

**OSCE**

**Human Dimension Implementation Meeting**

**September/October 2012**

**Report on France**

**Submission by the Church of Scientology**

**Introduction**

Despite many recommendations by international human rights bodies, French policy against religious minorities has not improved. Instead, it has gone a step further back since the last Human Dimension Implementation Meeting in 2011. The Church of Scientology provides the following report regarding the French policy regarding treatment of religious minorities in France – a policy that must be changed for France to comply with the Helsinki Accords and international human rights standards regarding religious freedom and nondiscrimination on religious grounds.

**Stigmatizing Repository of Records Created by MIVILUDES**

For years, the French government has determined to arbitrarily classify religious groups into two separate categories: 1) religions viewed as law-abiding and beneficial to society; and 2) "sects" viewed as dangerous to society, which are the targets of oppressive and discriminatory measures, and which the government declares must be "fought" against.

This type of classification has resulted in the stigmatizing and blacklisting of 173 religious or philosophical groups as "sects" in a report established by a Parliamentary Commission on December 20, 1995. By a Decree of 27 May 2005, Prime Minister Mr. Raffarin instructed Ministers and Government officials to stop stigmatizing minority religious movements by using such blacklists.

However, in May 2009, the President of the Inter-ministerial Mission of Vigilance and Fight against Sectarian Deviances (MIVILUDES), Mr. Georges Fenech, announced that a repository of records had been created on approximately 600 movements he had characterized as "sectarian". The record repository has been established, according to his statements to the media, on the sole basis of denunciations or complaints against minority belief movements.

After opposition by the Minister of Interior who expressed concern that the accusatory records would stigmatize minority faiths, MIVILUDES decided to not make these records public. Yet, these records have been made available by MIVILUDES to Judges, Prosecutors, personnel dealing with Youth and Family matters, Ministries and other officials. They have also been made available to public authorities and local officials who make decisions that affect the

rights of these groups, such as decisions authorizing or denying the renting of conference halls or nursing licences to members of minority groups.<sup>1</sup>

In the recommendations of the Special Rapporteur on Freedom of Religion or Belief following her official visit to France on 18-29 September 2005, French authorities were urged to no longer refer to or use the list of “sects” published by Parliament in 1996.<sup>2</sup>

The Special Rapporteur found that:

83. The existence and publicity of the list of *sectes* has not affected only freedom of religion or belief. In addition, the mere fact that one is a member of a group on the list has constituted an element for judicial or other decisions that negatively affect an individual’s other rights, for example, in child custody cases.

Consequently, she made the following recommendation:

114. She urges judicial and conflict resolution mechanisms to no longer refer to, or use, the list published by Parliament in 1996.

Keeping a repository of records on such groups is actually even worse than keeping a “blacklist” of religious groups denigrated as so-called “sects”. Indeed, keeping a repository of records composed of uniformly derogatory allegations without allowing for correction by the groups concerned will have even more devastating consequences on the rights of these targeted minority groups to freedom of religion or belief as guaranteed by Article 9 of the European Convention on Human Rights, the Helsinki Accords and Article 18 of the International Covenant on Civil and Political Rights.

Additionally, the fact that the record repository has not been made public but instead has been provided to “professionals” contravenes fundamental rights. To provide one-sided accusatory information on minority belief movements to judges and law enforcement authorities, and to personnel dealing with family and divorce matters outside any procedure for correction of any inaccurate, misleading or incomplete information in these records by concerned groups not only raises religious freedom and civil rights issues, it also fatally undermines fundamental due process and jeopardizes the right to presumption of innocence and the independence of the judiciary.

Under the previous 1995 Parliamentary list of “sects”, targeted groups and their members were routinely subjected to never-ending investigations, audits and labor inspections. Municipal authorities refused to rent town halls to religious associations designated in the Report as “sects”. Custodial rights of parents were challenged in court on the grounds that a parent belonged to a religious group on the blacklist.

This discrimination against targeted minority faiths has been aggravated by the repository of records created by MIVILUDES.

In 2012, Miviludes continued to promote its “repository of records”, while not keeping its promise to make it available to the religious movements targeted in the records. In his book

<sup>1</sup> See Article in national newspaper Libération of 3 August 2009 “La France est en pointe dans la lutte contre les sectes” : <http://www.liberation.fr/societe/0101583433-la-france-est-en-pointe-dans-la-lutte-contre-les-sectes>

<sup>2</sup> See, E/CN.4/2006/5/Add.4 8 March 2006, *Mission to France Report*, submitted by Mrs. Asma Jahangir.

recently published on 3 September 2012, Mr. Fenech, former MIVILUDES President now Member of Parliament, explains that he had been advised by the Chief Editor of national TV channel TF1 to update the list of sects, and that based on this advice he created the repository of records. Mr. Fenech also noted that nothing will prevent MIVILUDES to continue the update and use of this repository of records which currently encompasses around 500 movements.

In 2011, MIVILUDES refused access to the repository of records to the Church of Scientology. Mandated to do so after a positive opinion given by the National Commission on Access to Administrative Files (CADA), MIVILUDES merely provided press articles but refused to give access to the denouncements and accusatory reports contained in the Church file, omitting their authors' names to make them anonymous. The case has been referred to the Administrative Court and is pending.

The creation of such a secret record repository on "sectarian movements" directly contravenes the recommendation in the Rapporteur's 8 March 2006 *Mission to France Report* urging the French Government "to ensure that its mechanisms for dealing with these religious groups or communities of belief deliver a message based on tolerance, freedom of religion or belief and on the principle that no one can be judged for his actions other than through the appropriate judicial channels".

### **Stigmatization of Religion or Belief Minorities through "Sensitization Programs"**

Special seminars entitled "sessions of sensitization on sects" have been held each year for Judges and Prosecutors as part of their training at the French National School of Magistrates since 1998.

Documents obtained through exercise of the Right of Access to Administrative Files have shown that these seminars organized by MIVILUDES did not only train the Magistrates on particular types of crimes or misdemeanors, but they directly targeted specific religious movements, listed by Miviludes as "sects". They were entirely based on documentation provided by anti-sect associations without any possibility for the concerned communities to rebut this information.

This documentation comprised hostile press articles and negative court decisions rendered against the concerned groups or their members omitting decisions from higher judicial authorities directly contradicting those decisions. No positive jurisprudence, official recognitions, or objective information from scholars regarding these groups were provided or even considered.

Such "sensitization" programs for court officials have been condemned by the United Nations Human Rights Committee. In its 1996 Concluding Observations, the UN Human Rights Committee recommended, regarding such practices, that Germany discontinue the holding of "*sensitizing sessions for judges against the practices of certain designated sects*". Otherwise, the right to a fair trial is destroyed for religious minorities. (Human Rights Committee Concluding Observations, Germany: 18/11/96 CCPR/C/79/Add.73)

Additionally, the anti-sect association UNADFI, which gives speeches at the seminars, is also a "civil party" in criminal cases against the minority religion or belief movements. This leads to the situation where, during trials, they plead against these movements before Judges whom

they may have "sensitized" earlier against the same movements that they presented as a priori criminal during the "sessions of sensitization".

These training sessions do not hesitate to tackle "different ideas". In 2009, for example, the website of the National School of Magistrates (ENM) announced its training on "sects" in the following way: *"To what extent the ideas they promote (sects) to their members can constitute damage to discernment abilities of persons."* More than practices, ideas are targeted in these training sessions.

These training sessions are done in the frame of the "continuous training" of judges and prosecutors and with judges and prosecutors "in training", before they are confirmed judges and prosecutors and before they enter onto post, to ensure that officials throughout the entire system are exposed to biased and nonobjective briefings denigrating targeted faiths.<sup>3</sup>

These programs operate to prejudge entire groups, thereby infringing the right of the minorities to be presumed innocent, and contravene the principle of equality of arms since these minorities are not in a position where they can contradict the biased information given to the judges.

The 2012 awareness session, which took place on 2-4 May in Paris, included briefings to the Judges by apostates of targeted religious movements and by "anti-sect" association UNADFI. MIVILUDES officials were part of the main speakers and gave some documents to the participants in order to educate them on the "sect" issue in the country. One of them contained a definition of "sectarian deviances" which were defined as "perversion of freedom thought, opinion or religion"<sup>4</sup>. In another one, MIVILUDES referred Judges and Prosecutors to the 1996 Parliamentary Report, the one which contained the "list of sects" which was rejected by the Prime Minister in 2005<sup>5</sup>.

There is great concern in the minority religious community in France that this system of indoctrination will create undue incitement of Magistrates and Judges, and put political pressure on them to prosecute and convict individuals and organizations due to their minority religious beliefs in contravention of fundamental human rights.

### **Extension to Other Sectors of Society**

Recently, the delivery of such training sessions stigmatizing new religious movements has been extended to other sectors of society.

Back in 2008, right before his appointment at the head of MIVILUDES by the French Prime Minister, Mr. Fenech announced his program<sup>6</sup> of reinforcing the training of the Magistrates because the concept of "psychological subjection" has never been defined in the so-called "About-Picard law" adopted to criminalize proselytism by religious minorities as "abuse of weakness". The concept of "psychological subjection" is so vague that it could apply to any religion or belief community. Therefore the idea was to help judges know what groups should be subject to such characterization. To the same end, Mr. Fenech also recommended

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<sup>3</sup> Miviludes Report 2007, p. 59.

<sup>4</sup> "The Notion of Sectarian Deviance", p. 3.

<sup>5</sup> "The French Inter-ministerial Apparatus of Vigilance and Fight Against Sectarian Deviances", p. 2.

<sup>6</sup> "Justice Facing Sectarian Deviances", La Documentation française, 2008.

“training” of the police, social workers, youth educators and psychiatrists. Most of these categories of professionals have been part of the training sessions organized by MIVILUDES.

The 2005 Guide for Public Agents on Sectarian Deviances, published by MIVILUDES, already noted that each year the National School for Magistrates organizes a one-week seminar on sects for Prosecutors, Judges, police officers, and government officials from the Youth and Sports Ministry, National Education, Judicial Protection of Youth, Directorate-General for Competition and Consumer Offices. Up to 140 trainees take part in this course.

In 2007, the MIVILUDES report was already recommending measures to increase the “awareness” of various actors of society on the subject of “sects”. These measures included: *“12 - Provide education on sectarian aberrations in Units of Academic Training and Research (UFR) in psychology, science education and in the Teacher Training Institutes (University Institutes for Teacher Training). 13 - Introducing, in Universities of Medicine, a teaching dedicated to mental manipulation and victimology.”*<sup>7</sup>

Indeed, the training about “sects” has now been extended to be part of official University programs: a new University curriculum has been created on “sectarian subjection” where social workers, justice professionals, psychiatrists and medical workers are trained amongst other things to identify during their practice so-called “sect victims”, even if these persons adhered to religious minorities on their own free will and are not complaining about anything. The curriculum also covers how to make an “exfiltration” from a sect, a very questionable practice akin to illegal conduct such as “deprogramming”.

This curriculum includes 144 hours of lectures and analysis of practical cases in each course by having apostates give their stories about the religious minority they have left. An important part of this curriculum is therefore based on the interventions of embittered former followers who are very critical on the specific religious minorities they left, and who come to University to “train” students on them, without any possibility of the concerned movements to explain themselves or contradict false accusations.

The first session of this curriculum has been given at University Paris Descartes in Paris, for the year 2011/2012.

## **Conclusion**

The repository of records created by MIVILUDES made available to Judges, Prosecutors, personnel dealing with Youth and Family matters other Ministries and public authorities and officials who make decisions that affect the rights of these groups, such as authorizing or denying the renting of conference halls or nursing licenses to members of minority groups, fuels discrimination targeting members of minority faiths on a systematic scale in France.

The “sensitization sessions” on new religious movements labeled as “sects” organized by MIVILUDES for the Judges, Prosecutors, police officers, government officials from the Youth and Sports Ministry, National Education, Judicial Protection of Youth, and now other sectors of society, are infringing the duty of neutrality of the State and are an attempt to prejudice the judiciary and society as a whole against these minorities.

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<sup>7</sup> 2007 Miviludes report p59

These training programs and their extension to various sectors of society constitute a stigmatization and discrimination machinery which violates the rights of religious minorities under the European Convention on Human Rights, the Helsinki Accords and the International Covenant on Civil and Political Rights.