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### **Breaking the Twelve-Year European Ban Against Rev. and Mrs. Sun Myung Moon**

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This article documents the twelve-year-long trial that Rev. Dr. Sun Myung Moon and Dr. Hak Ja Han Moon endured in major Western European countries while continuing to carry on their work throughout the world. From 1995 until 2007 they were stopped from entering European countries under a ban that normally applied to criminals and terrorists. The roots of the ban extended back to 1978 when Rev. Moon had visa issues in Great Britain, which were followed by efforts to restrict his entrance to Britain in ensuing years. In October 1995, Rev. Moon was banned from entering the United Kingdom. The British ban triggered Germany to implement the same decision the following month, November 1995, and apply it to both Rev. and Mrs. Moon.

Members of Unification movement (UM) learned about the news through the press report in *Bild Zeitung* magazine, Germany's most popular boulevard newspaper. It was particularly disheartening to the Unification community, as it occurred just three days prior to a public speech event for which the community had invested considerable effort.

As Germany was a member state of the Schengen Treaty,<sup>[1]</sup> the ban could be extended to other Schengen states. Very soon, Rev. and Mrs. Moon's names were placed on the Schengen Information System (SIS), also referred to as the Schengen List, established to protect Schengen Treaty member states by banning known criminals and terrorists. The problem ballooned over the coming years. In 1995, there were seven European countries participating in the Schengen Treaty. In 2003 there were 13 Schengen countries, and the number has continued to expand. Currently, there are 26 Schengen states.

The UM immediately began efforts to lift the ban in the United Kingdom. In Germany also, there were immediate actions against the ban.

Besides the United Kingdom and Germany, there were court cases in France, Italy, Spain and other countries to apply exceptions as the Schengen Treaty permitted them. Most of the countries did not go against Germany. However, there were a few, as will be noted, that went against the ban and made exceptions to allow Rev. and Mrs. Moon to visit despite the treaty. It was a long struggle which included legal, political, public relations and spiritual battles. It involved appeals from lower courts to supreme courts, establishing a website to explain the case to the public, creation of a Schengen Committee, the formation of an international human rights organization, petitions, intensive lobbying and prayer-chains.

In 2005, after ten years of continuous effort, the UK ban was lifted and Rev. and Mrs. Moon were welcomed by 1,200 guests and prominent citizens. The struggle continued for two more years until the Unification Church (UC) of Germany and the worldwide movement celebrated the decision by the Upper Administrative Tribunal of Rhineland-Palatinate, dated April 19, 2007. Its verdict stated,

The listing of the Moon couple for the purpose of prohibiting entry is unlawful and violates the rights of the plaintiff, being a religious community... An entry ban can only be spelled out in view of considerable dangers for public security and order, or for national security. Such dangers do not exist for a visit of the Moon couple. Because of the high significance of religious freedom, entry by the Moon couple cannot be prohibited, even in accordance with German immigration law.<sup>[2]</sup>

I joined the UM in Albania, a country where Rev. and Mrs. Moon were allowed to enter. Nevertheless, as a European citizen, many painful and shameful emotions mixed inside me regarding the matter. On the other hand, I was moved by the incredible commitment of Rev. and Mrs. Moon to carry on the work of peace in Europe through different organizations, efforts undertaken without any resentment toward the “enemy.” In addition to the efforts of committed members of the UM, women leaders played a great role in lifting the ban. The United States also had significant impact, both in triggering and lifting the ban.

### **How the Ban Came About and Was Lifted in Great Britain**

In October 1995, the authorities of the United Kingdom applied a ban against Rev. Moon, restraining him from entering the country. The decision was the culmination of previous attempts to stop him. To understand the situation, we will review at the visits of Rev. Moon to the UK, the purposes of his visits, how the dissatisfactions portrayed by media led to measures taken, and the incredible efforts to overturn the ban.

Rev. Moon visited the United Kingdom for the first time on July 14, 1965 on a tour to establish holy grounds<sup>[3]</sup> in different European nations. On March 20, 1969, Rev. Moon visited Britain the second time, this time accompanied by Mrs. Moon. They met with small groups of people and interviewed candidates for a forthcoming European marriage Blessing that would take place about a week later in Essen, Germany, for eight couples. On a third visit, in February 1972, Rev. Moon spoke at the Friends’ (Quakers) Meeting House on Euston Road, London. After a brief fourth visit in 1974, Rev. and Mrs. Moon returned to London for the fifth time in November 1974 to attend the 3rd International Conference on the Unity of the Sciences (ICUS) at the Royal Lancaster Hotel. A new church headquarters was purchased in summer 1975 at Lancaster Gate 43/44, and Rev. and Mrs. Moon came to visit it in October of the same year.

In 1976, anti-cultists met with the then British Home Secretary, and he sent a memo to the Immigration Department, stating that if Rev. Moon came to the country he should be informed before granting a visa. After the six uncontroversial and incident-free visits to the UK from 1965-1975 noted above, Rev. Moon was suddenly barred when he visited in May 1978 amid allegations that his purpose in coming was to set up a world headquarters. On appeal the Chief Immigration Adjudicator found that Home Office suspicion was based on “journalistic speculation.” Rev. Moon won the right to remain for a full four months, and did so without any incident.

Rev. Moon flew from the USA to London on May 13, 1978 and stayed in the UK until September. On Sunday, May 21, at UK headquarters, a solemn marriage Blessing of 118 couples took place. Almost all the couples were international, as this Blessing was to represent European Unity. It was officiated by Rev. Moon and his eldest daughter. Immediately afterwards, Rev. Moon initiated an International One World Crusade (IOWC) evangelistic campaign in Britain, with 700 members, several hundred from Europe, others from Japan and a group of Unification Theological Seminary students and recent graduates.

During that time, the London *Daily Mail* published a series of articles based on anti-cult stories that were circulating in the US media. The Unification Church sued the *Daily Mail* for libel, but the case was unsuccessful. The court ruled that the *Daily Mail* was not guilty. This negatively affected the public’s perception of the church, mainly by spreading rumors of brainwashing and cutting people off from their families. For several years the church’s charitable status was suspended, and notice was given to Rev. Moon that he would not be permitted to enter Britain in the future.

In 1989 Rev. Moon applied for entry clearance for a further visit. This was refused on “character and conduct” grounds. On appeal the Adjudicator noted plentiful evidence of Rev. Moon’s good “character and conduct” from an array of dignitaries and experts from both Britain and overseas. He rejected a last gasp attempt by the Home Office to shift its grounds for excluding Rev. Moon yet again by citing the public order problem that would allegedly arise if Rev. Moon came. An entry clearance was then issued at the Adjudicator’s direction.

In 1991, following a long struggle, the Immigration Tribunal ordered the government to allow Rev. Moon entry to the UK. At the end of the year, the British Embassy in New York wrote to Rev. Moon informing him that he was free to come to Britain at any time on the condition that he file the requisite application for entry clearance which would declare the purpose of the visit and

duration of stay. However, in October 1995, when application was made for Rev. Moon to enter the country, the Home Secretary at the time, Michael Howard, decided that the presence of Rev. Moon in the country would “not be conducive to the public good”, despite the Immigration Tribunal’s 1991 ruling.

Although Mr. Howard’s decision was declared by the High Court to be “unlawful by reason of procedural unfairness,” there was insufficient time to present the case before Rev. Moon’s 1995 visit was due to take place, and the visit was abandoned. Considerable legal proceedings lasted until 2001, during which the Government refined its reason for exclusion on the grounds of “public order.” In 2003, the Home Secretary of that year, David Blunkett, again refused Rev. Moon’s entry to the UK. Rev. Moon received a letter from Home Office dated May 15, which stated,

...on 8th May 2003 after the most careful consideration, the Home Secretary personally directed that you should be excluded from the United Kingdom on the grounds that your presence here would not be conducive to the public good for reasons of public order.<sup>[4]</sup>

In the meantime, applications to enter United Kingdom were granted to True Mother to visit Great Britain from 1992 through 2000 on four different occasions.

After several appeals, exclusion as on the grounds of “public order” was abandoned when the British police refuted any such suggestion in their evidence. Following considerable political pressure applied from some of the UK’s most distinguished faith leaders as well as a number of world statesmen, the then Home Secretary, Charles Clarke, revoked the exclusion against Rev. Moon on October 25, 2005.

#### **Further Exposition of Efforts to Lift the British Ban**

For many years, the UM retained a team of top lawyers on the case. People from various spheres were also involved. From 2003, the case was given high priority and UM focused its effort to bring success in the UK. In 2005, the first aim was for the Adjudicator to decide that Rev. Moon should be permitted to receive a visa. However, the Home Secretary would still have the right to appeal the decision. To prevent this, the UM mounted lobbying efforts. As noted, a number of faith leaders and other societal leaders mobilized to write letters to the Home Secretary. Over 250 parents and relatives of members protested, and academics denounced the ban as an infringement of religious freedom for all faiths.

Rev. and Mrs. Moon’s 2005 world speaking tour, scheduled from September 12 – December 23, brought matters to a head. Their entry to most West European nations was barred, including Britain. The program was arranged in eleven East European nations and two Western nations (Switzerland and Ireland) that were outside the Schengen system and had no problem with Rev. and Mrs. Moon’s entry. The hope was to open the UK and transfer one of the events from an Eastern European venue to Britain, even at the last moment.

The desperation and serendipitous circumstances that led to the lifting of the British ban were well communicated in the testimony of Mark Brann, legal liaison of the British UM:

Rev. Yong Cheol Song, the UM Continental Director of Europe, said to me particularly seriously, “I really feel that you need to meet either Tony Blair, the Prime Minister, or Charles Clarke, the Home Secretary, and challenge them in person face to face to drop the case.”...

I was grateful for this clarity of knowing what needed to be done, but how on earth to do it? That became my new, almost obsessive, focus. Access to either the Home Secretary or the Prime Minister on anything is extremely difficult, even if you are seen as part of society’s mainstream... Rev. and Mrs. Moon’s proposed visit was less than 10 days away. I was getting desperate to get access to Mr. Clarke. A delegation of top religious leaders had agreed to approach him about the case and ask for a meeting, but there was no sign from the Home Secretary of any willingness to meet.

When the opportunity came, I was completely unprepared for what Heaven had set up. The diplomatic representative in Britain of a small South Sea island nation, along with the entire London-based diplomatic corps, had received an invitation to a service commemorating the 60th anniversary of the first General Assembly of the UN. The day of the service, he called and very graciously offered it to us.

When I entered the cathedral, my heart was beating pretty fast. Would he be there? I cast my eyes anxiously around as the orderly line filed in. I need not have worried! There he was, sitting right in the middle of the front row along with most of the Blair cabinet on either side of him. My heart leapt... However, the next second my heart sunk again, for who of all people should be sitting next to him but the very man who had banned True Father in 1995!... What on earth could I do?

Almost instantaneously, as if by order, a man appeared and moved Clarke off to enter into an animated conversation. I decided this was my chance, and that I most likely would never get another one. At all costs I just had to seize it. I moved up to the man's shoulder and bided my time, positioning myself to speak to him the moment his conversation stopped and in such a way that my back was to the previous Home Secretary.

I reached out to grab his hand, which was down by his side, and almost literally pulled him towards me and away from his seat. "Ah Mr. Clarke," I gasped, "my name is Mark Brann, and I need to speak to you urgently about the case of Rev Moon." Clarke looked bemused "Sorry what case did you say?" he replied. "The Reverend Moon case," I said with some emphasis. For a moment he looked blank, but then a light dawned. "Oh yes I know the one," he said. Then before he could decide this was not the most appropriate moment for political lobbying and brush me off, I went on, "Mr. Clarke, I really hope you will remove the ban. There really is a lot that you need to know about Rev Moon, but if you have any doubt at all then please agree to see the delegation of religious leaders who have been trying to see you about the matter. They know the truth. Please don't ignore them." I noticed that Clarke was really listening intently with quite a humble attitude. Then when I finished, he said rather simply and meekly "Okay," and I replied, "I'm grateful to you for hearing me out. Thank you very much." Again I grabbed his hand and shook it warmly...

The next day, acting on an intuition, I called the relevant department and asked about another aspect of the case. After answering the query the senior official said, "And oh Mr. Brann, you may like to know, the Home Secretary has lifted the ban on Rev Moon."<sup>5</sup>

On October 25th 2005, the ban was lifted. The Home Office declared in an official document, "There is no longer any restriction on Reverend Moon applying for entry clearance to visit UK."

## **The Schengen Treaty and the Entry Ban against Rev. and Mrs. Moon**

The Schengen Convention emerged from an agreement by several European countries in the town of Schengen, Luxembourg, on June 14, 1985, which provided 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. 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."

This led to the Schengen Information System (SIS) 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) would 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 prohibited from entering any of the other Schengen countries as well.

Rev. and Mrs. Moon were the only religious leaders placed on the Schengen list, and it occurred only a few months after the full implementation of the system. Germany placed them on the list, and its decision had automatic effect in other countries that were part of the Schengen Treaty.

Western European Unification Church members could not easily digest the fact that Rev. and Mrs. Moon's names had been put on the Schengen List as "dangerous persons." They were longing to see and hear them directly, after listening and reading so much about them and their words. Many of them truly hoped to receive their marriage Blessing and were preparing for that day. But because of the ban, they were forced to travel overseas if they wanted to participate in wedding ceremonies and share more intimate moments with them.

### **How the Schengen Ban Came About**

The ban in the United Kingdom was felt in Germany at the most unexpected moment for the Unification Church community. On November 12, 1995, Rev. and Mrs. Moon were scheduled to deliver a message in Frankfurt on the topic, "The True Family and I" to members and guests.

This stop was part of a worldwide tour that took them to the five continents of the world. They delivered the same speech earlier that year in 16 Latin American nations and 16 states of the U.S. All the events had been carried out without incident and with no hint of a threat to public order. They had delivered the same message in Paris, Warsaw, Rome, Prague and Budapest, again with no disturbances.

Just three days before the event, on November 9th, while the German congregation was busily preparing for the event in Frankfurt, they were caught by surprise, even shocked, by what they learned from the press. The *Bild-Zeitung* newspaper published a short notice stating that Rev. and Mrs. Moon were banned from entering Germany, by order of the Ministry of Interior. At that point, the invitations had been sent out, the program was decided and the hotel had been booked. Members thought the news was “fake” or some kind of joke, but the bitter truth was confirmed by the Ministry of Interior. Feeling desperate, members immediately checked for any possibility to lift the ban with a temporary injunction from the Administrative Court in Cologne, but they couldn’t arrive at a reasonable solution because the court simply confirmed the right of the Ministry of Interior to deny entry onto German territory to any foreigner it wishes. Whether the reasons for such a decision were justified or not would have to be dealt with later.

This move to ban Rev. and Mrs. Moon’s entry to Germany was surprisingly fast, just a month after Great Britain put an entry ban on Rev. Moon. But Germany went even further, as without warning it placed both their names on the Schengen Information System (SIS), the so-called Schengen List, a black list for known criminals and terrorists. Before the event in Germany, they were scheduled to speak in Madrid, Spain. While en route to Madrid from Budapest, after giving their speech successfully there, they had to change planes in Paris. There they were suddenly arrested by French authorities, separated, and held in custody for several hours. French authorities provided no attorney or translator and put pressure on Rev. Moon to sign a document in French promising never to come again to France. Rev. Moon refused. However, immigration authorities forbade them to continue their itinerary and forced them against their will to return to Budapest.

The German Ministry of Interior explicitly extended the entry ban to Mrs. Moon, putting her on the Schengen List as well, which was different from the UK that put the ban only on Rev. Moon. That way there was also no possibility that she could deliver the speech. On the evening of November 12, 1995, the event at the Marriott Hotel in Frankfurt, Germany, went on as planned. The message that Rev. Moon was to deliver was read by the German national leader. The hall was filled with members of the Unification Church, friends and guests, but there was the sad and heavy feeling that the government had reacted totally unreasonably and had profoundly violated the basic right of a young church to meet its founder and spiritual head.

### **Peaceful Visits in Germany**

Rev. Moon first stood on German soil when he landed in Berlin on July 26, 1965. The purpose of his visit was to bless holy grounds. He blessed the first holy ground that same day at Tiergarten Park, near the Victory Column. He went on to establish two more holy grounds, at Frankfurt am Main on July 29 and in Essen August 5. This was part of his first world tour, on which he visited 19 locations in Europe. At that time the church had but a handful of members, who went together with him to different cities.

Rev. Moon’s second visit was during his second world tour when he visited eight European locations. On March 28, 1969, Rev. and Mrs. Moon both came to Germany. Sixty members gathered from all over Europe to receive them. The purpose of their visit was the marriage Blessing of eight European couples in Falkenheim, Essen, as part of the worldwide 430 couple Blessing.

During their third visit in March 1972, Rev. Moon gave three consecutive public addresses to a total of 500 attendees. He delivered his first public speeches in Saalbau in Essen, on March 28, 29 and 30, attended by guests and members. Then he established two teams and equipped them with six caravans and VW buses which he had blessed. They travelled in the small buses and caravans throughout Germany, preaching on the streets, speaking to passers-by, visiting pastors and giving lectures. Many who came to these lectures became members.

Their next visit was to Bad Camberg, Germany, in October 1975. Rev. and Mrs. Moon accepted an invitation to make this short trip to Germany after their visit to London for the International Conference for the Unity of the Sciences (ICUS). Eight hundred members from all over Europe gathered in the seminar center there to welcome them.

Rev. and Mrs. Moon visited Germany again in 1981, when they came for their longest visit which lasted nearly 6 months. They spent most of the time in Hilden, near Düsseldorf. During that time they organized a matching for 309 couples and talked about the Collegiate Association for the Research of principles (CARP). They were interested in developing a German machine tool company, and used their time to visit numerous famous companies in the car, steel, engineering and fishing industries. Their journey led them to Hamburg, Bremerhaven, Hannover, Berlin, Essen, Dusseldorf, Cologne, Nuremberg and Munich. They also attended several German Football League games.

During that visit, Rev. and Mrs. Moon personally initiated SAEILO International, a company in the technology sector. Their motivation for doing so was based on the ideology of Unificationism, which calls for restoring God's third blessing<sup>[6]</sup> by taking dominion and ownership over the earth with a heart of love. A second motivation for establishing SAEILO was to create a business that would testify to the moral standard and tradition of sincere investment of heart that is required to tackle the corruption in this field. A third reason was to help relieve poverty, especially in Africa.

Rev. and Mrs. Moon visited Germany on November 17-19, 1989, just a few days after the fall of the Berlin Wall. They attended a large European leaders' meeting in Neumühle, Bad Camberg, and were presented with a piece of the Berlin Wall. This was the first time that the underground missionaries from Eastern Europe had joined such a meeting. Each nation of Western Europe received a partner nation from Eastern Europe.

On April 14-15, 1990, Rev. and Mrs. Moon returned to Germany after their Moscow Rally to meet members from around Europe and to celebrate the victory together. After that, Mrs. Moon travelled to Germany as part of her world speaking tours, one of them for the inauguration of Women's Federation for World Peace. There were other occasions at various European countries where Rev. and Mrs. Moon, either together or singly, delivered their message to the public, mostly to guests and friends invited by the Church. These public activities were held in suitable hotels, and all went peacefully without much public attention, only simple reports in the press. Under such circumstances, one would wonder what were the claims that were cited as reasons for the ban.

### **Misuse of the Schengen Treaty**

Germany's action in November 1995 to refuse Rev. and Mrs. Moon entry and place their names in the Schengen Information System (SIS) was based on the depiction of the Moon movement as a "youth sect" and "psycho group" that was dangerous for young people.<sup>[7]</sup> In response to written requests from the Federal Ministry of the Interior dated November 3 and 10, 1995, the Frontier Protection Headquarters (*Grenzschutzdirektion*) in Koblenz issued an order denying Mr. and Mrs. Moon entry pursuant to Article 95 para. 2 of the Schengen Convention for an initial period of three years. The entry ban was extended for a further three years at the end of October 1998. The German government held:

A public appearance of Mr. and Mrs. Moon would encourage the spread of this movement and lead to strong public reaction. It would therefore be detrimental to public order and national security and to significant interests of the Federal Republic of Germany, thus providing sufficient reason to order refusal of entry.<sup>[8]</sup>

In fact, Rev. and Mrs. Moon delivered earlier the same speech in sixteen Latin American nations, sixteen states of the United States and several European countries, and all of the events had been carried out without any incident or public order disturbance.

Placing Rev. and Mrs. Moon on the Schengen List by the German government violated the original intention and spirit of the treaty. This is clearly shown in the Articles 70-90 of the Convention Implementing the Schengen Agreement, which cover narcotic drugs (chapter 6), firearms and ammunition (chapter 7), and activities related to such items as rationales for bans. The Convention nowhere mentions elements such as youth sects, psycho groups, activities that could represent possible risks for the social relations and the personality development of young people, strong public reactions, and so on. The designers of the Schengen Treaty did not aim to forbid religious leaders, even leaders of controversial religious groups, from coming to Europe. It was aimed against known terrorists and international criminals.

## Efforts in Europe and Elsewhere to Remove the Schengen Ban

The German Unification Church and the Unification Church in other countries immediately began efforts to remove the ban. A Schengen Committee was set up consisting of European members, international members, and some law experts, who worked simultaneously in different nations. In 2003, the new Continental Director for Europe, Yong Cheon Song, became the main force behind efforts to lift of the Schengen ban. He transformed the Schengen Committee to the “Committee to Welcome True Parents in Europe”<sup>[9]</sup> composed of the European Unification Movement President and Vice-President, regional leaders and members of the existing Schengen Committee. The committee included the word “Europe” in the name, as the ban not only concerned the Schengen Countries but also the United Kingdom. This committee started a considerable number of legal and administrative actions and court cases. The following section covers the legal battle in Germany, as the first country to put Rev. and Mrs. Moon on SIS, along with a short summary of actions in other nations.

### Germany

Despite efforts from the Unification Church side to know the charges against Rev. and Mrs. Moon, the allegations of German government were made known only through the courts. The Unification Church was called the “Moon sect” by the Interior Ministry. As noted, they viewed the UM as danger to the social relationships and personal development of young people as well as a threat to public safety and order. They also thought that the goal of the UM was to govern and dominate the world under the Moon Family. Over the following years, the Interior Ministry renewed the Schengen-wide ban, usually valid for two years, holding on to those arguments.

The German ban against Rev. and Mrs. Moon was instigated by the German “Federal Ministry for Family, Senior Citizens, Women and Youth,” abbreviated the “Family Ministry.” However, the actual Schengen blacklisting was executed by the Ministry of the Interior. The Family Ministry appeared to be acting on information supplied by anti-cult activists and church-affiliated sect-watchers connected to the Lutheran and Catholic churches.<sup>[10]</sup> Other factors, such as a worldwide climate of anti-cult hysteria generated by the Solar Temple suicides in 1995 as well as the particular German reaction against other new religious movements, especially the Church of Scientology, undoubtedly played a major role in shaping the UC’s public image as a “cult.”

Although the German UM quickly filed a legal action against the ban in 1995, the German government disputed its right to be the litigant in the case, because according to them, the persons affected by the ban were Rev. and Mrs. Moon. Thus, the ban was renewed continuously. The legal complaint by the UM challenging the lawfulness of the listing remained unsuccessful in the administrative courts. The Unification Church argued that it was their religious right to receive guidance by their religious founder. This was a long battle on legal and political levels that lasted until September 2000, when the Upper Administrative Court finally recognized the church’s right to receive guidance by its religious founders and to protest the ban, so that the church was able to file the case. The German government appealed.

The Unification Church insisted that the residence ban applicable to their leader would cause an infringement of the constitutional right of freedom of religion, Article 4 (1), (2) of the German Constitution. They argued that, by making it impossible for their leader to meet members of his religious organization, the members would be prevented from exercising their right to freedom of religion. In July 2001 the Federal Administrative Court rejected the government appeal and handed back the case to the Upper Administrative Court for a decision. In June 2002, the Upper Administrative Court ruled in favor of the government, saying that they have the sovereign right restricting entry to any foreigner. This, in the eyes of the court, was more important than the Unification Church’s claim of being deprived of the human right to freely practice their religion. The court also argued that a visit by the founding couple is not of such significance as to compel the government to allow it to happen in any case.

The Unification Church of Germany appealed again. The legal fight continued, and in October 2003 the UC of Germany finally able to file its case at the Constitutional Court, the highest court in Germany. Only ten percent of all cases filed are actually dealt with by this court. In November 2006 the Supreme Court issued its verdict, stating that neither the UC nor its beliefs are unconstitutional, and that the entry ban for Rev. and Mrs. Moon was unconstitutional.<sup>[11]</sup>

The case was thus handed back to the Upper Administrative Court. In May 2007 the Upper Administrative Court decided that the entry ban was unlawful and a violation of the German UC's constitutional right of free religious practice. According to the Court, the German government did not produce convincing arguments to justify the refusal of entry of Mr. and Mrs. Moon. Considering the importance and special weight of the constitutional rights of the members of the Unification Church, the Court of Appeal found that this right could not be limited on the basis of "vague assumptions of fear." The German authorities did not lodge an appeal. Finally, on June 2007, the Ministry of Interior confirmed in a letter to the German Unification Church that Rev. and Mrs. Moon are no longer listed in the Schengen Information System.<sup>[12]</sup>

It is important to mention that other accusations that Rev. and Mrs. Moon were being charged with were also being sorted out. The Ministry of Interior alleged that they established a "youth sect" that indoctrinated young people. The Church in its appeals pointed out that at the time of the ban, the majority of members were between 35 and 55 years old, lived with their families, and were fully integrated into society, just as in other churches. The Ministry argued that such expressions as "establishing the Kingdom of Heaven" referred to the goal of these "young people" to govern and dominate the world under the Moon Family. But the Church in its appeal to the Administrative Court of Cologne to reverse the decision by the Ministry of Interior, argued these terms were religious phrases that all mainline religions know and use, and they do not have to do with the Moons trying to dominate the world. Also, the German Federal Bureau of Investigation could not produce evidence of even a single criminal act by a member of the UM, whose leader was on the Schengen black list.

Because some were not happy when their family members decided to join a new religion, the church was accused of breaking up families. But the courts found that the Unification Church used witnessing and evangelization techniques as other traditional churches or religions do. In addition, studies did not show evidence that members were brainwashed or that their free will was violated, but that they had the ability to choose for themselves.

Legal actions were also taken against several government statements against the UM that had been publicized in the media. One was the brochure "The Moon Movement" produced in December 1996 by the Federal Ministry for Family Affairs; another was section 522, "so-called sects and psycho-groups," which caused considerable damage to the UC's image. The UC was successful in these actions and several passages were deleted, which resulted in the Ministry for Family Affairs halting distribution of the brochure. Importantly, section 522 no longer exists in the Ministry for Family Affairs. It was recognized as being superfluous, inappropriate, and was deleted without being replaced.

### **The Netherlands**

The Schengen Convention provides for member nations to issue an exception to a Schengen ban under certain conditions. In the Netherlands the UC successfully petitioned the government for an exception to the Schengen ban on the grounds of human rights. It was given in 1999 and again in 2000 when Mrs. Moon visited that nation and gave public speeches which were well received. In those instances, neither Germany nor France objected to the exception when consulted by the Netherlands as required in the Convention. This suggests that neither of these nations truly felt a threat to public order from Rev. and Mrs. Moon. Rather, they attempted to use "public order" as an excuse for their harassment of a small religious community and its leaders.

But in 2005, the entry request for both Rev. and Mrs. Moon to visit the Netherlands was refused. The case was brought to the court, and was successful on church side. The situation was repeated in 2006 and the UC again brought the case to the court. In 2007, while still in court, the case was dismissed when Rev. and Mrs. Moon were removed from the SIS.

### **France**

The UC began legal procedures in France also, and there the UC had the right to access information from French authorities. The French highest administrative court, the Conseil d'État, argued that based on the information submitted by the German government with regard to the reasons for its report in SIS, the French authorities were justified in deciding, without making a "manifest error of appreciation," that the German SIS report was not based on any legal or factual error.<sup>[13]</sup> The attorney for Rev. and Mrs. Moon initiated proceedings before the European Court of Human Rights in Strasbourg, claiming that the alert infringed the applicants' right of freedom of religion as protected under Article 9 of the ECHR. However, after the alerts

were deleted from the SIS in 2007, the claim was withdrawn. In 2009, Rev. and Mrs. Moon freely visited France.

## **Belgium**

In Belgium, there was a legal victory in December 2006.<sup>[14]</sup> A court decision allowed Rev. and Mrs. Moon to enter the territory without a visa, as it concluded that visa refusal was not justified on grounds of public security. The decision of the Belgian Administrative Court was important for two reasons. First, it concluded that national authorities making a decision on the basis of a foreign SIS alert have a duty to investigate the reasons for this alert. Second, the Court confirmed the duty of national authorities to assess the proportionality of the reasons for refusing Mr. and Mrs. Moon's entry, considering the infringement of human rights caused by the refusal of entrance. The news was publicized in the media.

## **Lobbying efforts**

Lobbying efforts to remove the ban were set in motion by members of the Unification Church, mostly from Europe and USA, and by influential VIPs in human rights forums. They made efforts to resolve the Schengen issue by reviving the International Coalition for Religious Freedom (ICRF). This US-based organization criticized the German government over the ban. In 1998-99, the ICRF organized four high-profile conferences in Berlin, Washington, Tokyo, and Sao Paolo.

The Forum for Religious Freedom – Europe (FOREF), co-founded by Austrian UC member Peter Zoehrer, played an important role in protesting the Schengen entry ban. FOREF advocates for religious freedom in Europe on a broad scale and defends the rights of numerous minority groups in addition to the Unification Church. FOREF worked in particular through the annual delivery of statements at the Human Dimension Implementation Meetings of the OSCE as well as through regular online reporting of anti-cult activities by state and private actors.<sup>[15]</sup> Its advocacy for religious freedom received significant support from religious representatives, human rights groups, the US State Department and even the United Nations.

In June 1998, the Inquiry Commission of the German Bundestag (federal parliament) submitted “So-called sects and psycho-groups” as its final report. The members of the commission represented the entire political spectrum in Germany. Their report concluded:

[A]t this moment in time... seen from the point of view of society as a whole, new religious and ideological communities such as the Unification Church and the “psycho-groups” represent no danger to the State and society or to the socially relevant sectors.<sup>[16]</sup>

The report's conclusion recommended eliminating the historically tainted term “sect” from the discussion of religious minorities.

Annual reports of the Bureau of Democracy, Human Rights, and Labor of the United States State Department played a significant role by including the Schengen ban on Rev. and Mrs. Moon as among its noted violations of religious freedom. The following is an example taken from its 2002 list of religious freedom violations:

Germany: ...In August 2002, the federal Interior Ministry extended its immigration exclusion (refusal to issue a visitor visa) against the founder of the Unification Church, Reverend Sun Myong [sic.] Moon, and his wife, Hak Ja Han Moon. The couple has been refused entry to the country (and through the Schengen Treaty visa ineligibility, to other Schengen countries) since 1995, when the Chief Office for Border Security issued a notice of refusal of entry for an initial period of 3 years. The stated reason for refusal of entry was that Reverend Moon and his wife were considered by the federal government to be leaders of a “sect” that endangered the personal and social development of young people; therefore, their entry to the country would not be in the national interest. The Government had extended the refusal of entry repeatedly, and was the only European country to extend the ban last August for a period of 2 years, citing only the original basis for the refusal.<sup>[17]</sup>

This put pressure on countries to remove the ban.

Apart from organizations, many prominent individuals wrote letters urging an end to the ban. These included former U.S. Secretary of State Alexander Haig and scholars of religion such as Hubert Seiwert, a well-known scientist of comparative religions at the University of Leipzig and member of the Parliamentary Enquete Commission on “So-called Sects and Psychogroups.” Seiwert wrote,

Certainly one has to consider that the entrance ban against the Moon couple was spelled out in 1995, during which time the hysteria against so-called sects was at its height and the Enquete Commission was just established. Therefore, it might well be possible that representatives of the German Ministry of Interior at that time acted according to the best of their knowledge. However, this does not hold true any longer for the successive prolongations of the entrance ban. Even though they must have known clearly that there were no proofs substantiating the allegations against the Unification Church of Germany, the government did insist on its original decision.<sup>[18]</sup>

Also, Young-Kook Ahn, Chairman of the Federal Association of Koreans in Germany, an organization with approximately 35,000 members, wrote a letter to Chancellor Merkel on April 30, 2007 asking the Chancellor to help to lift the ban swiftly.

A number of US officials wrote letters to top German politicians, requesting to lift the entry ban. Colin Powell, United States Secretary of State (2001-2005), representing the US government, interceded in 2001, requesting that the German government lift the entrance ban imposed on Rev. Moon. He stated,

Consistent with the German Government's policy of promoting religious freedom for all, and in view of the international norms of religious freedom contained in Article 18(1) of the ICCPR, the Department wishes to express to German authorities USG support for allowing the visa ban to expire, barring any evidence of criminal or public safety issues involving the Unification Church over the past three years.<sup>[19]</sup>

Other initiatives included petitions signed by participants of conferences in Berlin, protest marches, vigils and leafleting in front on German government offices.

Along with legal and political work, the European UC offered successive 40-day conditions of prayer and *jeongseong* (sincere devotion) for several years. This brought the European movement together with a common heart and goal, which generated energy. The European UC's "Committee to Welcome True Parents to Europe" continuously shared information with members. Members also offered financial donations.

## Conclusions and Reflections

The walls of the ban started to crumble in 2005, starting with Great Britain, a nation headed by a woman, the Queen. During the tour of that year, other Schengen nations headed by women sovereigns or heads of state welcomed Rev. and Mrs. Moon. Besides the United Kingdom, they were welcomed in The Netherlands, Denmark and Ireland. These Schengen countries didn't hesitate to grant entry to them on various occasions, despite Germany's viewpoint. The very same year, 2005, Germany elected a woman Chancellor for the first time in its history. Dr. Angela Dorothea Merkel became the Chancellor in November 2005, and in the following year matters started to move on a direction that made it obvious that the lifting of the Schengen ban was inevitable. One can imagine that some sensitive issues needed feminine leadership in order to be solved in the right way.

In 2005, Rev. and Mrs. Moon went in a speaking tour of 120 countries, including 13 countries in Europe, to inaugurate Universal Peace Federation. During that tour there was not a single case of disturbance of public order. The text of the speech and videos were publicly available, and there was nothing to hide. Rev. Moon mentioned in Dublin, Ireland, that the United Kingdom didn't want to issue him a visa fearing that he would destroy England, but what could he do as an old man at the age of 86?<sup>[20]</sup> Could they represent a threat to Germany, when nothing like that had been recorded in any other nation, and their visit would last just two days including a lecture for invited guests and a meeting with members? It cannot seriously be believed that the security of the Republic of Germany would be at risk.

Rev. and Mrs. Moon initiated so many peace initiatives and campaigns in places where they were needed, such as the Middle East where they launched the Middle East Peace Initiative (MEPI) in 2003 which brought 10,000 peacemakers to the Holy Land in its first two years.<sup>[21]</sup> They initiated sports programs such as Play Soccer Make Peace, which brings together Israeli and Arab children in the same region. In 2005 they initiated a Peace Road project, seeking to connect former enemy states such as Korea and Japan or the U.S. and Russia by tunnels and bridges.<sup>[22]</sup> Their most notable work has been to foster Holy Marriage Blessings of couples from around the world who dedicate their unions to peace. In addition, organizations founded by Rev. and Mrs. Moon, such as the Universal Peace Federation (UPF) and the

Women's Federation for World Peace (WFWP) have General Consultative Status with the Economic and Social Council and Social Council of the United Nations, because of their work dedicated to peace, partnerships, and education. This list could go on. Putting a ban on them dragged the world backwards.

Conducting this research was a journey of discovery. It made me feel like a participant in fighting the ban. It also led me to feel more solidarity toward others who are going through the same suffering and to see beyond the media portrayals. I'm especially pleased that Germany lifted the ban prior to Rev. Moon's passing in 2012. From the standpoint of the UC and other minority faith traditions, the weighty continent of Europe went through a dark struggle and came out of it due to the efforts of many.

## Notes

[1] The Schengen Treaty, signed on June 14, 1985, led most of the European countries towards the abolishment of their national borders, to build a Europe without borders known as the "Schengen Area."

[2] Press release from Upper Administrative Court on May 4, 2007, at <http://www.familyfed.de/vk-archiv/einreise/>

[3] Unification Church holy grounds are spiritually significant locations around the world chosen and blessed by Rev. Sun Myung Moon. Members typically gather there to pray for the fulfillment of God's will for the nation.

[4] E. Carman to Sun Myung Moon, May 5, 2005.

[5] Mark Brann, "True Parent's European Breakthrough," Today's World, February 2006, 23-25.

[6] The three blessings are based on Genesis 1:28, when God blessed Adam and Eve to be fruitful, multiply and have dominion over all the earth's creatures.

[7] "Sect" and "psycho group" are pejorative terms employed by the anti-cult movement in Europe to refer to new religions. The term "psycho group" denotes their claims of alleged psychological manipulation.

[8] [https://www.cesnur.org/testi/moon\\_02.htm](https://www.cesnur.org/testi/moon_02.htm). Accessed August 8, 2021.

[9] UC members refer to Rev. and Mrs. Moon as "True Parents."

[10] Dan Fefferman, "The Schengen Treaty and the Case of Rev. and Mrs. Sun Myung Moon," ICRF White Paper, August 27, 2002. <http://www.familyfed.de/vk-archiv/einreise/english/reassessment/schengen-white-paper.pdf>. Accessed August 8, 2021.

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.

[11] Supreme Court of Germany: Nr. 109/2006 from November 9th 2006; Verdict of October 24th, 2006-11-09 2 BvR 1908/03

[12] <http://www.familyfed.de/vk-archiv/einreise/>. Accessed August 8, 2021.

[13] CEPS working document No. 288/April 2008. A comprehensive analysis of Rev. and Mrs. Moon's ban from the Schengen Treaty nations compiled by Evelien Brouwer, titled "The Other Side of Moon."

[14] Ibid.

[15] <https://www.osce.org/files/f/documents/9/6/42404.pdf>. Accessed August 8, 2021.

[16] <http://www.familyfed.de/vk-archiv/einreise/english/reassessment/Schengen-re-assessment.doc>

[17] <https://www.state.gov/j/drl/rls/irf/2003/27185.htm>. Accessed August 8, 2021.

[18] <http://www.familyfed.de/vk-archiv/einreise/>. Accessed August 8, 2021.

[19] US Demarche to the Federal Republic of Germany, December 31, 2001.

[20] <https://www.youtube.com/watch?v=zv5u58dpYJk>. Accessed August 8, 2021.

[21] <https://www.upf.org/peace-and-security/middle-east-peace-programs>. Accessed August 8, 2021.

[22] <https://www.upf.org/youth-and-service/sports-programs/322-play-soccer-make-peace>. Accessed August 8, 2021.