

NEGATIVE STEREOTYPING, GENERALIZATIONS AND DISINFORMATION ON RELIGIOUS MINORITIES

ECHR LEADING CASE LAW ON THE LEGAL STANDARD ABOUT NEGATIVE STEREOTYPING, GENERALIZATION AND DISINFORMATION ON RELIGIOUS MINORITIES WHEN ANALYSING AN APPLICATION BROUGHT ON BEHALF OF AN ETHNIC OR RELIGIOUS:

- [E.S. v. AUSTRIA \(coe.int\)](#); [E.S. v. AUSTRIA - \[Czech Translation\] summary by the Ministry of Justice of the Czech Republic \(coe.int\)](#)
- [BUDINOVA AND CHAPRAZOV v. BULGARIA \(coe.int\)](#); [BUDINOVA AND CHAPRAZOV v. BULGARIA - \[Czech Translation\] summary by the Ministry of Justice of the Czech Republic \(coe.int\)](#)
- [BEHAR AND GUTMAN v. BULGARIA \(coe.int\)](#)
- [ZEMMOUR c. FRANCE \(coe.int\)](#); [ZEMMOUR v. FRANCE - \[Czech Translation\] summary by the Ministry of Justice of the Czech Republic \(coe.int\)](#)
- [CENTRE OF SOCIETIES FOR KRISHNA CONSCIOUSNESS IN RUSSIA AND FROLOV v. RUSSIA \(coe.int\)](#)
- [TONCHEV ET AUTRES c. BULGARIE \(coe.int\)](#)
- [SANCHEZ v. FRANCE \(coe.int\)](#)

ANTI-SECT IDEOLOGY: THE MOST COMMON AND USED NEGATIVE STEREOTYPING, GENERALIZATION AND DISINFORMATION IS TO LABEL A RELIGIOUS MINORITY AS “CULT” (“SECT” IN MOST OF EUROPEAN LANGUAGES) AND AS SUCH “DANGEROUS OR DESTRUCTIVE”. THE ECHR CASES LAW DEFINE THESE “UNNECESSARY HOSTILE, DEROGATORY, DISQUALIFYING TERMS”. THE ANTI-SECT ALLEGATIONS AGAINST JEHOVAH’S WITNESSES: THE CASE OF RUSSIA

- [CENTRE OF SOCIETIES FOR KRISHNA CONSCIOUSNESS IN RUSSIA AND FROLOV v. RUSSIA \(coe.int\)](#)
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CONSEQUENCES AND IMPACT ON A VULNERABLE RELIGIOUS MINORITY

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FIRST – ECHR LEGAL STANDARD WHEN ANALYSING AN APPLICATION BROUGHT ON BEHALF OF AN ETHNIC OR RELIGIOUS GROUP AND ITS INDIVIDUAL MEMBERS FOR (1) DAMAGE TO THEIR HONOUR AND DIGNITY, AND/OR (2) INTERFERENCE WITH THEIR RELIGIOUS FREEDOM.

1. The leading cases of the ECHR (Taganrog LRO and 19 others v. Russia (No. 32401/10 of 7 June 2022), Zemmour v. France (No. 63539/19 of 20 December 2022) and Sanchez v. France (No. 45581/15 of 15 May 2023) refer expressly to the **General Policy Recommendation No. 15** on combating intolerance and discrimination against certain minority groups on combating hate speech and its Explanatory Memorandum, of the European Commission against Racism and Intolerance (**ECRI**)¹, of the Council of Europe, adopted on December 8, 2015, which explains that,

"Hate speech [in the broad sense and not in the technical sense of domestic criminal laws] should be understood ...

[i] as the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons,

[ii] as well as any harassment, insult, negative stereotyping, stigmatization or threat in respect of such a person or group of persons

[iii] and the justification of all the preceding types of expression, on the ground of ... religion or belief, ...and other personal characteristics or status";

2. **Methods or techniques** commonly used by those who want to **promote intolerance, arouse hostility or incite discrimination** against certain minority groups:

- **Negative stereotyping:** *"Applying to a member or members of a group of people a generalized belief about the characteristics of those who belong to such groups by considering all of them negatively without regard to the particular characteristics of a member or members directly affected"*². Negative stereotyping is the "false-factual" basis of prejudice, which refers to emotional and strongly negative attitudes and actions directed against a group.
- **False and sweeping generalizations** that harm the dignity of all individuals belonging to the religious minority, creating, both the statements and their context, the illusion of a collective responsibility of believers.
- **Disinformation:** Consists of providing information that falsely represents reality or that is intentionally manipulated to serve certain purposes. This also includes the dissemination of insufficient information or deliberate omissions that can confuse and even alter the public's perception of reality by taking advantage of their pre-existing prejudices. Disinformation

¹ [ECRI General Policy Recommendation N°15 - European Commission against Racism and Intolerance \(ECRI\) \(coe.int\)](https://www.coe.int/t/e/treaties/ECRI/General_Policy_Recommendation_No_15_on_combating_hate_speech_and_its_explanatory_memorandum.pdf)

² General Policy Recommendation No. 15 on Combating Hate Speech and its Explanatory Memorandum, of the European Commission against Racism and Intolerance (ECRI), Council of Europe, adopted on December 8, 2015.

campaigns are often not limited to the dissemination of false news, but often aim at the construction of a malicious narrative"

3. The **case law of the European Court of Human Rights (ECHR)** has clarified the approach domestic courts must take when analysing an application brought on behalf of an ethnic or religious group and its individual members for (1) damage to their honour and dignity, and/or (2) interference with their religious freedom. **Where the case concerns a religious group, the analysis under Article 8 of the European Convention on Human Rights (Convention) should also be done "in the light" of Article 9 of the Convention** (see, for example, *Taganrog LRO and Others v. Russia*, no. 32401/10 and 19 others, §§ 197-198, 207, 213, 2018, 7 June 2022; *Centre of Societies for Krishna Consciousness in Russia and Frolov v. Russia*, no. 37477/11, § 30, November 23, 2021; *Tonchev and Others v. Bulgaria*, no. 56862/15, 13 December 2022).
4. According to the ECHR, the **first** question the court must address is whether the "negative public statements" about the social or religious group "can be seen as affecting the 'private life' of individual members of that group to the point of triggering the application of Article 8 of the Convention." The court should consider: "(a) the characteristics of the group (for instance its size, its degree of homogeneity, its particular vulnerability or history of stigmatisation, and its position *vis-à-vis* society as a whole, (b) the precise content of the negative statements regarding the group (in particular, the degree to which they could convey a negative stereotype about the group as a whole, and the specific content of that stereotype), and (c) the form and context in which the statements were made, their reach (which may depend on where and how they have been made), the position and status of their author, and the extent to which they could be considered to have affected a core aspect of the group's identity and dignity." (*Budinova and Chaprazov v. Bulgaria*, no. 12567/13, §§ 51 and 63, 16 February 2021)
5. The **second** question the court must address is the balancing "between the aggrieved party's right to respect for his or her 'private life' and the right of the author of the statements to freedom of expression." The ECHR has explained that "expression on matters of public interest is in principle entitled to strong protection under Article 10 of the Convention, whereas expression that promotes or justifies violence, hatred, xenophobia or another form of intolerance cannot normally claim protection." As a result, "while an expression of opinion might touch upon a matter of public concern—such as the relations between ethnic groups in a country—it can at the same time promote or justify hatred and intolerance towards some of those groups, and thus be entitled to no or very limited protection under Article 10 of the Convention." "Sweeping statements attacking or casting in a negative light entire ethnic, religious or other groups deserve no or very limited protection under Article 10 of the Convention, read in the light of Article 17". (*Budinova and Chaprazov v. Bulgaria*, no. 12567/13, §§ 90, 93-94, 16 February 2021; see also *Nepomnyaschiy and Others v. Russia*, nos. 39954/09 and 3465/17, §74, 30 May 2023).
6. The following judgments illustrate how the ECHR has applied this two-part legal test in cases involving sweeping statements and negative stereotyping of religious groups and ethnic minorities:

- a. ***E.S. v. Austria***, no. 38450/12, §§ 44-45 and 55, 25 October 2018³, [a case brought under Article 10 of the Convention and which concerned **anti-Islamic** statements by a researcher and lecturer criminally prosecuted for inciting hatred]. The ECHR did not need to apply the first part of the test since the case was brought by the lecturer, who had been convicted at trial. Applying the second part of the test, the ECHR ruled that the State (including domestic courts) “have the positive obligation under Article 9 of the Convention of ensuring the peaceful co-existence of all religions and those belonging to a religious group by ensuring mutual tolerance ... A State may therefore legitimately consider it necessary to take measures aimed at repressing certain forms of conduct, including the imparting of information and ideas judged incompatible with respect for freedom of thought, conscience and religion of others.” As a result, “it is not compatible with Article 10 of the Convention to package incriminating statements in the wrapping of an otherwise acceptable expression of opinion”; it “was wrong to assume that improper attacks on religious groups had to be tolerated if they were based on untrue facts.” “[S]tatements based on (manifestly) untrue facts do not enjoy the protection of Article 10”.
- b. ***Budinova and Chaprazov v. Bulgaria***, no. 12567/13, §§ 64-65, 68, and 93, 16 February 2021⁴, [a case brought under Articles 8 and 14 of the Convention concerning **anti-Roma statements** by a politician alleging Roma engaged in “violence and criminality”]. The ECHR concluded that the two-part test was met. First, it concluded Roma are a vulnerable minority and the politician’s statements “were capable of having a sufficient impact on the sense of identity of Roma in Bulgaria and on the feelings of self-worth and self-confidence of individual Roma”. Second, the politician’s statements “went beyond being a legitimate part of a public debate about ethnic relations and crime in Bulgaria ... [and] amounted to extreme negative stereotyping meant to vilify Roma in that country and stir up prejudice and hatred towards them.” Such statements “deserve no or very limited protection under Article 10 of the Convention, read in the light of Article 17.” The ECHR also condemned the approach taken by the domestic courts which “acknowledged the vehemence of the statements, [but] downplayed their capacity to stigmatise Roma in Bulgaria as a group and arouse hatred and prejudice against them.”
- c. ***Behar and Gutman v. Bulgaria***, no. 29335/13, §§ 68-73, and 104, 16 February 2021⁵ [a case brought under Articles 8 and 14 of the Convention and concerning **anti-Semitic statements** by a politician]. The ECHR concluded that the two-part test was met. First, it concluded that Jews in Europe “can be seen as a vulnerable minority” and that the politician’s statements were “capable of having a sufficient

³ [E.S. v. AUSTRIA \(coe.int\)](#); [E.S. v. AUSTRIA - \[Czech Translation\] summary by the Ministry of Justice of the Czech Republic \(coe.int\)](#)

⁴ [BUDINOVA AND CHAPRAZOV v. BULGARIA \(coe.int\)](#); [BUDINOVA AND CHAPRAZOV v. BULGARIA - \[Czech Translation\] summary by the Ministry of Justice of the Czech Republic \(coe.int\)](#)

⁵ [BEHAR AND GUTMAN v. BULGARIA \(coe.int\)](#)

impact on the sense of identity of Jews in Bulgaria and on the feelings of self-worth and self-confidence of individual Jewish people". Second, the politician's statements "were meant to vilify Jews and stir up hatred towards them ... [the statements] rehearsed timeworn antisemitic and Holocaust-denial narratives". The ECHR also condemned the approach taken by the domestic courts which "acknowledged the vehemence of the statements, [but] downplayed their capacity to stigmatise Jews as a group and arouse hatred and prejudice against them."

- d. **Zemmour v. France**, no. 63539/19, §§ 60, 61 and 63, 20 December 2022⁶ [a case brought under Article 10 concerning **anti-Islamic statements** by a journalist alleging that Muslims living in France were "colonizers" and "invaders" and that they had to make "a choice between Islam and France"]. The ECHR did not need to apply the first part of the test because the case was brought by the journalist, who had been convicted at trial. The ECHR ruled that the journalist's remarks "were aimed at the Muslim community as a whole, and therefore at a group of people who were victims of discrimination based on religion." Applying the second part of the test, the ECHR ruled that the journalist's remarks were not protected under Article 10 of the Convention read in the light of Article 17 because they "contained negative and discriminatory statements likely to cause a rift between the French and the Muslim community as a whole [...] and that such negative stereotyping of a social group affects [...] that group's sense of identity and its members' feelings of self-esteem and self-confidence." The ECHR also concluded that the journalist's "comments were not limited to a criticism of Islam but, given the general context in which they were made and the manner in which they were broadcast, contained a discriminatory intent, such as to incite listeners to reject and exclude the Muslim community as a whole and thereby damage social cohesion."
- e. **Centre of Societies for Krishna Consciousness in Russia and Frolov v. Russia**, no. 37477/11, §§ 30, 42-43, November 23, 2021⁷ [see below § 9a)
- f. **Tonchev and Others v. Bulgaria**, no. 56862/15, §§ 53, 61-63, 13 December 2022⁸ [see below § 9b].
- g. in **[GC] Sanchez v. France, no. 45581/15, 15 May 2023**⁹, a case concerning incitement to hatred against a religious minority (**anti-Islamic statements**), the Grand Chamber upheld the criminal conviction of a politician for comments posted on social media

⁶ [ZEMMOUR c. FRANCE \(coe.int\)](#); [ZEMMOUR v. FRANCE - \[Czech Translation\] summary by the Ministry of Justice of the Czech Republic \(coe.int\)](#)

⁷ [CENTRE OF SOCIETIES FOR KRISHNA CONSCIOUSNESS IN RUSSIA AND FROLOV v. RUSSIA \(coe.int\)](#)

⁸ [TONCHEV ET AUTRES c. BULGARIE \(coe.int\)](#)

⁹ [SANCHEZ v. FRANCE \(coe.int\)](#)

disparaging Muslims and alleging that they engage in criminal activities such as "drug trafficking" and prostitution" (§ 172, 173).

SECOND – ANTI-SECT IDEOLOGY: THE MOST COMMON AND USED NEGATIVE STEREOTYPING, GENERALIZATION AND DISINFORMATION IS TO LABEL A RELIGIOUS MINORITY AS “CULT” (“SECT” IN MOST OF EUROPEAN LANGUAGES) AND AS SUCH “DANGEROUS OR DESTRUCTIVE”. THE ECHR CASES LAW DEFINE THESE “UNNECESSARY HOSTILE, DEROGATORY, DISQUALIFYING TERMS”.

7. **Anti-sect ideology** is based on the idea that "religions" and "sects" are different. "Sects" it is alleged, are not religions, although they may falsely claim that they are. While people freely adhere to religions - usually described as "traditional" or "common" -, those who adhere to "sects" are "victims" because of their coercive practices such as isolation, mental control or brainwashing. Religious minorities labeled as sects are denied the "dignity" of being a religion; this ideology is based on false negative stereotypes, generalizations and disinformation similar to anti-Semitic or Islamophobia and it is used to deny religious freedom to minority religions.
8. This has been exposed and condemned by several well-known scholars¹⁰ as well as international bodies, such as USCIRF¹¹, which concluded on an updated report released in June 2020 ([Issue Update: The Anti-cult Movement and Religious Regulation in Russia and the Former Soviet Union \(uscirf.gov\)](#)):
 - The “anti-cult movement” has “an international network supported locally” and “continues to conduct a highly effective disinformation campaign against religious minorities with devastating consequences for their human rights.
 - The “growing anti-cult movement informed by pseudo-scientific concepts like “brainwashing” and mind control ... described NRMs [new religious movements] as “fanatic” or “bizarre,” and portrayed individual members as helpless victims without their own free will or ability to save themselves.
 - Alexander Dvorkin, a Russian anti-cult activist, had spent years lobbying for strong measures against groups he frequently refers to as “totalitarian cults” and “destructive sects” with a Ph.D. in Medieval Studies and began organizing a Russian anti-cult movement that quickly gained popular support ...In 1993, Dvorkin founded the Saint Irenaeus of Leon Information-Consultation Center

¹⁰ See for example “Anti-Sectarian Ideology and FECRIS: Dangers to Freedom of Religion” (Luigi Berzano; Boris Falikov; Willy Fautré; Liudmyla Filipovich; Massimo Introvigne; Bernadette Rigal-Cellard in The Journal of CESNUR, Volume 6, Publication 3, May-June 2022, page 26 — [Microsoft Word - tjoc_6_3_1_whitepaper.docx \(cesnur.net\)](#)

¹¹ The United States Commission on International Religious Freedom (USCIRF) is a U.S. federal agency created by the International Religious Freedom Act. Its Commissioners are appointed by the President and the leadership of the Senate and House of Representatives. Its principal responsibilities are to review the facts and circumstances of violations of religious freedom internationally and to make policy recommendations to the President, the Secretary of State, and Congress

(SILIC) under the auspices of the ROC¹² and with the blessing of then Patriarch Alexey II. Almost 30 years later, SILIC remains the propaganda center of the anti-cult movement in Russia

Dvorkin has long provided the anti-cult movement with a veneer of intellectual credibility ... in 1993, he allegedly coined the term "totalitarian sect ..." "authoritarian organizations whose leaders strive to dominate and exploit their followers" through various deceitful "masks." He has compared such leaders to Hitler and Lenin. He has compared such leaders to Hitler and Lenin, equated religious communities with the Stalinist Gulag, and said that NRMs had more in common with totalitarian political regimes than "real" religions"

- "Dvorkin's influence has also extended outside of the post-Soviet orbit. In 2009, the same year in which he was appointed head of Russia's Council of Experts, he also became Vice-President of the European Federation of Research and Information Centers on Sectarianism (FECRIS), a French anti-cult organization with pan-European influence ... and the group regularly spreads negative propaganda about religious minorities, including at international forums like the annual Organization for Security and Cooperation in Europe (OSCE) Human Dimensions conference".
 - "The anti-cult movement ... have carved out influential roles in ... society, shaping the public discourse on religion across numerous countries. Claiming to be experts in academic fields like religious studies, psychology, and sociology, they are rarely qualified in any of them and often rely on discredited theories and methodologies to promote their ideological agenda.
 - "An effective response to the movement must also engage at the level of information, countering the perverse logic of anti-cult propaganda with hard facts about its lack of credibility and
9. **The leading cases of the ECHR case law** confirms the USCIRF 2020 report and that It is notorious that the label "destructive cult" implies the commission of acts, usually crimes, that are dangerous to the physical and mental well-being of the individual or society. The very word "sect" along with all the adjectives "destructive", "totalitarian", "threat", implies the existence of negative deeds, and as they are **"hostile terms" and pejorative in comparison to a religion**. As such, the label as factual descriptions of activities or characteristics incite to hostility, intolerance, discrimination or hatred.
- a. **Centre of Societies for Krishna Consciousness in Russia and Frolov v. Russia**, no. 37477/11, §§ 8-10, 30, 42-43, **November 23, 2021**¹³, a case brought under Article 9 of the Convention and which concerned **anti-religious minority** statements, allegations or description of religious

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¹³ [CENTRE OF SOCIETIES FOR KRISHNA CONSCIOUSNESS IN RUSSIA AND FROLOV v. RUSSIA \(coe.int\)](https://www.coe.int/en/csr/cases/anti-religious-minority-statements-allegations-or-description-of-religious)

minorities and their activities as "cult" **by a publication of an anti-sect group and university** in the government sponsored the

"project **Beware: cults!**" («Осторожно – секты!») ... Its chief objective was stated to be the "prevention of **negative activities** of **destructive religious groups** in the region". It had begun in April 2008 with a conference ... An action plan adopted at the conference had included the setting-up of an anti-cult hot line and organisation of roundtables and seminars with the participation of youth organisations, ministers of "traditional denominations", authorities, educators and members of the public. An educational seminar, "**Adverse effects of cults on the minds** of children and youth" ... Teaching staff had been given pamphlets, posters and brochures to be distributed among their students. The **brochure "Watch out for cults!"** («Будьте внимательны: секты!») ... The second page gave a summary description of the brochure:

"The methodical recommendations have been compiled on the basis of works by prominent Russian and international religious scholars and are addressed to administrators of educational institutions and officials in charge of education in the matter of **destructive activities of totalitarian cults** ..."

Chapter 2 provided an overview of "non-traditional religious movements active ...", including Jehovah's Witnesses, Mormons, Unification Church of Rev. Moon, Scientology, and Krishna Society. ... you need to know that you are facing members of ... a totalitarian cult". It went on to describe the life of the founder ... the precepts of the faith, rituals and dietary restrictions. It concluded: ... Even a cursory **review of the ...teachings can tell us that this religious movement is highly destructive for our society**. It has no genetic, historic or geographic connection to our people. ... **Zombification** and **psychological manipulation ... constitute a serious threat.**"

A complained to the Prosecutor General for discrimination in light "with a detailed analysis of untrue or misleading allegations in the brochure" was dismissed and the domestic court confirmed the lawfulness of the dismissal.

The ECHR applied a similar two-part test mentioned above. First, the ECHR ruled that both the religious legal entity and the individual applicant had the right to bring the claim, although neither had been expressly named in the anti-sect brochure. The ECHR reasoned: "even where applicants have not been personally targeted by hostile speech, they may be considered "victims" in the sense of being affected by remarks and expressions disparaging the religious movement or ethnic group to which they belonged". Second, the ECHR concluded that there had been a violation of Article 9 of the Convention, as follows: "38. ... the **hostile terms ... used to describe their movement may have had negative consequences** for them ... In the instant case, a publication ... represented the ... [religious minority] as **a money-greedy "totalitarian cult" "destructive" for Russian society,**

and also accused it of “**psychological manipulation**” and “**zombification**” ... The publication was distributed to educators for further dissemination among their students and also made available for download... 41. ... the exclusion of new or minority religious movements had been embedded in the set-up of the project from its inception.”

“42. ... Far from attempting to present a nuanced and balanced view of a variety of existing religions, the publication painted a starkly negative picture of new religious movements, including the Krishna movement. Emotionally charged and derogatory terms—“totalitarian cult”, “destructive [movement]”, “zombification”—were used for describing its teachings.” (See to similar effect, *Christian Religious Organization of Jehovah’s Witnesses in the NKR v. Armenia*, no. 41817/10, §§ 9, 16, 72, 74, 22 March 2022)

- b. **Tonchev and Others v. Bulgaria**, no. 56862/15, §§ 5, 6, 12, 14, 16-21, 52, 53, 61-63, 65 13 December 2022¹⁴ a case brought under Article 9 of the Convention and which concerned **anti-religious minority** statements in a “circular letter and information note” by municipal authorities which accused several religious minorities (including Jehovah’s Witnesses and Evangelicalism) of being “**dangerous religious sects**” which “**contravene Bulgarian legislation**” and alleged that **their religious activities “expose their participants to ‘psychological disorders’** with the aim to “combating anti-social behavior and protecting minors” and their families.

Following complaints submitted by some of the religious associations and their religious ministers, the Commission for protection against Discrimination “Referring to the [European] Court’s case law, ... considered that the ... information letter designed to draw the attention ...to the abusive practices of certain religious groups - was “prescribed by law” ... and was aimed at protecting public order and morals and the rights of others. ... while acknowledging that the circular letter had made unwarranted generalizations, in particular by presenting acts of proselytizing contrary to morality as a regular practice of the cults in question, the commission ruled that the measure was not disproportionate to the aim pursued and therefore did not constitute an act of harassment or discrimination contrary to the law. It observed ... that the term “sect”, which referred to a minority religious group, was not in itself pejorative.” The domestic courts confirmed the decision and found “unfounded” the “complaint that the information ... were defamatory and insulting, ... It also held ... freedom of religion ... could not lead to restrictions on the ability of others to criticize a religion or to disseminate objective information, even if negative. ...moreover, the letter did not contain any insulting remarks or calls for discrimination, but expressed a critical opinion, based on concrete indications relating to alerts and complaints registered by the competent authorities”.

¹⁴ [TONCHEV ET AUTRES c. BULGARIE \(coe.int\)](#)

Before the ECHR, the “42. As regards the use of the term “sect”, the Government argues that, according to the commonly accepted definition in Bulgarian, it does not necessarily have a pejorative connotation. As for the qualification “dangerous”, it maintains that the authors of the letter did not intend to apply it to all the religious associations referred to, but only to those whose actions were likely to infringe the rights of other citizens”.

The ECHR applied a similar two-part test. First, the ECHR ruled the individual applicants had standing to bring the claim, although they were not named in the circular letter and information note. The ECHR reasoned: “in view of their position as pastors and representatives of their respective religious communities, the Court considers that they can claim to have been personally affected by the measures at issue. The ECHR, expressly referring to the mentioned above judgment of and Centre of Societies for Krishna Consciousness in Russia and Frolov v. Russia, rejected all the above arguments of the domestic courts and the Government, concerning all the language and allegations related to the description of a “sect”, concluded that describing the religious minorities as ‘**dangerous sects**’ which ‘**contravene ... legislation**’ and cause “psychological disorders” is

(1) **“denigrating language and unsubstantiated accusations in relation to a religious movement”**,

(2) **“derogatory and defamatory description of their beliefs and practices”** that “contain **negative and unqualified judgments**, in particular those consisting in

(3) **“unduly denounce as reflecting a usual practice of these churches certain proven cases of abusive proselytism”**, and

(4) *critical assessments of representatives or members of religious communities... **must avoid calling into question the legitimacy** [such as labelling as “destructive or dangerous”] **of the beliefs in question; and they must remain proportionate to the circumstances of the case”***

*“in view **of the pejorative and hostile expressions used ... to designate the religious movement** ... and the fact that the **domestic proceedings ... did not provide an appropriate remedy** for their grievances, the Court considers” that all constitute a violation of Article 9 of the Convention.*

➤ **ECHR ANALYSIS OF THE ANTI-SECT ALLEGATIONS AGAINST JEHOVAH’S WITNESSES: THE CASE OF RUSSIA**

10. After the Soviet Union, the “Jehovah’s Witnesses case” started to develop in Russia in 1995, when an anti-sect non-governmental organisation but aligned with the Russian Orthodox Church, the “Committee for the Salvation of Youth from Totalitarian Cults” filed several complaint before the district prosecution office in Moscow against the religious beliefs and

practices of the religious denomination (Jehovah's Witnesses of Moscow v. Russia, no. 302/02, 10 June 2020, § 16-23)

11. As mentioned above, following the wide dissemination of the intolerant anti-sect propaganda, the Russian Government and the court authorities banned Jehovah's Witnesses as a "sect" and an "extremist organization" and criminalized their religious beliefs and practices for "carrying out their cult activities... harmful to the moral, mental and physical health of their members. (Taganrog LRO and others 19 v. Russia, No. 32401/10 of 7.06.2022).

(i) **ON THE STEREOTYPING LABELLING DESCRIPTION "DESTRUCTIVE, DANGEROUS, EXTREMIST SECT" AND AS SUCH ENGAGING IN "COERCION AND LIFE-CHOICES CONTROL", "MIND CONTROL" AND PSYCHOLOGICAL OR DAMAGES TO MENTAL HEALTH OF ADULTS AND MINORS**

Anti-sect propaganda and allegations	Findings of ECHR
<p>Issue Update: The Anti-cult Movement and Religious Regulation in Russia and the Former Soviet Union (uscirf.gov): "By the time the Russian government banned the Jehovah's Witnesses in April 2017, Alexander Dvorkin, a Russian anti-cult activist, had spent years lobbying for strong measures against groups he frequently refers to as "totalitarian cults" and "destructive sects"—and the Jehovah's Witnesses were at the top of his list ... claimed that the group maintains "strict control over every aspect of its members' lives... Indeed, the rhetoric of "brainwashing," "mind control," "zombification," and "totalitarian sects"</p> <p>Center of Societies for Krishna Consciousness in Russia and Frolov v. Russia, No. 37477/11: "The brochure "Watch out for cults!" .. in the matter of destructive activities of totalitarian cults ... including Jehovah's Witnesses... concluded: ... Even a cursory review of the ...teachings can tell us that this religious movement is highly destructive for our society... Zombification and psychological manipulation ... constitute a serious threat."</p> <p>Taganrog LRO and others 19 v. Russia, No. 32401/10 of 7 June 2022: "The criminal activity of the extremist group" consisted in "...choosing only part-time work in order to devote more time to preaching and service</p>	<p>Jehovah's Witnesses of Moscow v. Russia, no. 302/02, 10 June 2010: "110. ... the prosecution experts... opined that "direct psychological pressure" applied by the community carried with it the risk of family break-ups, they were unable to identify any victims of the alleged psychological pressure....120. In the present case the domestic judgments did not cite any evidence showing that members of the applicant community had been forced ... On the contrary, community members testified in the proceedings that they followed the doctrines and practices of Jehovah's Witnesses of their own free will and personally determined for themselves their place of employment, the balance between work and free time, and the amount of time devoted to preaching or other religious activities. ..."</p> <p>"122. ... no evidence of improper methods of proselytising by members of the ...community was produced ..."</p> <p>"127. .. the Court observes that the findings of the ... District Court that ... Biblical texts restrained their independent thinking, hindered the development of patriotic feelings and made them social outcasts ... In the absence of any first-hand evidence in support of these findings, they cannot be said to have been based on an acceptable assessment of the relevant facts."</p>

<p>considering the work of the organisation to be of primary importance ... involving minor children ... in the preaching activity when young children were forced to be in attendance with their parents for discussions at meetings for lengthy periods of time"</p> <p>"the Regional Court considered it established that the [religious organization] "had encroached on the personality, rights and freedoms of citizens ... first, ...determined how the believers' free time [was to be] spent and forbade them to celebrate holidays and birthdays", and second, ... preached at homes uninvited, "without giving heed to the opinion of persons whom they visited and whose private life they interfered with"</p> <p>"the Ministry of Education's recommendation on "resocialisation of adolescents subjected to destructive psychological influence" which named specifically ... children in families of Jehovah's Witnesses""</p> <p>Jehovah's Witnesses of Moscow v. Russia, n. 302/02: [The Prosecutor's office] "22....investigator, in charge of particularly important cases ... found that Jehovah's Witnesses ... intimidated believers and controlled their mind, ... The investigator ... recommended that the prosecutor ... lodge a civil action for the applicant community to be dissolved and its activity banned.</p> <p>"58. The District Court ... relied on the opinions of three psychiatrist witnesses for the prosecution who stated that "the literal following of the Bible principles, as practised by Jehovah's Witnesses, restricted the person's independent thinking ... and arrested psychological development. ...59. The District Court found that the applicant community violated the right to freedom to choose one's religion by resorting to ... "mind control".</p> <p>61. As to harming the health of citizens, the District Court found that, ...the activities of the applicant community had had a</p>	<p>"129. ... there is no generally accepted and scientific definition of what constitutes "mind control" and that no definition of that term was given in the domestic judgments, the Court finds it remarkable that the courts did not cite the name of a single individual whose right to freedom of conscience had allegedly been violated by means of those techniques. On the contrary, the individual applicants and other members of the ... community testified before the court that they had made a voluntary and conscious choice of their religion and, having accepted the faith of Jehovah's Witnesses, followed its doctrines of their own free will."</p> <p>"145. ... It has not been shown in the domestic proceedings, to any acceptable standard of proof, that ...[what] experienced by members of the applicant community had any appreciable negative effect on their well-being or mental state. 146. Accordingly, the Court finds that the charge of causing damage to the health of citizens lacked a factual basis."</p> <p>"148. ... In particular, the Court was unable to find any indication that minors had been "lured" against their will, by deception, trickery or any other inappropriate means."</p> <p>Taganrog LRO and others 19 v. Russia, No. 32401/10 of 7 June 2022: "157. For the Court, it is highly significant that no evidence of violence, hatred or coercion [even psychological or moral] was adduced in the proceedings ... Both the applicants' religious activities and the content of their publications appear to have been peaceful in line with their professed doctrine of non-violence. It was not shown that anyone, whether members ... or third parties, had been forced, prevailed upon or pressured into following religious injunctions against his or her will. The [domestic Russian] courts failed to identify evidence of the use of any improper methods to persuade others to prefer the religion of Jehovah's Witnesses. Not one of the banned publications was found to contain calls or incitement to violence or any insulting,</p>
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<p><i>“negative influence on the mental state and mental health of the followers”.</i></p> <p>128. The Russian courts also held that the applicant community breached the right of citizens to freedom of conscience by subjecting them to psychological pressure, “mind control” techniques and totalitarian discipline.</p>	<p>slandorous or discriminatory statements against members of other faiths.”</p> <p>“176. ... the Regional Court did not point to any evidence showing that the organisation itself or any non-parent members of the organisation had resorted to improper methods for involving minors in its activities, whether against their own will or that of their parents. On the contrary, the involvement of children in the community’s religious life appears to have been approved and encouraged by one of the parents who had been a Jehovah’s Witness himself or herself. Thus, the situation which had been imputed to the organisation had not actually been related to anything the organisation did or did not do, but to the actions of its individual members who were parents of those children</p>
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12. The same findings have been confirmed by the ECHR also in the case **Christian Religious Organization of Jehovah’s Witnesses in the NKR v. Armenia, no. 41817/10, 22 March 2022** related to the typical consequence of the anti-sect ideology: unjustified State refusal to register the religious denomination as a religious organisation. “The Government submitted that the refusal ... had been intended to protect public safety and the interests of national security, the State and the population” based on the expert opinion of the Department for National Minorities and Religious Affairs who concluded that:

“No one accepts Jehovah’s Witnesses as a [religious] organisation but as a sect, fake organisation ...

The fact that **Jehovah’s Witnesses destroy families,**

the ministers (preachers) use **a number of methods of psychological influence on believers** ... [they] use mainly psychological methods of persuasion and inspiration. When these methods are used, a **person comes under the total influence**, that is, his mentality, behaviour, personality type are transformed. ... The **main methods** of psychological influence **are manipulation, social provision and support, which keep a person dependent.** A dependent person is convinced of unreal opportunities and actions, which creates irrational ideas based on hope, methods of psychological inspiration and persuasion from which new faith is formed. **Such influence results in emotional regression and a motivation for the deep layers of the subconscious, which is dangerous for emotional stability and integrity** ... **Believers** are presented with a series of seemingly harmless actions, which gradually **draw in an individual, making him obedient and dependent, depriving him of his own will”**

The ECHR concluded that there has been a violation of Article 9 of the Convention read in the light of Article 11 and observed

"71. The Court notes at the outset that **the expert opinion** which served as a basis for the ... refusal ... **openly showed his negative predisposition** towards the applicant by stating, *inter alia*, that "[n]o one accepts Jehovah's Witnesses as a [religious] organisation but as a sect, fake organisation" ... **The objectivity of the expert opinion and the credibility of its findings are therefore questionable.** ... 74. The Court observes that the expert opinion **did not mention the name of a single individual who had allegedly fallen victim to the techniques of psychological manipulation indicated. Nor was there any specific evidence** to support the allegation that Jehovah's Witnesses were engaged in improper proselytism within the meaning of the Court's case-law. The **findings** of the expert opinion were thus **based on conjecture uncorroborated by fact** (see, *mutatis mutandis*, *Jehovah's Witnesses of Moscow and Others v. Russia*, no. 302/02, §§ 122 and 128-30, 10 June 2010).

13. Confirming that it is not a sectarian characteristic to have religious beliefs and practices related to personal life-choices, in reference to the Catholic Church, the **Grand Chamber of the ECtHR in *Fernandez Martinez v. Spain*, No. 56030/07, 12 June 2014, § 138** describes it as a "religion [... which] purports to regulate the private life and personal beliefs of its followers."
14. The European Court clearly exposed the disinformation and lack of any scientific or factual basis of the stereotyped allegation that different from a "religion or traditional religion", the "sect or its leaders control the life of its members with "brainwashing" or other "mind-control techniques":

"118. The Court emphasises that it is a **common feature of many religions that they determine doctrinal standards of behaviour by which their followers must abide in their private lives. Religious precepts that govern the conduct of adherents in private life** include, for instance, regular attendance at church services, performance of certain rituals such as communion or confession, observance of religious holidays or abstention from work on specific days of the week (see *Casimiro and Ferreira v. Luxembourg* (dec.), no. 44888/98, 27 April 1999, and *Konttinen v. Finland*, no. 24949/94, Commission decision of 3 December 1996), wearing specific clothes (see *Leyla Şahin v. Turkey* [GC], no. 44774/98, § 78, ECHR 2005-XI, and *Phull v. France* (dec.), no. 35753/03, 11 January 2005), dietary restrictions (see *Cha'are Shalom Ve Tsedek v. France* [GC], no. 27417/95, § 73, ECHR 2000-VII), and many others. Jehovah's Witnesses' regulations on ... **religious activities and abstaining from celebrating non-Witnesses or secular events were in that sense not fundamentally different from similar limitations that other religions impose** on their followers' private lives. ..." (*Jehovah's Witnesses of Moscow v. Russia*, no. 302/02, 10 June 2020. For the same conclusions)

(ii) ON THE LABELING OF THE CONFESSION AS A "DESTRUCTIVE, DANGEROUS, EXTREMIST SECT" CAUSING DAMAGE TO THE HEALTH OF PEOPLE (EXAMPLE: BLOOD TRANSFUSION REFUSAL)

Anti-sect allegations	Findings of ECHR
<p>Jehovah's Witnesses of Moscow v. Russia, No. 302/02: "23. ... The prosecutor's charges...were:... encouragement of suicide or refusal on religious grounds of medical assistance to persons in life- or health-threatening conditions; (iv) infringement of rights and freedoms of citizens"</p> <p>"60. ... the District Court found that under the influence of the applicant community its members had refused transfusions of blood and/or blood components even in difficult or life-threatening circumstances.</p> <p>"61. As to harming the health of citizens, the District Court found ...the prohibition on</p>	<p>Jehovah's Witnesses of Moscow v. Russia, No. 302/02, § 132-139: "132 ...the Russian courts ... judgments can be understood to consider that the refusal of a blood transfusion is tantamount to suicide, in the [European] Court's view, this analogy does not hold, for the situation of a patient seeking a hastening of death through discontinuation of treatment is different from that of patients who – like Jehovah's Witnesses – just make a choice of medical procedures but still wish to get well and do not exclude treatment altogether. As the charge of encouragement to suicide did not have any basis in fact ...</p> <p>136. ... Many established jurisdictions have examined the cases of Jehovah's Witnesses who had refused a blood transfusion and found that, ...the public interest in preserving the life or health of a patient ... had to yield to the patient's stronger interest in directing the course of his or her own life (see the judgments cited in paragraphs 85 to 88 above)..."</p> <p>139. The Court reiterates that, although the arguments based on religious beliefs may be extremely persuasive and compelling, the right "to try to convince one's neighbour" is an essential element of religious freedom (see Kokkinakis, cited above, § 31, and Larissis and Others v. Greece, 24 February 1998, § 45, Reports of Judgments and Decisions 1998-I). ... Turning to the instant case, the Court finds nothing in the domestic judgments to suggest that any form of improper pressure or undue influence was applied. On the contrary, it appears that many Jehovah's Witnesses have made a deliberate choice to refuse blood transfusions in advance, free from time constraints of an emergency situation, which is borne out by the fact that they had prepared for emergencies by filling out "No Blood" cards and carrying them in their purses. There is no evidence that they wavered in their refusal of a blood transfusion upon admission to hospital. Accordingly, there is no factual basis supporting the finding that their will was overborne or that the refusal of a blood transfer did not represent their true decision...</p> <p>"141. Finally, the [Russian] Court observes that ... The fact that the applicant community had preached the doctrinal importance of abstaining from blood transfusions in its religious literature and distributed blank "No Blood" cards among its members was in itself sufficient to trigger the banning of its activities. This finding had the effect of making the part of the Jehovah's Witnesses teachings concerning the refusal of medical treatment unlawful and amounted to a declaration that their religious beliefs relating to the sacred nature of blood were illegitimate."</p>

<p>blood transfusion”</p> <p>Taganrog LRO and 19 others v. Russia, No. 32401/10: ““The criminal activity of the extremist group” consisted in “... “inciting ... to reject medical treatment on religious grounds in particular, the transfusion of blood and its components even under grave and life-threatening conditions”</p>	<p>Taganrog LRO and 19 others v. Russia, No. 32401/10: “162. ...However, the freedom to accept or refuse specific medical treatment or to select the alternative form of treatment is vital to the principles of self-determination and personal autonomy. For this freedom to be meaningful, patients must have the right to make choices that accord with their own views and values, regardless of how irrational, unwise or imprudent such choices may appear to others. .. Free choice and self-determination are fundamental constituents of life and that, absent any indication of the need to protect public health, the State must abstain from interfering with the individual freedom of choice in the sphere of health care, for such interference can only lessen and not enhance the value of life (ibid., §§ 135-36, and Vavříčka and Others v. the Czech Republic [GC], nos. 47621/13 and 5 others, § 276, 8 April 2021).”</p> <p>“165. In the absence of any evidence of improper pressure, the refusal of blood transfusion was an expression of free will of a community member exercising her right to personal autonomy in the sphere of health care protected both under the Convention and in [...domestic] law”.</p>
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15. The ECtHR in *Jehovah's Witnesses of Moscow v. Russia*, No. 302/02, also noted: "144. ...**in general, that the rites and rituals of many religions may be detrimental to the well-being of believers, such as, for example, the practice of fasting, which is particularly long and strict in Orthodox Christianity, or the circumcision practised on Jewish or Muslim male children. It does not appear that the teachings of Jehovah's Witnesses include such controversial practices**"
16. Basically, as repeatedly highlighted by the ECHR "165. ...**The imputation of ... death to the [... religious organization] solely because Jehovah's Witnesses preach the doctrinal importance of abstaining from blood transfusions in their religious literature amounted to a declaration that their religious beliefs relating to the sacred nature of blood were illegitimate** (see *Jehovah's Witnesses of Moscow and Others*, cited above, § 141). The Court reiterates that **States do not have the right under the Convention to decide what beliefs may or may not be taught** because the right to freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State **to determine whether religious beliefs or the means used to express such beliefs are legitimate** (see *Manoussakis and Others v. Greece*, 26 September 1996, § 47, Reports 1996-IV, and *Hasan and Chaush v. Bulgaria* [GC], no. 30985/96, § 78, ECHR 2000-XI)" (**Taganrog LRO and 19 others v. Russia, No. 32401/10, 7 June 2022**).

(iii) **ON THE STEREOTYPING LABELLING DESCRIPTION "DESTRUCTIVE, DANGEROUS, EXTREMIST SECT" AND AS SUCH ARE NOT A RELIGIOUS**

**ORGANIZATION BUT ARE REALLY A COMMERCIAL CULT ORGANIZED LIKE
A PYRAMID SCHEME, A FRAUD IN VIOLATION OF LAWS**

Anti-sect propaganda and allegations	Findings of ECHR
<p>Issue Update: The Anti-cult Movement and Religious Regulation in Russia and the Former Soviet Union (uscirf.gov): “Dvorkin claimed ... that the Jehovah’s Witnesses “...re really “a commercial cult organized like a pyramid scheme that exists off of the sale of its publications and multimedia productions.”</p> <p>Center of Societies for Krishna Consciousness in Russia and Frolov v. Russia, No. 37477/11: <i>“The brochure “Watch out for cults!” .. in the matter of destructive activities of totalitarian cults ... including Jehovah’s Witnesses... concluded: ... “The goals ... are frequently rather materialistic: they seek to obtain money by all means. ... they sell their literature ... All of it goes to the leaders of the cult who keep a close watch on that activity.”</i></p> <p>Taganrog LRO and 19 others v. Russia, No. 32401/10: <i>“102. The [Russian] court held that the applicants had formed a “stable extremist group” which had ... an “illegal income” which the applicants had obtained “in the form of voluntary donations from citizens which was used for the purposes of extremist activities. ... 110. [religious ministers] reminded people of the need to donate money and collected the money that was received”</i></p> <p>Jehovah's Witnesses of Moscow v. Russia, No. 302/02 <i>“16. ... the Committee for the Salvation of Youth from Totalitarian Cults ... filed a complaint ... It alleged in particular that Jehovah's Witnesses burdened their followers with exorbitant membership dues that put their families in a financially precarious situation...”</i></p>	<p>Taganrog LRO and 19 others v. Russia, No. 32401/10: <i>“260. ... Nor was it illegal to receive donations to meet the costs of renting a place for religious services ... 267. The Court reiterates that Article 9 lists a number of forms which manifestation of one’s religion or belief may take, namely worship, teaching, practice and observance ... Collecting donations is also an important aspect of freedom of religion guaranteed by Article 9 of the Convention, for without financial resources, religious associations might be unable to provide religious services or ensure their survival (see Association Les Témoins de Jéhovah v. France, no. 8916/05, §§ 49 and 53, 30 June 2011).”</i></p>

17. Negative stereotypes and misinformation are evident: (1) religious publications and texts are not sold; (2) Unlike many other religions, Jehovah's Witnesses, both nationally and congregationally, do not offer any services or activities such as day care centers, playgroups, Sunday schools, youth groups or clubs. They do not operate schools, orphanages, home care or offer or sponsor after-school programs or activities such as choirs, camps, field trips, sports, outdoor outings, parties and similar activities; (3) Nor does the construction or purchase of places of worship constitute commercial real estate
18. As the European Court repeatedly acknowledged donations are not an “income” or expression of commercial business or the result of a “pyramid scheme” rather “donations ... are an important source of funding **for [...**

any kind of no profit] association (Union des Athées, cited above, §§ 64, 66 to 68). Similarly, in connection with the decision to register the estate of the Institute of French Priests in the name of the Treasury, the [ECHR] Commission declared admissible a complaint under Article 9, namely that the Institute, cut off from its vital resources, could not ensure religious services or the survival of the church (Institut de prêtres français et autres c. Turquie, no 26308/95, Commission decision of January 19, 1998." ... [since] donations constituted the essential source of financing for the association by the faithful" (Association Les Témoins de Jéhovah v. France, no. 8916/05, §§ 49 and 53, 30 June 2011)

(iv) **ON THE STEREOTYPING LABELLING DESCRIPTION "TOTALITARIAN, DESTRUCTIVE, EXTREMIST SECT" AND AS SUCH ENGAGING IN SOCIAL "ISOLATION", COERCION AND "DESTRUCTION OF FAMILY OR SOCIAL RELATIONSHIPS**

Anti-sect allegations	Findings of ECHR
<p>Issue Update: The Anti-cult Movement and Religious Regulation in Russia and the Former Soviet Union (uscirf.gov): By the time the Russian government banned the Jehovah's Witnesses in April 2017, Alexander Dvorkin, a Russian anti-cult activist, had spent years lobbying for strong measures against groups he frequently refers to as "totalitarian cults" and "destructive sects"—and the Jehovah's Witnesses were at the top of his list"authoritarian organizations whose leaders strive to dominate and exploit their followers" through various deceitful "masks." He has compared such leaders to Hitler and Lenin, equated religious communities with the Stalinist Gulag, and said that NRMs had more in common with totalitarian political regimes than "real" religions.</p> <p>Center of Societies for Krishna Consciousness in</p>	<p>Jehovah's Witnesses of Moscow v. Russia, No. 302/02: "110. The Court observes at the outset that the term "coercion" in its ordinary meaning implies an action directed at making an individual do something against his or her will by using force or intimidation to achieve compliance. The domestic courts did not give examples of any forceful or threatening action on the part of the applicant community calculated to break the families of its members apart.</p> <p>There was nothing to indicate that the applicant community had made any demands on its members as a condition for continuing their family relationship or, vice versa, In fact, the prosecution experts acknowledged that the texts of Jehovah's Witnesses did not contain "direct coercion into destroying the family".</p> <p>111. It further appears from the testimonies by witnesses that what was taken ... to constitute "coercion into destroying the family" was the frustration that non-Witness family members experienced as a consequence of disagreements over the manner in which their Witness relatives decided to organise their lives in accordance with the religious precepts, and their increasing isolation resulting from having been left outside the life of the community to which their Witness relatives adhered.</p> <p>It is a known fact that a religious way of life requires from its followers both abidance by religious rules and self-dedication to religious work that can take up a significant portion of the believer's time and sometimes assume such extreme forms as monasticism, which is common to many Christian denominations and, to a lesser extent, also to Buddhism and Hinduism. Nevertheless, as long as self-dedication to religious matters is the product of the believer's independent and free decision and however unhappy his or her family members may be about that decision, the ensuing estrangement cannot be taken to mean that the religion caused the break-up in the</p>

<p>Russia and Frolov v. Russia, No. 37477/11: "The brochure "Watch out for cults!" .. in the matter of destructive activities of totalitarian cults ... including Jehovah's Witnesses... concluded: ... you need to know that you are facing ... a totalitarian cult.... constitute a serious threat."</p> <p>Jehovah's Witnesses of Moscow v. Russia, No. 302/02: "22. ... the new investigator, in charge of particularly important cases ... found that Jehovah's Witnesses alienated their followers from their families...23. ...The prosecutor's charges ...were: ... (ii) coercion into destroying the family; ... (iv) infringement of rights and freedoms of citizens."</p> <p>59. ... According to the prosecution experts, Jehovah's Witnesses were set apart from traditional religions because of the "theocratic hierarchy of the community", "their striving to integrate families into the life of a totalitarian non-secular collective" and "military-like discipline in domestic life. ...</p> <p>Taganrog LRO and 19 others v. Russia, No. 32401/10: "102. ... hey were driven by extremist motives "manifested by [their] expressions debasing human dignity on the basis of religious orientation... 103. "The criminal activity of the extremist group" consisted in ..."breaking up the</p>	<p>family. Quite often, the opposite is true: it is the resistance and unwillingness of non-religious family members to accept and to respect their religious relative's freedom to manifest and practise his or her religion that is the source of conflict. It is true that friction often exists in marriages where the spouses belong to different religious denominations or one of the spouses is a non-believer. However, this situation is common to all mixed-belief marriages and Jehovah's Witnesses are no exception."</p> <p>Taganrog LRO and 19 others v. Russia, No. 32401/10: "Russian courts "did not identify any word, deed or action by the applicants which would be motivated or tainted by violence, hatred or discrimination against others." (§ 271)</p> <p>"174. The Court finds no legal or factual basis for the Regional Court's finding that the children's alleged lack of participation in sports, music or hobby groups was detrimental to their development or imputable to the [religious organization]. There is no single normative parenting style or mandatory set of parenting practices, and the general conclusion that such are elements of a harmonious development, regardless of the age or circumstances of a child, would normally be supported by evidence of scientific, legal or social consensus, which was not the case here. It is significant that, in reaching its findings, the Regional Court did not hear any evidence from the children themselves and did not identify any instances of abuse, coercion or non-consensual involvement of children in the religious practices. "[D]ecisions about whether to give a child a religious or non-religious education . . . are to be made exclusively by the child's parents or, as the case may be, the custodial parent. Such decisions fall within the sphere of the private and family life which is protected from unjustified State interference." (§ 175)</p> <p>"178. The Court has previously found, in relation of a similar charge, that, in so far as the Russian courts did not give examples of any coercive, forceful or threatening action on the part of the applicant organisation, what was taken by the courts to constitute "coercion into destroying the family" was the frustration that non-Witness family members experienced as a consequence of disagreements over the manner in which their Witness relatives decided to organise their lives in accordance with the religious precepts, and their increasing isolation resulting from having been left outside the life of the community to which their Witness relatives adhered. ... [A]s long as self-dedication to religious matters is the product of the believer's independent and free decision and however unhappy his or her family members may feel about that decision, the ensuing estrangement cannot be</p>
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<i>family, marriage, and family relationships, alienating people from the family circle because their relatives did not, according to this specific religion, have the correct world view"</i>	<i>taken to mean that the religion caused the break-up in the family.</i> 179. ... There was nothing to indicate that the religious organisation had made any demands on its members as a condition for continuing their family relationship or, in the other sense, that it had imposed any kind of condition or made any demands [...]"
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19. Since are closely related to the allegations of the anti-sect ideology, concerning religious beliefs and practices about social contacts or relationship as well as removing someone from the religious community, are noteworthy the following decisions of the ECHR concerning religious beliefs and practices of "traditional churches" that the anti-sect ideology usually consider a characteristics of "sects":

a. **Šijakova and Others v. "the former Yugoslav Republic of Macedonia" (dec.) - 67914/01, 6.3.2003 [Section III]**, related to the "religious canons" of the Orthodox Church, concerning the social contacts of monks to with their families. The family members of the monks contended that the religious regulations of the Church were in violation of several fundamental rights including

- article 8 Convention complaining *"that they are not able to have a normal family life with their children ... that the **Church acts in a manner that blatantly disrespects their private and family life**, as it forbids contacts with their children ... and teaches them to hate their parents and other close family members, and that their children have no responsibilities towards their parents even if they are old, sick and unable to take care of themselves"*
- "Article 9 of the Convention, asserting that if **they express an opposing thought or the slightest disagreement** with their children ... **the latter would consider them heretics and possessed by the devil. ... if they were to change their religious convictions and beliefs that could result in a complete termination of their relations with their children ... because the Church forbids relations between monks and their parents who hold opinions different from the official ones preached by the Church ... they maintain that their children are deprived of many of their fundamental human rights and freedoms as a result of the monastic way of life**, that they are fully dependent on their spiritual superior and are **required to work** on the property of the monasteries. They further allege that even **if their children wanted to leave** the monasteries and the monastic order, as the Church maintains they are free to do, **they would be cursed and anathematised for the rest of their lives"**.
- The domestic Constitutional Court rejected the complaint stating *"that the manner in which an individual manifested his or her religious convictions or beliefs was a matter of private conscience,*

which ultimately determined the relationship between religious communities and the State"

The ECHR **upheld the domestic court decision** and ruled that: "[T]he question of maintaining **contacts and communication** between parents and children who are not minors, and of the respect and affection they have for each other, **is a private matter**, which relates to and **depends on the persons related to each other in a family context**, and the absence, the reasons and the origin of that absence do not require a positive commitment on the part of the State and cannot be imputed to it."

- b. About removing congregants from the religious denomination, concerning a case related to a Catholic priest who held doctrinal views different from the Catholic Church and lost his status according the religious interpretation of "scandal" related to internal religious canons, the **Grand Chamber of the ECHR ruled in *Fernández Martínez v. Spain* [GC], no. 56030/07, §§ 128-129, ECHR 2014** (extracts):

"128. ... Article 9 of the Convention does not enshrine a right of dissent within a religious community; in the event of any doctrinal or organisational disagreement between a religious community and one of its members, the individual's freedom of religion is exercised by the option of freely leaving the community ... Respect for the autonomy of religious communities recognised by the State implies, in particular, that the State should accept the right of such communities to react, in accordance with their own rules and interests, to any dissident movements emerging within them that might pose a threat to their cohesion, image or unity ...

129. ... Moreover, the principle of religious autonomy prevents the State from obliging a religious community to admit or exclude an individual or to entrust someone with a particular religious duty ..." (emphasis added) (See also *Sindicatul "Păstorul cel Bun" v. Romania* [GC], no. 2330/09, §§ 136-137, ECHR 2013 (extracts) about a similar case for the Orthodox Church)

20. On **7 June 2022 the Ghent Court of Appeal (Belgium - upheld by the Court of Cassation of Belgium on December 19, 2023)** relying on the above-mentioned case law of the ECHR, concluded as follows concerning the practice of Jehovah's Witnesses to limit social contact with a former congregant (outside of the immediate household):

"2.9.3 ... what is essentially being denounced is passive social rejection ... the criminal evidence does not demonstrate according to the requirements of the law that the shunning policy of Jehovah's Witnesses as such manifestly violates the rights of believers or of former believers protected by Article 9 of the ECHR to decide to leave (or not to leave) the religious community."

"2.12.4 ... Furthermore, it has already been considered in paragraph 2.9.3 that the criminal evidence does not demonstrate that the shunning policy is aimed at actively approaching, stalking, threatening or bullying former members of Jehovah's Witnesses.

Nor can it be argued that the exclusion policy referred to leads de facto to generalised social isolation [social death]. ... Jehovah's Witnesses constitute a (very) small religious community ... so that **an encounter with a member of Jehovah's Witnesses through general social interaction will be the exception rather than the rule.**

2.7.4 It cannot therefore be inferred from all this that the religious community of Jehovah's Witnesses applies a general and uniform rule that those who do not comply with the shunning policy should be excluded.

"2.12.7 [...] With regard to expelled minors, the avoidance policy seems to be limited to not allowing the minor to actively participate in the daily family Bible study. It is not certain that the minor in question experiences this situation as a serious ordeal."

(v) **ECHR ANALYSIS OF THE ANTI-SECT ALLEGATIONS AGAINST JEHOVAH'S WITNESSES: CONCLUSIONS**

21. In view of the foregoing, it should be noted that the ECtHR concluded that there was no evidence that the Jehovah's Witnesses had resorted to practices or activities which fit the negative stereotype of a destructive , totalitarian and controlling sect:

a) The ECtHR has established on multiple occasions that the Jehovah's Witnesses are not a "sect" or a "destructive cult" but a *"religious group with a **long-standing existence internationally** which are also long established in the country and therefore familiar to the competent authorities"* (Religionsgemeinschaft der Zeugen Jehovas and Others v. Austria, no. 40825/98, 31 July 2008) and a *"**well-known Christian denomination** ... [which has] established an active presence in many countries throughout the world, including **all European States** which are now members of the Council of Europe"* (ECtHR Jehovah's Witnesses of Moscow v. Russia, no. 302/02, 10 June 2010 § 155; Kokkinakis v. Greece, no. 14307/88, 25 May 1993, Series A no. 260-A or Manousakis and Others v. Greece, no. 18748/91, 26 September 1996).

b) **the activities and practices of the Confession are no different from the way in which other "religions" (such as the Catholic and Orthodox Church) teach or express their beliefs and practices** (Taganrog LRO and 19 others v. Russia, No. 32401/10, 7 June 2022; Jehovah's Witnesses of Moscow and Others v. Russia, no. 302/02, 10 June 2010):

"It is a common feature of many religions that they determine doctrinal standards of behavior that their followers must adhere to in their private lives, ... The standards of Jehovah's Witnesses ... do not differ from similar limitations that other religions impose on the private lives of their followers.

The Court notes, in general, that the rites and rituals of many religions may be detrimental to the well-being of believers ... It does not appear that the teachings of Jehovah's Witnesses include such controversial practices

It is a well-known fact that a religious way of life requires of its followers both compliance with religious rules and self-dedication to religious work which may occupy a significant part of the believer's time....

The Court reiterates that "private life" is a broad term encompassing the sphere of personal autonomy within which everyone can freely pursue the development and fulfilment of his or her personality and to establish and develop relationships with other persons and the outside world. It also extends further, comprising activities of a professional or business nature since it is, after all, in the course of their working lives that the majority of people have a significant, if not the greatest, opportunity of developing relationships with the outside world ... In the light of these principles, the decisions of Jehovah's Witnesses whether to take full-time or part-time, paid or unpaid employment, whether and how to celebrate events significant to them, including religious and personal events such as wedding anniversaries, births, housewarmings, university admissions,

celebration of events significant to them and the distribution of leisure time... the manner in which their Witness relatives decided to organise their lives in accordance with the religious precepts... [including] .. the refusal of blood transfusion [and social relationships]

are matters which belong to the sphere of the "private life" of the members of the community (see *Jehovah's Witnesses in Moscow et al.*, cited above, § 117) [and] By obeying these precepts in their daily lives, believers manifest their willingness to conform strictly to the religious doctrine they profess, and their freedom to do so is guaranteed by Article 9 of the Convention."

- c) "solely because Jehovah's Witnesses preach the doctrinal importance of abstaining from blood transfusions in their religious literature" or of [religious beliefs about social contacts or other life-choices or private matters] "as long as self-dedication to religious matters" or "actions of its individual members" ... "is the product of the believer's independent and free decision", those actions or situations cannot be imputed to the religious organization. For example, "cannot be taken to mean that the religion caused the break-up in the family" or the "death" of a patient because according to the ECHR this "amounted to a declaration that their religious beliefs ...were illegitimate (see *Jehovah's Witnesses of Moscow and Others*, cited above, § 141). The Court reiterates that States do not have the right under the Convention to decide what beliefs may or may not be taught because the right to freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs are legitimate (see *Manoussakis and Others v. Greece*, 26 September 1996, § 47, Reports

1996-IV, and *Hasan and Chaush v. Bulgaria* [GC], no. 30985/96, § 78, ECHR 2000-XI)".

- d) "The [European] Court is not satisfied that the Regional Court's findings were based on an acceptable assessment of facts. ... The Court finds that the Supreme Court's judgment relied on generalities instead of actually engaging in reasoning and trying to find a balance between competing rights. ... It did not explain who the "others" were whose rights were supposedly in need of protection, given that Jehovah's Witnesses had not been found to have used any coercion or improper methods of conversion, or what kind of "real threat" to public order and security the avowedly peaceful and non-violent religious activities of Jehovah's Witnesses posed."
22. In conclusion, the "Russian cases" about Jehovah's Witnesses prove that "[T]he forced dissolution of all religious organisations of Jehovah's Witnesses in Russia was not merely the result of a neutral application of legal provisions but **disclosed indications of a policy of intolerance** [the anti-sect ideology] **by the Russian authorities towards the religious practices of Jehovah's Witnesses designed to cause Jehovah's Witnesses to abandon their faith and to prevent others from joining it**" (ECHR, *Taganrog LRO and Others v. Russia*, nos. 32401/10 and 19 others, 7 June 2022, § 254).

THIRD – NEGATIVE STEREOTYPES, GENERALIZATIONS, DISINFORMATION STIGMATIZING AN ENTIRE RELIGIOUS MINORITY BY THEIR TENOR IN LIGHT WITH ARTICLE 10.2 AND 17 CONVENTION:

- A. NO BALANCING OF RIGHTS IS REQUIRED;**
- B. EVEN IF SUCH EXPRESSIONS TOUCH UPON A MATTER OF PUBLIC INTEREST, THEY CAN AT THE SAME TIME PROMOTE OR JUSTIFY INTOLERANCE, DISCRIMINATION OR HATRED TOWARDS THOSE GROUPS, AND THUS BE ENTITLED TO NO OR VERY LIMITED PROTECTION;**
- C. BY THEIR VERY NATURE AND LEGALLY, DO NOT DEPEND ON AND ARE NOT "JUSTIFIED" BY THE CRITERION OF "VERACITY" OR "FACTUAL BASIS" IN RELATION TO CERTAIN "CASES" OF SPECIFIC PERSONS OR INDIVIDUAL CHOICES.**
23. **No balancing of rights is required in this case.** Sweeping statements "attack" or "cast in a negative light" a religious group, labelling them a "cult" or "dangerous and destructive cult" and so denying them the dignity of being a religion, accusing them of systematically committing serious crimes or harmful behaviours amount to "extreme negative stereotyping meant to vilify" and "stir up prejudice and hatred towards them". Applying the case law of the ECHR (see paragraphs 5 to **Error! Reference source not found.** above), such statements "deserve no or very limited protection under Article 10 of the Convention read in the light of Article 17."
24. As the ECtHR has observed: "the manner in which the courts **[...wrongly assessed ...]** the tenor of the statements [...] was reflected in the way they balanced the [...] right to freedom of expression with the right of the

applicants" (Budinova and Chaprazov v. Bulgaria, No. 12567/13, 16 February 2021).

Therefore, It is wrong to conclude that such kind of statements are justified because

- **they are a matter of “public interest” or that some of the statements have previously appeared in media articles.**

In all the leading **case Tonchev and Others v. Bulgaria, No. 56862/15, §§ 53, 61-63, of 13 December 2022**, related to negative stereotyping, generalizations and disinformation about religious minorities (evangelicals, Jehovah's Witnesses, Mormons and similar), the ECHR highlighted the following and superficial wrong conclusions of the domestic court according to which *"20. [...] the allegation that the information [...] was defamatory and offensive, the [Bulgarian] Court found to be unfounded. It held that the negative perception of this information by the applicants [evangelical churches and individual religious ministers] was not objectively justified [...] cannot give rise to restrictions on the ability of others to criticize a religion or to disseminate objective information, even if negative. It added that, moreover, the letter did not contain offensive remarks or calls for discrimination, but rather expressed a critical opinion based on concrete indications from reports and complaints."*

The ECHR stressed and stated that In doing so the **domestic courts “downplayed” the capacity of sweeping statements to stigmatize and arouse hatred and prejudice against the religious minorities** and thus committed the very same error as condemned by the ECHR in *Budinova and Chaprazov v. Bulgaria*, no. 12567/13, §§ 90, 93-94, 16 February 2021:

"93 Although the courts acknowledged the vehemence of the statements, they downplayed their capacity to stigmatise Roma in Bulgaria as a group and arouse hatred and prejudice against them, and apparently saw them as no more than part of a legitimate debate on matters of public concern (see paragraphs 13 and 15 above). That, however, ignored the point that while an expression of opinion might touch upon a matter of public concern – such as the relations between ethnic groups in a country – it can at the same time promote or justify hatred and intolerance towards some of those groups, and thus be entitled to no or very limited protection under Article 10 of the Convention."

25. Such kind of sweeping statements are also manifestly false from a factual viewpoint. It must avoid to commit the same error as the ECHR condemned in in **E.S. v. Austria**, no. 38450/12, §55, 25 October 2018:

"... the Court considers that it is not compatible with Article 10 of the Convention to package incriminating statements in the wrapping of an otherwise acceptable expression of opinion and deduce that this renders statements exceeding the permissible limits of freedom of expression passable. Moreover, the applicant was wrong to assume that improper attacks on religious groups had to be tolerated even if they were based

on untrue facts (see paragraph 35 above). On the contrary, the Court has held that statements which are based on (manifestly) untrue facts do not enjoy the protection of Article 10".

26. **Even if it can be referenced to several proven cases of unlawful behaviour, this still would not justify negative stereotyping, generalizations and disinformation.** As the ECHR ruled in *Tonchev and Others v. Bulgaria*, no. 56862/15, §62, 13 December 2022 it is a violation of Article 9 of the Convention (and, by analogy Article 8 of the Convention) to "unduly denounce as reflecting a usual practice [of a religious minority] certain proven cases [of unlawful behavior]."

Of course, individual Jehovah's Witnesses - just like Catholics, Protestants, Jews, Muslims, etc. - can commit crimes that harm their co-religionists or third parties. If this happens, it is right that these people pay for what they have done, but it is not right to stigmatize an entire community for alleged crimes committed by one or several individuals

27. Concerning **the analysis of religious texts or material, beliefs and teachings**, every religion bases its beliefs and practices on sacred texts that are not easily understood, in their proper context, by those outside the faith. For example, for some, the "eye for an eye" requirement of the Mosaic law would seem to authorize a right to punishment, which most Christians today would probably find unacceptable. The reality is that religious freedom implies that it is up to the religious community itself, and not to secular authorities, to interpret sacred texts. As confirmed by the "Russian cases", the ECHR has consistently ruled that "it is not for the [domestic courts] to express an opinion" on disputed questions of faith or doctrine and that "only the highest spiritual authorities of a religious community, not the State (or even the national courts)" can decide issues of faith and doctrine. In other words, the religious community itself has the exclusive authority to pronounce on and explain the beliefs and practices of that religion. **The courts do not have the authority to interpret religious beliefs and religious publications or in any other way decide what are the beliefs and practices of a particular religion.** (*Izzettin Doğan e.a. v. Turkey* [GC], no. 62649/10, §§ 110 and 121, 26 April 2016)

28. **Neither, testimonies or allegations of former members might be considered relevant in such cases.** These people may recount their alleged own experience, but as happens in any other religion, association, political party, etc., being very difficult for there to be unanimity in opinions, as in any other aspect of life. Contrary to what is suggested by negative stereotyping and generalizations, it is clear that, as with most religions, Jehovah's Witnesses are not a uniform community, but come from diverse backgrounds, cultures and communities, and accordingly make individual decisions about how to apply the biblical principles taught by the Confession and the relevance of these to their lives. It is difficult to define why an individual makes one decision or another, whether it is based on religious or cultural factors. For example, depending on these factors, each person may have a different interpretation of how to apply the same religious text. In summary, religious minorities and their denominations cannot be defined solely by their faith:

there are many other aspects that shape their identity, as with all religious people

29. As it is shown from the following chart, the **above-mentioned ECtHR's case law has completely rejected a "justification" of negative stereotyping, generalization and disinformation on religious minorities based on an alleged "veracity" or "factual basis"** consisting of: (a) "narratives of personal experiences"; (b) "media reports"; (c) "books governing the religious organization"; (d) "various data (judgments, resolutions, expert opinions and similar)":

(a) Narratives of personal experiences	<p>Tonchev et al. v. Bulgaria, No. 56862/15: <i>"the letter of 9 April 2008 was issued following numerous <u>complaints</u>, [...] confirmed by the police and the National Security Agency"</i>.</p> <p>Budinova and Chaprazov v. Bulgaria, no. 12567/13: <i>"I have received information about similar events [...]. Some stories are heartbreaking [...] I received <u>information from the village of Mechka</u> [...] there, in 2000, [P.T.] was killed in his courtyard [...] there were <u>seven other [similar cases]</u>, the inhabitants told me." Or references to "... <u>statements concerning Roma made by a mayor</u>."</i></p> <p>Center of Societies for Krishna Consciousness in Russia and Frolov v. Russia, No. 37477/11: <i>"The brochure "Beware of Cults! [...] presented <u>various views on the activities of "non-traditional religious organizations"</u></i>.</p> <p>Jehovah's Witnesses of Moscow v. Russia, No. 302/02 of 10 June 2010: <i>"56. With regard to the charge of 'coercion to destroy the family', the District Court relied on the statements of ... members of a Jehovah's Witness family.. who had expressed their dissatisfaction with the observance of religious rules [...] of their active participation in the applicant community and their estrangement from non-religious members of the family."</i></p> <p>Sanchez v. France, No. 45581/15, May 15, 2023 (Grand Chamber): <i>"15. [...] S.B., who reacted the same day by posting the following comments on the applicant's Facebook "wall" (translation): 'This BIG has turned NIMES into ALGIERS, there is not a street without a KEBAB store and a mosque; drug dealers and prostitutes reign, [...].</i></p> <p><i>16. Another reader, L.R., [...] "Shisha bars all over the city center and veiled women [...] Look at what Nîmes, the so-called Roman city, has become [...] "Drug dealing run by Muslims in the Rue des Lombards, has been going on for years [...] even with CCTV in the street [...] another drug dealing in plain sight on Avenue General Leclerc where the riff-raff sells drugs all day long but the police never arrive and even the police never arrive..." another drug dealing in full view of everyone on Avenue General Leclerc where the mob sells drugs all day long but the police never arrive and even at the exit of the schools, stones are thrown at the cars of the 'white' route d'arles at the traffic lights all the time [...].</i></p> <p><i>33.[...] The applicant [...] argued that [...] it could not deprive citizens of the freedom to express their views on the consequences of immigration in certain towns or neighbourhoods, since the comments had specifically deplored the</i></p>
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	<p>transformation of the city of Nîmes by immigrants of North African origin and of Muslim confession."</p>
(b) Media articles or reports	<p>Center for Krishna Consciousness Societies in Russia and Frolov v. Russia, No. 37477/11: <i>"The news agency [...] Russkaya Liniya published an interview with A.M., a member of the Orthodox clergy. He stated that the Krishna Society is a 'devil-oriented religion' that 'deeply influences the personality' of its followers."</i></p> <p>Tonchev et al. v. Bulgaria, No. 56862/15: <i>"several <u>press articles, both in print and online, report - with headlines such as "War against cults", "Cults attack on Christmas Eve" and "Cults lure children with ice cream" - that the municipality has issued a circular on the subject."</u></i></p> <p>Zemmour v. France, No. 63539/19 of 20 December 2022: <i>"7. [...] live broadcast [...] which took place shortly <u>after the Nice attack of July 2016 and the murder of Father Hamel</u>, both committed by French nationals in the name of Islam."</i></p> <p>Budinova and Chaprazov v. Bulgaria, No. 12567/13: <i>"A gang of gypsies, with eighty members, carried out a terrorist attack against several Bulgarians attending the prom of a man from the neighbourhood. In the course of the attack <u>they beat several people; [...] A fifty-three-year-old university professor of history, [S.K.], was killed [...].</u></i></p> <p><i><u>In the Zaharna Fabrika neighborhood there were terrible acts of violence against Bulgarians, involving more than eighty Gypsies. They destroyed a cafeteria [which sold food and drink], they beat up a police officer, the owner of the cafeteria, the people who were there, and yet I am not aware that they arrested any of them. Here - see <u>this material from the front page of Noshten Trud</u>, the only newspaper that does not shy away from writing on the subject of the Gypsies - the subject of the terror of the Gypsies towards the Bulgarians [...]. You may recall that a <u>police officer in a village near Burgas was beaten and attacked by a gang of Gypsies. Forest rangers were assaulted in and around Botevgrad. Forestry workers assaulted near Samokov. [...]</u></u></i></p> <p><i>The brazenness of this blatant gypsy banditry is apparent from statements such as that of [T.T.], leader of the Roma Association, <u>to the Trud newspaper on August 14, 2001: 'Bulgaria will become Kosovo'.</u>"</i></p>
c) Books governing the religious organization	<p>E.S. v. Austria, No. 38450/12, dated October 25, 2018: <i>"13. [...] The most important of all Hadith collections [...] is Sahih Al-Bukhari. If a Hadith is quoted after Bukhari, one can be sure that all Muslims will recognize it. [...] in Al-Bukhari is written the story of Aisha and child sex [...]"</i></p> <p>Zemmour v. France, No. 63539/19: <i>"7. [...] under the pretext of a historical and theological analysis of the <u>doctrinal foundations of Islam, based on an exegetical approach to the Koran</u>".</i></p> <p>Center for Krishna Consciousness Societies in Russia and Frolov v. Russia, No. 37477/11: <i>"The booklet "Beware of Cults!" [...] Chapter 2 gave an <u>overview of "non-traditional religious movements [...]</u> including Jehovah's Witnesses, [...]. The document <u>then described the life of the founder of the Krishna Societies, the precepts of the faith, rituals and dietary restrictions. It concluded: [...]</u> Even <u>a cursory examination of Krishna's teachings</u> can tell us that this religious</i></p>

	<p>movement is highly destructive to our society. [...] Zombification and psychological manipulation [...] constitute a serious threat to our future."</p> <p>Jehovah's Witnesses of Moscow v. Russia, No. 302/02: <u>"The District Court also relied on the majority opinion of the expert study [...] which established that "the Jehovah's Witnesses' texts [...] apply and propose the application of direct psychological pressure that threatens to cause the destruction of families"."</u></p>
d) Various data (Judgments, resolutions, expert opinions and similar)	<p>Tonchev et al. v. Bulgaria, No. 56862/15: <u>"complaints or reports concerning the activities of the religious groups concerned or their members, and mentions several incidents involving members of evangelical churches: abuse by the director of a nursing home [...] by a primary school teacher; improper collection of personal data [...]; aggressive proselytizing of persons deprived of their liberty or hospitalized [...]"</u>.</p> <p>Jehovah's Witnesses of Moscow v. Russia, No. 302/02: "The District Court also relied on the <u>opinions of three psychiatrists</u> who were prosecution witnesses, who stated that 'fidelity to the principles of the Bible, as practiced by Jehovah's Witnesses, limits a person's independence of thought [...]and arrests psychological development'."</p> <p>Center of Societies for Krishna Consciousness in Russia and Frolov v. Russia, No. 37477/11: "The Government [...] argued that the State authorities could not be held responsible [...] the content of the April <u>conference</u> and the October <u>seminar</u> had been provided by <u>academic researchers</u> who had expressed their views on the subject; [...]. Academics from Ulyanovsk State University had prepared the pamphlet "Beware of Cults!" on the basis of <u>previously published research</u>, listed in the bibliography. The pamphlet was only a source of information on religious movements."</p> <p>E.S. v. Austria, No. 38450/12: "16. [...] <u>He referred to several documents which he had submitted as evidence and which, in his opinion, clearly confirmed that at the age of fifty-six Muhammad had had sexual relations with nine-year-old Aisha.</u> [His intention was not to denigrate Muhammad. He merely criticized the idea of an adult having sex with a nine-year-old girl and raised the question of whether it amounted to pedophilia."</p> <p>Behar and Gutman v. Bulgaria, No. 29335/13, dated May 16, 2021: "(b) Government 93. ... Most of their claims about the Bolshevik Revolution, although exaggerated and tendentious, were rooted in historical fact. His claims about the Holocaust consisted of mere <u>repetition of conspiracy theories previously developed by others.</u>"</p> <p>Budinova and Chaprazov v. Bulgaria, No. 12567/13: "According to <u>statistics</u>, unemployment benefits in Bulgaria are distributed as follows: 65.2% goes to Roma [and] 14.6% to Bulgarians. [...] the few active Bulgarians of working age [...] support a gigantic percentage of Gypsies who, for their part, only collect benefits, pay nothing and are, moreover, the main thieves of electric cables, [...]. If this is false, let the police and the investigators [...] disprove me. (page 315) [...] <u>final judgment of January 2019</u>, the same court held that a statement by a deputy prime minister before Parliament - in which he had referred to crimes committed by Roma in very negative terms [...] had been a legitimate exercise of</p>

	<i>his right to freedom of expression, and [...] A similar approach was taken in a subsequent final judgment delivered by the same court in relation to statements concerning Roma made by a mayor."</i>
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FOURTH – CONSEQUENCES AND IMPACT ON A VULNERABLE RELIGIOUS MINORITY

30. State authorities have a "positive obligation" to secure an effective remedy under article 13 Convention to a persecuted religious minority that is "more vulnerable to victimisation", "the effective enjoyment of the rights and freedoms under the Convention", in particular Articles 8 and 9 of the Convention taken alone and in conjunction with Article 14 (Beizaras and Levickas v. Lithuania, no. 41288/15, § 108, 14 January 2020; and Begheluri v. Georgia, no. 28490/02, §§ 171-179, 7 October 2014).
31. Currently, they are suffering severe persecution in Russia, with nearly 2,000 home raids and hundreds of men and women of all ages sentenced to years of imprisonment (Taganrog LRO and Others v. Russia, nos. 32401/10 and 19 others, § 254, 7 June 2022). On 21 September 2023 the Council of Europe called on the United Nations to assist in combatting the "persecution" of Jehovah's Witnesses in Russia (Doc. **).
32. **Jehovah's Witnesses are undoubtedly a religious minority that is "more vulnerable to victimisation"**. (Beizaras and Levickas v. Lithuania, no. 41288/15, § 108, 14 January 2020; and Begheluri v. Georgia, no. 28490/02, §§ 171-179, 7 October 2014). They have faced historic persecution, in Europe and worldwide (see, e.g., Kokkinakis v. Greece, 25 May 1993, §§ 6-9, 24 and 48, Series A no. 260-A; and Begheluri, cited above, §§ 5-8, 145, 163 and 179). As confirmed by the U.S. Commission on International Religious Freedom,¹⁵ Jehovah's Witnesses currently face persecution globally and are widely considered one of the world's most persecuted religions ([Issue Update: The Global Persecution of Jehovah's Witnesses \(uscirf.gov\)](#)).
33. The **International Religious Freedom or Belief Alliance** (which currently includes 24 countries of the Council of Europe) has expressed "grave concern" about "the increased repression" and "violence and discrimination" by State officials that Jehovah's Witnesses are suffering "in a number of countries" ([International Religious Freedom or Belief Alliance Statement on Jehovah's Witnesses - United States Department of State](#)).
34. They are also suffering a dramatic increase in hate crimes as a result of the widespread of anti-sect ideology, negative stereotyping and disinformation. In 2022, the OSCE/ODHIR documented 130 hate crimes against Jehovah's Witnesses, which included violent assaults and property

¹⁵ The United States Commission on International Religious Freedom (USCIRF) is a U.S. federal agency created by the International Religious Freedom Act. Its Commissioners are appointed by the President and the leadership of the Senate and House of Representatives. Its principal responsibilities are to review the facts and circumstances of violations of religious freedom internationally and to make policy recommendations to the President, the Secretary of State, and Congress.

destruction (Doc **). In 2023 alone, they were victims of mass murder and bombings: on 9 March 2023, six congregants and an unborn child were murdered and eight injured in a mass shooting in one of their places of worship in Hamburg, Germany; on 9 April 2023 a bomb seriously damaged their place of worship in San Salvo, Italy; on 20 August 2023, bombs exploded under the vehicles of congregants in Vienna, Austria; and on 29 October 2023, eight Jehovah's Witnesses were killed and more than 50 injured in multiple explosions at a large religious assembly in Kerala, India. The **Centre for Studies on Freedom of Religion, Belief and Conscience** concludes that "hate speech" against Jehovah's Witnesses and other "stigmatize[d]" religious minorities is "rampant and almost unstoppable" ([Still violence against Jehovah's Witnesses: Bombing in front of a Kingdom Hall — CENTRO STUDI SULLA LIBERTA' DI RELIGIONE CREDO E COSCIENZA \(LIREC\)](#)).
