997 by the Secretary to the European Commission of Human Rights stated:

> '[I]n the context of criminal proceedings against the applicant for operating a church without the necessary permit in Kilkis, the defense became aware that a "top secret" anonymous information report had been included in the case-file. The report contained information about the activities of the Jehovah's Witnesses in Kilkis, the premises allegedly used as a church and the position of the applicant

> in the Jehovah's Witnesses community. The applicant requested information about the report from the Prosecutor's Office of Kilkis with a view to instituting criminal proceedings against its authors. . . . Later the assistant prosecutor of Kilkis informed the applicant that the "information report" had been sent anonymously by mail to the Prosecutor's Office and that the document was not drawn up by the National Intelligence Service.'

The European Commission of Human Rights expressed the opinion that there had been a violation of the right to respect for private life secured in Article 8 (thirteen votes to four). After the complaint against Greece had been deemed admissible by the European Court of Human Rights, the Greek authorities hastened to obtain a friendly settlement with Mr. Tsavachidis. The Court accepted the settlement on January 21, 1999, but in so doing took an extraordinary step in protecting the rights of Jehovah's Witnesses. You may note in paragraph 25, on page 6 of the attached decision, the Court said the following:

> 'Furthermore, in the cases of Kokkinakis v. Greece and Manoussakis and Others v. Greece (see the judgments of 25 May 1993, Series A no. 260-A, and 26 September 1996, Reports of Judgments and Decisions 1996-IV, respectively) ' in which the facts were, however, different from those of the instant case ' the Court had to rule under Article 9 of the Convention on the application of the relevant Greek legislation to the Jehovah's Witnesses. In so doing, it clarified the nature and extent of the Contracting States' obligations in that regard.'

With this, the Court reaffirms its earlier decisions handed down in favor of Jehovah's Witnesses in the Kokkinakis and Manoussakis cases.

297, 403, 534 French francs

Application No. 40825/98

Judgement of the European Court of Human Rights in Kokkinakis v. Greece, Application No. 14307/88

Report of the European Commission of Human Rights, dated May 25, 1995, Manoussakis v. Greece, Application no. 18748/91

Hoffmann v. Austria, Judgment of June 23, 1993, Application No. 12875/97

Association of Jehovah's Witnesses of Bulgaria v. Bulgaria, Report dated March 9, 1998, Application No. 28626/95; Thlimmenos v. Greece, Report dated December 4, 1998, Application No. 34369/97. For a synopsis of the case, see Addendum I.

Tsavachidis v. Greece, Judgment dated January 21, 1999, Application No. 28802/95. For a synopsis of the case, see Addendum II.

Under times of general mobilization, sentencing could include 'death or, if there are extenuating circumstances, with life imprisonment or imprisonment of at least five years.'

TESTIMONY OF PASTOR LOUIS CHARLES DEMEO, FOUNDER OF INSTITUE DE THEOLOGIQUE DE NIMES

It is a great privilege for me to be here today to voice publically some of our concerns over the religious liberty situation in France. I've lived in France for 17 years and am the founder of Institue de Theologique de Nimes (ITN), a Baptist Bible college and seminary. I also founded Eglise Evangelique de la Grace, and a Christian day school, Grace Christian School, for children, ages 4 to 14. At ITN, we train pastors, missionaries, and lay ministers for ministry throughout France and internationally. The membership of Eglise Evangelique de la Grace is completely French. We have never sought to import American culture, but rather to encourage the French people themselves to return to their Christian roots as a solution to the rising problems within French society.

Religious discrimination has been increasing in France over the last few years. Religious freedom is a human right and according to the Helsinki Accords is deserved to all of the citizens of each country who agreed to it. Principle VII of the Helsinki Accords states that each country will "recognize and respect the freedom of the individual to profess and practice alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience." Article 18 of the Universal Declaration of Human Rights declares that "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 United Nations International Covenant on Civil and Political Rights also clearly addresses religious liberty. In addition, Article II of the French Constitution declares that "France is a republic indivisible, secular, democratic and social. She ensures the equality of all of her citizens in respect to her law without distinction or origin, race, or religion. She respects all confessions." The Declaration of The Rights of Man: Article X states "No one can be disturbed on account of his opinions, even religious, provided their manifestation does not derange the public order established by the law." According to Article XI of the Declaration of the Rights of Man, "The free communication of ideas and opinions is a right of men which is most precarious; each citizen can speak, write and freely publish according to the responsibility for the abuse of this liberty in the case determined by the law." These commitments clearly state that religious liberty is a fundamental human right.

Since 1996, the country of France has neither kept its part of the Helsinki agreement, nor followed its own constitutional commitments to religious liberty. In January1996, the National Assembly of France printed and released to the public, a report containing a list of 172 possibly dangerous cults. On this list was an organization called the Institute Theologique de Nimes (ITN) (a Baptist Bible college and seminary) founded by Pastor Louis Charles DeMeo, who also founded Eglise Evangelique de la Grace. The church and ITN have existed in France for seventeen years, but have never been the subject of government inquiry. Thus, our inclusion in the government cult list was not only unexpected but extremely unjust, given the fact that we have never

been given an official hearing or explanation for our inclusion on this list. It was also surprising given the fact that Pastor DeMeo's focus has always been on supporting and reestablishing the Protestant faith that has been a rich part of French culture.

The 1996 Sect Report is irreversible in that the Parliamentary Commission that drafted the report has been dissolved. In addition, the report, not being a legal document, cannot be challenged directly in the French courts. Pastor. DeMeo and his staff contacted on numerous occasions the Prime Minister Jospin, President Chirac, the Minister of the Interior, Parliamentarians responsible for the original report, and Mr. Alain Vivien, head of the new Interministerial Commission to Battle Against Sects to find the reason why they had been accused of being a cult. ITM has sent over 15 letters to various French officials requesting help to resolve the situation. The Observatory of Cults, the precursor to the Interministerial Commission, was also notified before its dissolution in 1997. Despite all these efforts, the situation has not been resolved; the few letters of response have been vague and have not led to any concrete solutions. Recently, ITN contacted the US Embassy in Paris and has been working with them to resolve the situation. It is our understanding that French officials have maintained to their American counterparts that the only recourse to this situation is through one of the few men who have taken up the cult issue: notably, Mr. Vivien, President of the Interministerial Commission, Mr. Gest, a Parliamentarian and Mr. Guyard, a Parliamentarian.

Since the publication of the cult list, ITN has experienced undeserved and we believe illegal harassment and persecution by French officials and the private sector that is taking its cue from the French governmental policies. For example, an individual in the medical field who is a member of an Assemblies of God church, had one of his children enrolled in Grace School, the Christian day school, founded by Pastor DeMeo, and affiliated with Eglise Evangelique de la Grace. The day school is a member of Association of Christian Schools International (ACSI) which contains over 4000 internationally recognized schools in 93 countries. This individual has been accused of putting his daughter in a school that brain washes children. Even more outrageous, he has been accused for having medically treated Pastor DeMeo, his family and other members of the church. In March of this year, a person who held a job in airport security and in training of others was told that, in order to keep his job, he had to write a letter stating that ITN was a cult and renouncing any ties to ITN. While he did not himself attend our church, his brother is a pastor associated with ITN. Another case involves Pastor Jean-Luc Megret, who was trained at ITN. In 1997, he organized an evangelistic outreach in the city of Sete, near Nimes, where he pastors. In the middle of the campaign, Pastor Megret was told he could no longer use the public hall which he had already obtained through the town council. According to French law, every association has the right to use public halls. In this same city, two families who attend Pastor Megret's church, had been home schooling their children. They were threatened by the National Education Department that they risked two years of imprisonment if they did not place their children in a public school. We suspect that these families were targeted because of their membership in Pastor Megret's church. Several members of Eglise Evangelique

de la Grace have also been refused jobs for which they were perfectly qualified only because of their religious convictions and association with the church, ITN, or the Christian Day School.

Three weeks ago, every religious group on the 1996 sect list, as far as we know, has received a 30 page questionnaire investigating all the income and the expenses and all financial details of the organization. Commercial banks have denied ITN loans for refinancing our mortgage and the right of overdraft on their account. It was confirmed verbally by bank officials that this denial was due to ITN's listing in the 1996 sect report. In 1997, an American Baptist missionary desiring to co-labor with the Theological Institute was refused the right to open an account at a local bank because he was working in conjunction with the ITN and the Church. Recently, Pastor DeMeo's personal finances have been audited under the French Government's demand, and once again, we believe it is because ITN was listed on the sect list.

In October of 1998, a well-known French newspaper printed three newspaper articles against the Institute based on the report from the 1996 Sect Report of the National Assembly. These biased articles caused a domino effect of religious persecution from the public, some being criminal and violent. In January of 1999, the Institute initiated a court case against this newspaper to defend its religious freedom. The first hearing is scheduled for June 14, 1999. The hearing is tentatively scheduled for September 1999.

Due to the fact that ITN received no response from French officials, Pastor DeMeo and his staff contacted the United States Congress, the U.S. State Department, the Helsinki Commission and the European Parliament in order to confront the French Government concerning French violations of religious liberty, including commitments under the Helsinki Accords. Over seven hundred professional researchers of cult issues have condemned the French National Assembly Report. This report was neither professionally, nor adequately completed. We agree that the Government has a legitimate right to investigate criminal activity but we do not adhere to the principle that the government has the authority to control religious thought.

The religious freedoms of members of Eglise Evangelique de la Grace and of Pastor DeMeo are being unjustly and illegally infringed upon. Innocent people are being persecuted because of their personal beliefs and affiliations. This is criminal. In the city of Nimes, there stands a monument, of a former pastor and mayor from the 18th century, whose inscription states that "all religious freedom is ensured to all people." This is in total contradiction of what Pastor DeMeo, the Eglise Evangelique de la Grace, Grace Christian School, and Institute Theologique de Nimes have been able to enjoy in the country of France. Religious freedom is a precious human right and should be treasured by all as one of the most sacred.

LETTER FROM MEMBERS OF THE COMMISSION TO H.E. KONSTANDINOS SIMITIS, PRIME MINISTER OF THE HELLENIC REPUBLIC, DATED OCTOBER 6, 1998

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October 6, 1998

His Excellency Konstandinos Simitis
Prime Minister of the Hellenic Republic
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15 Vass. Sofias Avenue
Athens 106 71
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Dear Mr. Prime Minister:

Following the Commission delegation's visit to Athens in January and in anticipation of the upcoming Warsaw OSCE Human Dimension Issues Meeting, we write to express our concern regarding several human rights developments in the Hellenic Republic. Regrettably, responses were not provided to the delegation's requests to meet with several high-level officials of your government.

We welcome the announcement of the Council of Ministers to abolish Article 19 of the Greek Citizenship Code and the action of Parliament on June 11 to abolish this biased law. As a point of clarification, is any further action required to repeal this article and does the Code, as we urged, provide for the timely restoration of citizenship to those adversely affected by this statute?

Mr. Prime Minister, we recently learned that the Minister of Justice has announced his intention to introduce amendments to Articles 361 and 362 of the Penal Code which would impose criminal penalties, including imprisonment, for broadcasting material judged to be insulting or defamatory. Adoption of such penalties would severely limit freedom of expression in the electronic media and, if adopted, would violate OSCE standards, specifically Para 9.1 of the 1990 Copenhagen Document. Existing provisions of the Penal Code, including Articles 141, 191, and 192, give rise to similar concerns.

Turning to the problems faced by members of certain minority faith and ethnic communities in Greece, we refer to the language of the 1989 OSCE Vienna Concluding Document (Para 13.7), which provides that the participating States will "ensure human rights and fundamental freedoms to everyone within their territory and subject to their jurisdiction, without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Especially onerous are the "anti-proselytism" provisions of Greek law, including Article 13 of the Constitution and the Metaxas-era Laws of Necessity 1363/1938 and 1672/1939 which have been used overwhelmingly against religious minorities. These statutes have a chilling impact on religious liberty in the Hellenic Republic and are inconsistent with numerous OSCE commitments, including provisions of the Vienna Document (Para. 16) and the 1990 Copenhagen Document (Para. 9). We urge repeal of these laws in order to ensure the freedom of all individuals in Greece to profess and practice their religion or belief.

We are aware of the controversy surrounding the selection of individuals to serve as Mufti in the Hellenic Republic and understand that relevant practices vary from country to country. In this regard, we stress the importance of respecting the right of members of the Muslim community to organize themselves according to their own hierarchical and institutional structure, including in the selection, appointment, and replacement of their personnel in a manner consistent with relevant OSCE commitments. We are particularly disturbed by the lengthy prison sentences handed down against Mehmet Emin Aga for "usurping the title of Mufti." Similar charges were earlier brought against Ibram Sherif. As a Mufti is a religious official, disciplinary action in such matters, if warranted, would seem better left to the Muslim community itself.

We are also concerned by the burdensome requirements imposed on minority religious communities in Greece to obtain special permits issued by 'competent ecclesiastical authorities' and the Ministry of National Education and Religious Affairs for the establishment or operation of churches, including places of worship. Reportedly, permission for the construction or repair of places of worship is often difficult or impossible to obtain despite the commitment of OSCE participating States to respect the right of religious communities to establish and maintain freely accessible places of worship or assembly. Numerous evangelical churches, including the Greek Evangelical Church of Thessaloniki, have reportedly encountered difficulties in securing so-called "House of Prayer" permits. Members of the Muslim community have similarly reported difficulty in securing permission for the repair of mosques, including the Suleymaniye Mosque on Rhodes.

While we appreciate the historic contributions of the Eastern Orthodox Church to the Hellenic Republic, the rights of individuals belonging to minority religions or beliefs must be fully respected without discrimination or subordination. In this regard, we are aware of a pending request for permission submitted by a community of the Macedonian Orthodox Church seeking to open a church building to conduct worship services in the Florina area.

As members of the Commission, we remain concerned over the proposed inclusion of religious affiliation on Greek national identity cards. The inclusion of such information on this widely used document could lead to discrimination against individuals from minority religions or beliefs. Accordingly, we urge the repeal of the 1993 identity law. In addition, we urge further action to implement the recommendations of the advisory committee on anti-Semitic references in public school textbooks.

We note the law on conscientious objections that came into force earlier this year and understand that the authorities are instituting arrangements whereby those objectors imprisoned under the old law will be given the option of engaging in alternative civilian social service. We look forward to receiving information about the new arrangements.

While in Athens, the Commission delegation met with representatives of the Roma community who provided disturbing accounts of pervasive discrimination in employment, housing, education, and access to social services, including health care. With a very high illiteracy rate, this segment of Greek society is particularly vulnerable to abuse by local officials, including reports of Rom being denied registration for voting or identity cards that in turn prevents them from gaining access to government-provided services. Particularly alarming are incidents such as the forced eviction of an estimated 100 families by order of the mayor of Ano Liossia and the bulldozing of their makeshift housing. Similar incidents have occurred in Agia Paraskevi, Kriti, Trikala, and Evosmos.

Other Greek citizens face severe restrictions on their rights to freedom of cultural expression, violations of their freedom of association, and other forms of harassment and discrimination, including limits on their ability to hold title to their property. Individuals in Florina, for example, were apparently prevented from registering the Macedonian Culture Center while other groups have been forced to remove signs written in the Macedonian language and faced other limits on their cultural rights. Attempts by officials in Greece to restrict or otherwise limit the use of other languages, including Macedonian, are inconsistent with numerous OSCE commitments, including the anti-discrimination language cited above. We are also disturbed by reports that Greek citizens have been prevented from registering their associations because the word "Turkish" appeared in the title. Members of the Commission delegation were also informed about many of the practical problems faced by ethnic Turkish citizens of Greece in the field of education, including severe shortages of textbooks and limited access to higher education.

In closing, Mr. Prime Minister, we respectfully urge you to consider the issues we have raised in light of the Hellenic Republic's obligations as a long-standing OSCE participating State and look forward to your reply.

Sincerely,

Christopher H. Smith, M.C.
Co-Chairman

Alfonse D'Amato, U.S.S.
Chairman

Steny H. Hoyer, M.C.
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His Excellency Konstandinos Simitis
October 6, 1998
Page 4

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