

The Schengen Entry Ban against Rev. & Mrs. Moon

The Human Rights Perspective

By Dr. Eva Latham
Director of Human Rights International

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Introduction:

The Reverend and Mrs Sun Myung Moon are South Koreans, age 86 and 64, who lived in the USA, and are the founders of the International Unification Church, the Women's Federation for World Peace and the Universal Peace Federation.

Present situation mid May 2006

Germany imposed an entry ban on Rev. & Mrs. Moon and then registered them in the Schengen Information System in 1995. The listing has been renewed ever since and the next decision on renewal will have to be made by the German Government by *August 2nd 2006*. The listing of the couple in the Schengen System has as a consequence that they cannot enter either Germany or other Schengen countries, as they did in the past. To enter a Schengen country the couple has to ask that country for an exception under which the ban would be lifted for one or two days, which is usually the duration of the visit. There is no certainty that this request will be considered positively, as the case in the Netherlands shows.

The Netherlands for instance allowed entry a few times, despite the Schengen listing, but refused entry recently (Nov.2005) for a visit of one day. The Netherlands argued that their refusal was because of the German Schengen listing and the threat of terrorism. The couple went to court and the Judge ruled that the Netherlands must allow entry for the duration of the visit, as it had done before. However, the Netherlands tried to ignore the ruling of the judge and a second court decision was necessary to compel compliance.

Before the Schengen Listing in 1995, the couple visited Germany and other European countries freely, met with the members of the Unification Movement, of which Rev. Moon is the founder, without any public order disturbances whatsoever. How did it come about that one moment they were acceptable and the next that they were considered "persona non grata"?

History

In 1995 Rev. & Mrs. Moon started out on a European tour. Germany was one of the countries to be visited on that tour.

The German Government did not let the Unification Church of Germany know officially that their founders were not welcome. The board of the Unification Church came to know about it by a small note in the "Bildzeitung". The entry ban forced the couple to change their travel schedule and, instead of traveling from Paris to Germany, they traveled on from Paris - after peacefully meeting with their followers- to Budapest. They then left Budapest for Madrid via Paris. Upon arrival for transit in Paris they were arrested by the French police, held in custody in isolation from each other and questioned for hours. This treatment was cruel and

humiliating. They were not allowed to call an attorney or translator or to contact anyone. At length they were pressured to sign a document in the French language, which they refused to do because they cannot read or speak French. Later they learned that the document contained a promise never to set foot again on French soil. They were not allowed to continue their journey to Madrid and they were not allowed to enter Germany.

This was the beginning of a battle that is still going on in Europe against Rev. & Mrs Moon instigated by Germany putting them on the Schengen list. By contrast The U.K. is not a Schengen country but also had an entry ban which was recently (Oct. 2005) lifted after a favourable decision? by Britain's most senior immigration judge sitting as President of the Immigration Appeal Tribunal and pressure from high level political and religious circles in the UK.

Reasons mentioned for the entry ban

Several reasons are mentioned by the German authorities for the entry ban :

1. A threat to public order.

The Government “feared” that a public appearance in Germany would lead to strong adverse reactions among the public that would undermine security and order in Germany. No facts are cited by the German Government to substantiate this statement. The couple had visited Germany many times before and there was never a problem either with the Government or with society at large.

2. Rev. Moon could possibly engage in missionary work for his movement. This statement is based on the fear expressed by the two mainstream religions in Germany: Protestant and Roman Catholic. It furthermore contradicts the basic right spelled out in the German Constitution, which gives religious communities full freedom to practice their faith.

3. The movement should be considered to be part of the so called “youth sects” and psychogroups whose activities could be a danger to societal relations and the development of the personality of young people. This statement is made despite the fact that the average age of members of the movement is over 35 years. Moreover there was a report from the German government appointed ‘Enquete Commission’ (1998) which stated that “religious or ideological groups pose no danger to the German State or society” . The Enquete Commission recommended that the Government “refrain from using terms such as “sect” or “so called sect”.

4. The goal of the Moon Movement is to attain world domination, as shown by the movement’s use of such terms as “Establishing the Kingdom of Heaven” and “Kingdom of God” In fact these are regular theological terms also used by mainstream religions.

5. The movement encourages the break-up of families and the destruction of family values. This statement is made by the German authorities despite the fact that the speeches of Rev. Moon continuously emphasize the importance of family. Also, in the speech he was not allowed to deliver in Germany, he stressed the importance of family as fundamental to society.

6. The latest reason mentioned is that the couple wants to take over the UN. This argument is mentioned by a German civil servant to a Dutch civil servant and can be found in the minutes

of their meeting. This document was revealed in the court case in the Netherlands (2005, see above).

Summing-up

The German government is still listing Rev & Mrs. Moon on the Schengen Information System and currently considers them “persona non grata”, affecting their ability to travel most European countries, although there is no evidence of any wrong doing whatsoever on their part. Nor was there any law violated in France. The German Government cannot point to any of its laws which were violated by the couple. The Government “supposes” that a visit to Germany could be a threat to public order although this was never the case in previous visits and amounts to “preventive” measures, a de facto abuse of the Schengen System.

Conclusion: Human Rights violation

The use of the Schengen Information System against the Moon couple is a pretext and can be seen as a “pre-emptive” measure. “Pre-emptive” means punishing someone for something you *think* he could do at sometime in the future.

A. This “pre-emptive” way of thinking and Governance **in it self** violates the very fundamental principle of States constituted on the rule of law and the observance of human rights as Germany and all Schengen States are.

B. Germany is in violation of the Universal Declaration of Human Rights, especially art.2.1; art.7; art.8; art.9; art.11.2; art 13 & art.18

C. In so doing Germany is in violation of The European Convention on Human Rights and Fundamental Freedoms of which it is a signatory. Germany is also in violation of other international Human Rights treaties of which it is a signatory. Such as the International Covenant on civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)

D. The *United Nations Special rapporteur* for Religious Freedom (art. 18 UDHR) after researching the German Government attitude towards Rev. & Mrs. Moon and the Unification movement made the following disturbing remarks in his report:

*) Germany must not discriminate against any religious community because of its faith or belief. *) In Germany the Unification Movement along with other religious minorities faces a climate of suspicion and intolerance. *) The rapporteur emphasizes that information disseminated by the German Government on minority religions must be strictly neutral and not defamatory or discriminatory. *) The rapporteur called upon the German Government to create a climate of religious tolerance.

The Special Rapporteur submitted his report in 1997. No improvement has been noted since. The violations are still the same if not worse. Now that more countries are due to join Schengen, the couple will be excluded from an increasing number of countries that they are currently free to visit

It is humiliating for Rev and Mrs. Moon to be treated like criminals when all the while they are engaged in making Peace all over the world from North Korea, to Israel, to Africa and elsewhere and are supported and acknowledged in these efforts by well respected current (and

former) Heads of State and Government, ambassadors, academics and religious leaders of all faiths and ethnic groups and on all continents.

Urgent Action Request:

This is a request to all credible institutions whose aim it is to promote and protect Human Rights and Fundamental Freedoms to look into this case and consider effective action to bring about the lifting of the Schengen listing of Rev. and Mrs. Moon, as soon as possible.

It is not about granting them a favor, but about doing what is right and seeing justice done by respecting Human Rights. Europe is in no position to criticize China for the violation of the Human Rights of the Dalai Lama and of the Falun Gong whilst at the same time Europe itself is violating the rights of Rev. Moon & Mrs. Moon and the Unification movement.

It is about time for Europe to put its own house in order. This case has been around for too long (from 1995 until the Present). Your efforts in solving this case will be very much appreciated. If you feel unable to do anything, please make that very clear from the outset. This too would be much appreciated.