



Recommendation 1697 (2005)¹

European Federation of Research and Information Centres on Sectarism (FECRIS): request for consultative status with the Council of Europe

Parliamentary Assembly

1. The European Federation of Centres of Research and Information on Sectarianism (FECRIS) applied for consultative status on 13 December 2001. The Secretary General of the Council of Europe's provisional decision on the application was favourable but this was subsequently challenged by three members of the Parliamentary Assembly. As a result, and in accordance with Committee of Ministers Resolution (93) 38 on relations between the Council of Europe and non governmental organisations which was applicable at the material time, the matter was referred to the Parliamentary Assembly for examination of the challenge and for recommendation to the Committee of Ministers.

2. This is the first occasion on which the Assembly has been asked to undertake such a task. The Committee of Ministers Resolution (93) 38 (and its replacement, Resolution Res(2003)8 on participatory status for international non-governmental organisations with the Council of Europe) gives little guidance on how the Assembly is to discharge its role which – given that the procedure arises exclusively from an objection emanating from particular sources – must be one of review, based on the grounds raised in the objection, of the Secretary General's preliminary decision rather than a first instance or de novo consideration of the application. Furthermore, whilst a pragmatic approach is important so as to avoid a protracted or unfocused review process, basic requirements of procedural fairness should nevertheless be adhered to, such as principles of impartiality and independence, of promptness and due expedition and that of audi et alteram partem (the right of both sides to be heard). Before addressing this specific application, the Assembly recalls the principles followed by the reporting committee in this case :

Resolutions Res(2003)8 and (93) 38 appear to set out only positive tests for qualification for participatory/consultative status (in other words, a list of characteristics or activities which must exist or be proposed); they do not set out negative tests (in other words, features which must not be present). The criteria for withdrawal of status, however, include a negative test of engaging in activities not in keeping with the status. On the basis that it would be perverse to grant participatory/consultative status to an organisation from which such status would foreseeably be subsequently withdrawn, this negative test should also be applied, in conformity with Assembly Opinion No. 246 (2003) on relations between the Council of Europe and non-governmental organisations ;

where, following an objection to the Secretary General's positive provisional decision on the international non-governmental organisation's (INGO's) application, the Assembly is called upon to review that decision, the Assembly's role is confined to considering only those allegations that are raised in the objection, to determining whether those allegations are substantiated and to making appropriate recommendations to the Committee of Ministers ;

the process can be considered to be a review of the Secretary General's decision to award participatory/consultative status. The objecting party is given an opportunity to state his/her case in full before an independent third party, the Assembly, acting through one of its committees; the subject of

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 18 March 2005 (see [Doc. 10470](#), report of the Committee on Legal Affairs and Human Rights, rapporteur : Mr Marty).



the contested decision, namely, the INGO concerned, is allowed two months in which to submit its reply, in accordance with the procedure set out in Resolutions Res(2003)8 and (93) 38 for withdrawal of participatory/consultative status ;

it is important that the committee appoint a rapporteur able to state his/her complete independence from both the INGO concerned and from the objecting party, as well as from any individuals or organisations which may attempt to influence the process. The rapporteur should also state his/her impartiality with respect to the issues and parties involved and his/her lack of personal interest in the outcome ;

the procedure set out by Resolution Res(2003)8 explicitly states that the examination is based on the objections of ten or more parliamentarians (Resolution (93) 38 required only three) or members of the Congress of Local and Regional Authorities of the Council of Europe, coming from at least five different national delegations, or of a member of the Committee of Ministers. Any information submitted by sources other than the objecting parliamentarians should not be taken into account as it comes from individuals or organisations who have no authority to challenge the provisional decision of the Secretary General. Furthermore, basic fairness requires that the INGO concerned be given an opportunity to respond to allegations made against it. Taking into account every allegation while allowing a right of reply as well could prolong the process indefinitely and would impose an unreasonable burden on the INGO. In addition, should members of the committee or the Assembly subsequently take additional information into account, the INGO concerned will unavoidably be denied any opportunity to reply. The committee's rapporteur, however, should be entitled to undertake certain basic research of his/her own, notably where copies of important, identifiable documents have not been provided. Details of this research must be included in the report ;

in this respect, the Assembly notes that, should further relevant information subsequently come to light, Resolutions Res(2003)8 and (93) 38 contain provisions allowing for the withdrawal of status on grounds, inter alia, of taking action which is not in keeping with such status; they also provide for an automatic periodic review of status ;

a basic evidential burden must be applied to the allegations contained in the objection. Any evidence that is prima facie not credible is not taken into account. Evidence that is taken into account is weighted according to its credibility. Any allegation unsupported by evidence is considered as being unsubstantiated and thus is dismissed ;

otherwise, the question is not approached as if there was a "burden of proof" resting on either the case for or that against awarding participatory/consultative status. The fact that matters not raised in the objection are considered not to be in dispute serves only to limit the number of points in issue and does not otherwise influence or prejudice the process. On each point raised in the objection, a "balance of probabilities" test is applied to assess whether or not the alleged state of affairs exists, taking into account all and only relevant evidence for and against that point ;

the withholding or withdrawal of participatory/consultative status should be recommended only where relevant allegations of sufficient gravity, made within the context of the procedure by the objecting party and to which the INGO concerned has had the opportunity of replying, are established by credible evidence on a balance of probabilities.

3. On the basis of this general approach, which it notes has received the support of its Committee on Rules of Procedure and Immunities and its Bureau, the Assembly concludes that the following allegations have not been substantiated :

FECRIS and/or its member groups have been judicially condemned for human rights violations, in particular involving kidnapping, "deprogramming" or non-consensual medical treatment ;

FECRIS and/or its member groups have been responsible for spreading false information with damaging consequences for innocent individuals ;

FECRIS and/or its member groups were responsible for or can be criticised on account of welcoming the French "About-Picard" law ;

FECRIS and/or its member groups have expressed support for a repressive policy with respect to the Falun Gong in China ;

FECRIS and/or its member groups have borne responsibility for falsely creating situations of public panic or hysteria ;

FECRIS' use of the word "sect" is inappropriate or unjustified and has been condemned by organs of the Council of Europe ;

FECRIS member group AGPF (Aktion für Geistige und Psychische Freiheit e.V.) has improperly called for the ground of religion to be excluded from European prohibitions on discrimination ;

FECRIS member group SADK (Schweizerische Arbeitsgemeinschaft gegen destruktive Kulte) has called for arbitrary detention of sect members ;

the AFF (American Family Foundation) or the late Dr Louis Jolyon West were relevantly engaged in reprehensible practices and their involvement with FECRIS and with individuals connected to its member group AIS (Atención e Investigación de Socioadicciones) carries sinister connotations ;

Mr Griess, Vice-President of FECRIS, and Mr Ikor of FECRIS member group CCMM (Centre de documentation, d'éducation et d'action contre les manipulations mentales) have indulged in reprehensible verbal attacks against the Council of Europe's principles of tolerance ;

FECRIS and its member groups rarely, if ever, publish credible academic material relevant to their field of activity.

4. On the basis of the above findings of fact, the Assembly considers that the evidentiary material put forward by the three parliamentarians who challenged the initial decision is insufficient to justify a conclusion different to that reached by the Secretary General of the Council of Europe and consequently recommends that the Committee of Ministers grant FECRIS consultative or participatory status, as appropriate.