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The protection of minors against excesses of sects

Committee Opinion[1]
Committee on Social Affairs, Health and Sustainable Development
Rapporteur: Mr André BUGNON, Switzerland, Alliance of Liberals and Democrats for Europe

A. Conclusions of the committee

1. The Committee on Social Affairs, Health and Sustainable Development generally endorses the report prepared by Mr Rudy Salles on behalf of the Committee on Legal Affairs and Human Rights. This text analyses the normative and legislative responses made at the European and national levels to protect children from "excesses of sects" and looks into a major aspect of child welfare.

2. It would nevertheless be desirable for the report of the Committee on Legal Affairs and Human Rights, together with the resolution and recommendation arising from it, to establish a closer link between European standards and children's real-life situations, and to place the issues in a wider social and political context. Also, the measures to be taken to protect children could be slightly more developed.

3. Accordingly, the Committee on Social Affairs, Health and Sustainable Development proposes some amendments to the draft resolution in order to apprehend the wider social context more fully and heighten certain aspects worth elaborating upon.

B. Proposed amendments to the draft resolution

Amendment A (to the draft resolution)

In the draft resolution, paragraph 1, replace the word "minors" with the word "children".

Amendment B (to the draft resolution)

In the draft resolution, at the end of the paragraph 1, add the following text:

> *", and which may be relevant where the excesses of sects lead to exploitation and abuse of or trafficking in children or to disregard for their rights in the framework of judicial proceedings."*

Amendment C (to the draft resolution)

In the draft resolution, paragraph 3, after the words "given the latter's vulnerability", add the following words:

> *"or the lack of vigilance of parents and families who in certain cases either draw their children into sect-like movements or have not been capable of shielding them from such movements."*

1. Reference to committee: Doc. 12595, Reference 3776 of 20 June 2011. Reporting committee: Committee on Legal Affairs and Human Rights. See Doc. 13441. Opinion approved by the committee on 14 March 2014.

Amendment D (to the draft resolution)

In the draft resolution, change the order of the first three paragraphs by putting the present paragraph 3, describing the acts covered by the text, in first place.

Amendment E (to the draft resolution)

In the draft resolution, after paragraph 4, insert the following paragraph:

> *"The Assembly recalls that from the moment minors come into contact with sects in any way, a balance must be struck between different categories of human rights. Indeed, having regard to freedom of thought, conscience and religion as a human right for all, children themselves can also claim this right (without being forced by influences limiting their freedom of thought), while having the right to be protected against any form of violence. Where adjudication is necessary, the child's best interests must be the primary consideration in all decisions concerning children, as stipulated by Article 3 of the United Nations Convention on the Rights of the Child."*

Amendment F (to the draft resolution)

In the draft resolution, after paragraph 6.4, insert the following paragraph:

> *"make minors aware of the dangers posed by sect-like movements of a totalitarian kind, in order that they resist joining them or seek assistance if they wish to leave them;"*

Amendment G (to the draft resolution)

In the draft resolution, replace present paragraph 6.6 with the following paragraph:

> *"raise the awareness of the general public and provide specific training to professionals in contact with children, particularly judges and prosecutors, ombudsmen's offices, police, welfare services and teachers etc., on the issues relating to sect-like movements, excesses of sects and their consequences as well as on the measures to take for the optimal protection of children;"*

Amendment H (to the draft resolution)

In the draft resolution, after paragraph 6.6, insert the following paragraph:

> *"establish procedures accessible to all, whether victims or witnesses, for reporting any situation endangering a child, as well as aid facilities for the support of victims (minors and adults);"*

C. Explanatory memorandum by Mr Bugnon, rapporteur for opinion

1. "Excesses of sects" pose multiple risks to minors since they can interfere with their fundamental right to freedom of thought, conscience and religion, hamper their free development and in some cases also threaten their moral and physical well-being. In that respect, I welcome the fact that my colleague Mr Rudy Salles, on behalf of the Committee on Legal Affairs and Human Rights, has drawn attention to this important topic, particularly from the standpoint of protection of minors. This issue is also important for me personally, as I have been confronted with the problem of influence exerted by certain sects during the various political mandates I have carried out, in particular as Mayor of my municipality of 5 000 inhabitants, being in charge of the administration of educational facilities. At the time, we had agreed with the management of schools to regularly inform students about related risks via the teachers, especially when a young pupil under sectarian influence had disappeared and had never come back.

2. The time at my disposal to prepare this opinion was fairly short, so I was unable to carry out additional research in the subject area for the possible benefit of future Assembly texts. For this reason, the explanations given below and the amendments suggested are mainly based on my committee's rich experience in the field of child protection. Moreover, any item derived from the numerous media reports on excesses of a sectarian character and by specific sects would hardly have fitted into the draft resolution, which follows more of a legislative and theoretical approach.

3. In his explanatory memorandum constituting the basis for the draft resolution and recommendation, the rapporteur, Mr Salles, makes a probing perusal and analysis of the European standards and texts on the subject, going on to formulate lines of action to be followed by the member States (in the resolution) and by

the Committee of Ministers (in the recommendation). However, the text adopted and proposed by the Committee on Legal Affairs and Human Rights does not make a clear connection between, on the one hand, the European standards and the adopted texts and, on the other, the harm done to children by the excesses of sects, as it largely remains silent about the way in which children are affected by these practices. It will be hard to amplify the text further at this stage, considering that additional research would be necessary. But such proceedings are proposed by the draft recommendation which I should like to support wholeheartedly.

4. It also seems to me that the conflicts which may exist between different legal norms and interests are not fully reflected by the draft resolution. This concern goes beyond a conflict of freedom of thought, conscience and religion with children's protection; sects can also be a threat to the freedom of thought, conscience and religion of the children themselves who must be able to choose their religious inclinations freely (which is not always the case when they grow up in a sect). A more differentiated approach could be useful in that regard. To be consistent with the activities conducted by the Assembly in the field of the children's rights these last few years, a new text on minors and sects should emphasise more clearly the best interests of the child, which must be a primary consideration in all decisions affecting children, as stipulated by Article 3 of the United Nations Convention on the Rights of the Child.

5. Finally, I most regret that the text put forward by the Legal Affairs Committee offers no explanation of the issues surrounding excesses of sects against their actual social background, and that only the explanatory memorandum very briefly describes how young people come into contact with sects. Nor does the explanatory memorandum look into the various cases of minors who have been approached by sects (for example at the age of adolescence) or are born in family surroundings where a sect already plays an important part. However, to distinguish more clearly these categories and the number of children respectively concerned by the various ways of entering a sect, as well as the consequences for them, more research would be necessary. As for defining "sect-like movements" or "sects", this is extremely difficult to do, which is why the authorities of some countries, such as "Mivilude" (Inter-Ministerial Mission for Vigilance and action Against Sectarian Excesses) in France, to which my colleague Mr Salles, a French MP, frequently refers, tend rather to define the limits not to be transgressed in terms of "excesses". Other countries, including mine, Switzerland, follow similar approaches.

6. Among the appeals to governments in the "operative" part, the draft resolution mentions certain measures already advocated by the earliest Assembly texts in the 1990s, such as the call to set up national or regional information centres, training in the major tendencies of thought and religion in the context of general education or the enforcement of compulsory school attendance, all presented in Recommendation 1412 (1999) on illegal activities of sects. Given that measures of this type have already been known for a long time, a new Assembly text should amplify the list on the basis of the most recent child welfare experience. For example, players in all member States know today that measures such as raising awareness among the general public and professionals in contact with children (especially teachers, who are not yet mentioned by the Legal Affairs Committee), as well as reporting procedures and aid facilities accessible to all, play an important part in protecting children in our societies and should appear in the specifications to be met by the public authorities. As regards children threatened by the excesses of sects (in their families or by outsiders), it is often the persons close to them (neighbours, teachers, doctors, etc.) who can note abnormalities in their behaviour or well-being and alert the competent agencies if need be.

7. Further to these comments, some amendments to the draft resolution are proposed.

8. **Amendment A** stresses the fact that the Council of Europe standards generally refer to the concept of the child as used by the United Nations Convention on the Rights of the Child, prescribing in paragraph 1 that "a child means every human being below the age of eighteen years". At the Council of Europe, this is also expressed by the title of its relevant strategy, "Council of Europe Strategy 2012-2015 for the rights of the child".

9. **Amendment B** specifies that the Council of Europe standards may be of relevance to excesses of sects: their scope is far wider, and not all excesses of sects lead to exploitation or sexual abuse, trafficking in children or disregard for their rights in the framework of judicial proceedings; certain consequences of a sect's influence may have the appearance of far less harmful acts, or seem well-intentioned towards children but nonetheless have an adverse effect on their development and fulfilment.

10. **Amendment C** draws on the explanatory memorandum which describes in paragraph 6 the ways in which minors can come into contact with sect-like movements and what the responsibility of the parents and families is.

11. **Amendment D** is intended to establish a new order of priorities by placing emphasis on the initial assessment of the issue that gave rise to this report and then going on to cite the Council of Europe and Parliamentary Assembly instruments and provisions.

12. **Amendment E** attempts to overcome the contradiction in paragraphs 1 and 4 of the draft resolution stating that the Council of Europe and the Assembly are concerned with protecting children on the one hand and freedom of thought, conscience and religion on the other, whereas these two categories of rights may converge where children have the right to be free from any imposed idea that may have a significant impact on their lives.

13. **Amendments F, G and H** supplement the list of measures to be taken to create efficient child protection systems and combat the excesses of sects, by drawing on the experience of the Parliamentary Assembly gained in this field in recent years (for example with the ONE in FIVE Campaign to stop sexual violence against children) and many relevant reports. Lastly, among the measures to protect children, they should be encouraged to defend themselves when they have the capability to do so, all categories of professionals in contact with them should be made aware of the issues and trained, and reporting procedures and victims' aid facilities should be established.