

The Schengen Treaty and the Case of Rev. and Mrs. Sun Myung Moon

Summary of a White Paper

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The Reverend and Mrs. Sun Myung Moon, founders of the international Unification Church, are currently listed as “dangerous persons” under the European Schengen Information System. As a result, the Moons are forbidden entry into the Schengen Convention states, including all major continental western European countries.¹ The *International Coalition for Religious Freedom* considers this ban against the Moons to be a serious violation of their rights and the rights of thousands of European Unificationists who are deprived of the ability to meet their religious leaders in person and have their leaders conduct religious ceremonies in their nations. The purpose of this paper is to give the background and history of this issue, to demonstrate how this abuse of the Schengen Convention violates international standards of human rights, and to explore ways and means of remedying the situation.

The Schengen Convention

The Schengen Convention emerged from an agreement by several European countries in the town of Schengen, Luxembourg, on June 14, 1985 providing for the “ultimate abolition of all border controls of persons within this area.” The agreement was adopted as a formal convention in June 1990 and “fully implemented” on July 1, 1995.²

Although the primary purpose of the Schengen agreement is to achieve “the gradual abolition of controls at [the] common frontiers” of the member nations, the agreement naturally provides for measures “to be adopted on security matters and the prevention of illegal immigration.” Thus was born the Schengen Information System, and the so-called “Schengen List.” Under terms of the Convention, persons considered security risks by any member nation (such as suspected terrorists, drug dealers, smugglers, and other dangerous international criminals) should be placed on the Schengen List to prevent them from freely traveling among the Schengen countries. Once a person is listed by one member country, he or she is banned from entering any of the other Schengen countries as well.

The Moon Case

Shortly after the “full implementation” of the Schengen system, in the autumn of 1995, Rev. and Mrs. Moon conducted an international speaking tour that took them to several European countries and Africa to deliver a religious speech entitled “The True Family and I.”³ Earlier that year Rev. Moon had delivered this speech in 16 Latin American nations and 16 states of the US. All of the events had been carried out without incident and with no hint of a threat to public order. In November 1995, Rev. Moon delivered his speech in Paris, again with no public order disturbance. The Moons were scheduled to speak in Germany but newspaper reports, later confirmed, alerted them to the fact that they had been banned from entering that country. Rev. and Mrs. Moon then traveled to Budapest for the next leg of the speaking tour and were scheduled next to speak in Madrid. However, while changing planes in Paris en route to Madrid, they were arrested by French authorities, separated from each other, and held in custody for several hours. Rev. Moon, without benefit of attorney or translator, was pressured unsuccessfully to sign a document in French

¹ The Netherlands has granted several exceptions.

² The text of the convention is available at: <http://www.ifi.uio.no/~hennings/schengen/>

³ Text available at: <http://unification.net/1995/950625.html>

promising never again to set foot on French soil. The French immigration authorities forbade the Moons from continuing their itinerary and forced them against their will to return to Budapest. Their European tour was now at an end, and the Moons were forbidden entry to virtually all member state of the European Union.

The German Role

Without warning, Germany placed Rev. and Mrs. Moon's names on the Schengen List as "dangerous persons." European members of the Unification Church who longed to see and hear their aging leader (Rev. Moon was then 75; he is now 85) were deprived of this right. Young couples seeking their leader's blessing on their marriages were forced to travel overseas to participate in the Unification Church's well known large wedding ceremonies.⁴ The founders' blessing of Church sanctuaries and other ceremonies that can only be conducted on site could no longer be performed. Western Europe, usually thought to be a paragon of freedom and democracy, had now effectively treated Rev. Moon the same way the government of China treats the Pope and the Dalai Lama.

The German ban against the Moons was instigated by the German Federal Ministry for Family, Senior Citizens, Women and Youth (hereafter "Family Ministry"). However, the actual Schengen listing was executed by the Ministry of the Interior. The Family Ministry appears to be acting on information supplied by anti-"cult" activists and church-affiliated "sect-watchers" affiliated with the Lutheran and Catholic churches⁵ The rationale for the ban is that Rev. and Mrs. Moon constitute a "threat to public order".

The Unification Church, a bona fide religion

The Unification Church is recognized as a bona fide religion in most countries. All German court decisions dealing with the entry ban confirmed the genuine religious nature of the Unification Church and called upon the German authorities to abide with the rights of religious freedom guaranteed by the German Basic Law. Most recently, the Constitutional Court of Spain (the highest court) overturned two lower courts in ordering that the UC must be allowed to register officially as a religious organization. In other countries, such as the United Kingdom and the United States, where the legitimacy of the UC as a religious organization has been challenged, the church has won consistently in court.⁶

It should also be mentioned that since the listing of the Moons as "dangerous persons" by the German government, the Bundestag's Commission on Sects and Psychogroups, after a two-year investigation that included the Unification Church, found that "for the time being, new religious and ideological communities and 'psychogroups' do not pose any danger for the state, society or socially relevant areas."⁷

⁴ The Unification Church traditionally holds large marriage blessing ceremonies presided over jointly by Rev. and Mrs. Moon. To participate in the marriage blessing, officiated by the Moons, is considered an essential element of the a Unification believer's life of faith. Thus, to prevent the Moons access to their European followers is not only a violation of the Moons' right to travel for religious purposes, but also creates a serious spiritual and financial hardship on their followers.

⁵ Under the German system of church-state relations, the government collects taxes on behalf of the Catholic and Evangelical (Lutheran) churches, who in turn maintain "sect-watchers." Some, though not all, of these sect-watchers maintain contacts in the German Congress (*Bundestag*) and the Family Ministry and actively campaign against new religious movements.

⁶ For a bibliography of legal cases, see John Biermans, *The Odyssey of New Religious Movements*, Edwin Mellen Press, New York, 1986, pp. 208-209.

⁷ Final Report of the German Enquete-Commission on So-called Sects and Psychogroups, June 9, 1998, p. 149.

International Support against the Entry Ban

In the meantime, prominent current and former government officials of the United States expressed concern to the Government of Germany concerning Rev. Moon's treatment. Congressman Tom Davis and former Secretary of State Al Haig each wrote the German government to express their opinion that they knew of no good reason to ban Rev. and Mrs. Moon. In December, 2001, the US State Department issued a formal demarche to the Ministry of the Interior stating the opinion of the United States, religious freedom being a fundamental right, the German government should allow the ban against the Moons to lapse.

The response of former Interior Minister Schily to these developments was to harden his stance and hire an outside attorney to argue the Ministry's case before the Court. A suggestion that by the presiding judge that the parties settle the matter by agreeing that Rev. and Mrs. Moon could enter for a brief time to give a speech to invited guests only was accepted by the UC side but rejected by the Government. The Court then ruled that although the UC must be acknowledged as a genuine religious community the Court does not consider a meeting between Rev. Moon and church members in Germany to be essential or important enough to warrant declaring the ban against the Moons inappropriate. The UC of Germany is challenging this verdict by appealing to the Supreme Court, where the case is waiting to be dealt with since October 2003.⁸

Recent Developments

Upon questioning from the lawyer of the UC in September 2002, the Ministry of Interior (MoI) stated that the Schengen listing for the Moon couple was extended for two more years till August 2nd, 2004. The following reasoning was provided by the MoI: "The reason (for extending the listing) lies in the opinion of the Federal Government, which believes that the Unification Church has not distanced itself from its conflict bearing basis. This potential for conflicts (within the UC) has only failed to materialize because of the absence of the founder and spiritual leader Mr. and Mrs. Moon".⁹

When asking the Federal Border Police in Koblenz (executive organ of the MoI) again in early 2005, it confirmed another prolongation of the listing till August 2nd, 2006, referring to the same letter by the MoI of Sept. 13, 2002 for justification.¹⁰ Upon receiving this letter, the UC has now launched a formal court case in the name of Dr. and Mrs. Moon against the Federal Border Police and the MoI, requesting the cancellation of the listing, since there appear to be no reasons at all for extending the entry ban. The border authorities are requested by the Administrative Court of Koblenz to submit all their evidence by mid March 2006.

Conclusion

The Schengen ban is a serious violation of the religious freedom of Rev. and Mrs. Moon and the members of their church. It is an abuse of the Schengen Treaty, which was intended to deal with international criminals such as arms smugglers, terrorists and drug dealers, not religious leaders. The Schengen ban against the Moons—affecting virtually all of the EU member states—should be lifted immediately, and the government of Germany should also lift its own national ban against the founding couple.

⁸ The church argues that the right of the members of a young church to receive personal counsel from their founders is already established both by the German courts and by international law, and that it is therefore incumbent on the Government to prove that the Moons' entry would pose real threat to security, which it has patently failed to do. Prohibiting a personal encounter between a still living religious founder and his followers has to be considered a violation of the right of free religious practice for the young congregation and is likely to seriously hamper the growth and development of the newly established religious community.

⁹ Letter from the MoI, dated Sept. 13, 2002

¹⁰ Letter from the Federal Border Police in Koblenz, July 19, 2005