

Submission by the Church of Scientology

**OSCE Human Dimension Implementation Meeting
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***Children Belonging to Religious Minorities:
The French Authorities Try to Export
Their Intolerant Policy in Europe***

For years, the French government has been engaged in a policy of “fighting” against minorities of religion or belief which they derogatorily labeled as “sects”. Facing critics from international human rights Institutions, the French government evolved and developed its policy to refer to “sectarian drifts”, “sectarian movements” and now “sectarian risk” as far as minors are concerned.

A sectarian drift is defined in the 2008 annual Report of the French government agency called the Inter-ministerial Mission of Vigilance and Fight against Sectarian Drifts (MIVILUDES) as mental subjugation so that: “One or more people start to believe in certain ideas which differ from the ideas generally accepted by society.”

In its annual Report 2009, MIVILUDES’ (then) President, Mr. Fenech, gave a similar explanation. Under the heading “Assimilation of the sole beliefs of the movement”, he explained that children brought up in a context of “sectarian subjugation” are ideologically isolated because they are subjected to a unique and exclusive discourse, for example by the daily repetition of a credo of allegiance to a superior entity or the “substitution of a mythical discourse to rational explanations”. According to him, such education - which could correspond to the raising of children in any religion - enslaves and diminishes the possibilities of the child.¹

He therefore recommended that, in child custody cases, the judges favor the non-believer parent in order “to protect the young, and mostly the teenager, from a univocal vision of the world” and this “even if he, in the exclusive sphere of his follower parent, has blossomed, works well at school and does not complain about anything”.²

¹ http://www.miviludes.gouv.fr/IMG/pdf/rapport2009_mise_en_ligne.pdf, p. 128-129

² http://www.miviludes.gouv.fr/IMG/pdf/rapport2009_mise_en_ligne.pdf, p. 214

More recently, a new Circular on the Prevention and Fight against Sectarian Risks has been adopted in March 2012 by the French Ministry of National Education and sent to the heads of all primary and high schools.³ The Circular, which calls for vigilance from the education personnel and for reporting on children in situations of “sectarian risk”, defines such situations as those “in which some views and practices are imposed on [the child] with the exception of any other views or practice.” The risk would concern “the possibility for the child to develop and exert a critical mind, an independent judgment. The context can be family, or even community: the child is then likely to be under the undue influence of views and practices threatening his education”.

Therefore, the French government, through this Circular, alerts the teachers and asks them to report on the “undue influence” of the religious “views and practices” of the child’s family which allegedly threaten his education by preventing the development of an independent judgment.

Parents from any religion could be said to educate their children according to their religious views and practices, with the exception of any other views and practices. Their right to do so is actually protected by international human rights instruments signed and ratified by France, such as the Protocol to the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

The last measure adopted in the area of National Education in France has been the posting in all public schools at the start of the school year in September 2013 of a new Charter on Secularism, designed to, according to the Minister of Education, “snatch children away from all determinism”, including their parents’ religious education.⁴

Although the French government policy has been consistently criticized in human rights fora as violating international human rights standards, the French authorities have persisted in their orientation to have their views accepted and adopted at the European level.

Latest developments at the Council of Europe

For years, MIVILUDES has been trying to export this French anti-sectarian policy to other European countries. However, on 19 September 2001, the Committee of Ministers of the Council of Europe (COE) rejected the proposal to set up a European Observatory on sectarian excesses.

As a result of the French government persistently pushing their “anti-sectarian” policies at European level, on 7th September 2011, a member of the French National Assembly, Rudy Salles, member of the Parliamentary Assembly of the Council of Europe (PACE), has been appointed by the Human Rights and Legal Affairs Committee of PACE as Rapporteur to draft a report on “protection of minors against sectarian influence” by the end of 2012, now extended to the end of 2013.

When this appointment occurred, Georges Fenech, then President of MIVILUDES, made a co-statement with Rudy Salles in a French newspaper in November 2011.⁵ “This appointment is a first victory” Rudy Salles commented. “We will not work like in the French Parliament

³ Circular N° 2012-051 of 22 March 2012.

⁴ Interview in the Journal du Dimanche newspaper, September 2, 2013.

⁵ Nice Matin, November 22, 2011.

where the mobilization is very strong and reports on sects are always voted at the unanimity. There, at the Council of Europe, it is a matter of degree of appreciation of sects by the various countries. Some of them consider sects as religions. Therefore our work will be more difficult, but to register such a subject at the Council of Europe is already a lot and the fact that the Rapporteur is French is a good thing since the French National Assembly, through the successive Enquiry Commissions since 1995, is at the forefront of this issue.” Georges Fenech stated that he hoped that Rudy Salles’ report would launch a European process by the creation of a European Observatory on Sects.

When interviewed by the French Senate in October 2012, the Secretary General of MIVILUDES, Hervé Machi, confirmed that hopefully this report would lead to the creation of a European observatory on sectarian drifts and minors, that this report was a way to sensitize France’s European partners to the question of sects via an issue everybody would agree with, the protection of minors, and that hopefully it would be the beginning of a “ball of wool” which would lead its partners to show interest more broadly in the sect issue.

However, the issue of minors in sects has shown to be a non-issue, both internally in France and at the European level.

In 2006, Mr. Fenech, who was then a Member of the National Assembly, presided a Parliamentary Enquiry Commission on “children and sects”. The Commission interrogated dozens of members of the Government and Government agencies, and the answers were uniformly that there were only very few or none cases related to “sectarian movements” reported by each branch of the Ministries of the French government.⁶ The results of the Parliamentary Commission investigation was that there was not any real problem in that conjunction and that there was nothing to justify any further or specific action from the Government on the issue.

Then in 2009, the MIVILUDES proceeded to an inventory of the problem in the various EU countries. The information they provided, reproduced in MIVILUDES’ 2009 annual Report, reveal that there is no specific problem with minors in sects in Europe. (See excerpts from the Report with the countries’ answers attached)

Concerning Sweden, the Report denounced its liberalism and the fact that it applied common law to religious communities: “Sweden, for the sake of freedom of opinion and religion, is characterized by a very liberal view of movements which can carry sectarian risk. Police forces cannot distinguish children disappearances related to this context from other disappearances of minors. The same is with parents’ conflicts concerning the belonging of children to sectarian movements, which are inventoried by the police only if they constitute a crime or offence criminally penalized or in the frame of larger incriminations, such as violence, threats, various offences on minors. The main law referring – always indirectly – to sectarian movements is the 1998 law relating to religious communities, which Article 1 prohibits any forced affiliation to a religious community. Sectarian drifts are actually not a political issue in Sweden.”

In order to oppose this “liberal view”, in December 2012, Rudy Salles went to Sweden for a “fact finding mission” regarding “sects and minors” on behalf of the Parliamentary Assembly of the Council of Europe. He came out in the Swedish media with some strong statements

⁶ <http://www.freedomofconscience.eu/2011/08/the-handling-of-the-new-spiritual-mov/>

criticizing Sweden for its liberal approach of the treatment of religious minorities alleging that some private schools might instil some harmful ideologies to children. The Swedish State Secretary at the Ministry of Education, Bertil Östberg, had to answer that he was in disagreement with Rudy Salles, that the Swedish system works and that there is an adequate control on the quality of the teachings in schools. He added that they have a government body to control schools and there is no need for a Parliamentary Enquiry Commission as suggested by Mr. Salles.

Mr. Salles' mission appears to be that of creating emergency situations of minors in sects where such a problem does not exist by trying to "sensitize" France's European partners to the issue.

Some other countries have not had the same reaction as Sweden and the actions of Rudy Salles seem to have already had harmful effects on religious freedom in Europe.

In April 2013, Rudy Salles sent a questionnaire to all the member states of the Council of Europe. This questionnaire contained very revealing questions, showing a willingness to get each of the EU countries to adopt a list and classification of new religious movements as "sects", a stigmatization which has been strongly criticized by human rights institutions for years, and to adopt specific repressive laws against the followers of new or minority religious movements and their children, which is contrary to the very commitment of the Council of Europe towards religious freedom through the European Convention on Human Rights.

Soon after receiving this questionnaire, the Russian Parliament created a "sect commission" inside the Duma. However, Russia should not be encouraged by the French in its repressive policy as it has already been sentenced by the European Court of Human Rights in its decision *Jehovah's Witnesses' of Moscow v. the Russian Federation* of 20 June 2010 for not respecting the rights of religious minorities. In this decision, the European Court reaffirmed the right for parents to ensure education of their children in conformity with their religious convictions:

125. The Court reiterates that Article 2 of Protocol No. 1 requires the State to respect the rights of parents to ensure education and teaching in conformity with their own religious convictions and that Article 5 of Protocol No. 7 establishes that spouses enjoy equality of rights in their relations with their children.

And the Court confirmed that in cases of conflict both parents have equally the right to raise their children in accordance with their convictions and that conflicts should be resolved according to common law:

Both parents, even in a situation where they adhere to differing doctrines or beliefs, have the same right to raise their children in accordance with their religious or non-religious convictions and any disagreements between them in relation to the necessity and extent of the children's participation in religious practices and education are private disputes that are to be resolved according to the procedure established in domestic family law.

In violation of international human rights standards, France is actually inciting countries like Russia to adopt measures to infringe the right to freedom of religion or belief of religious minorities and to overlook the European Court of Human Rights decisions.

This attempt to convince other European countries to adhere to the French anti-religious model via the use of the Parliamentary Assembly of the Council of Europe constitutes a perversion of the aims of international human rights institutions.

We respectfully ask the ODIHR to intervene to put an end to such spreading of intolerance and discrimination that endanger the rights of Parents to educate their children according to their own beliefs in Europe.

Enc. Questionnaire sent to the various Member States of the Council of Europe
Excerpts from the MIVILUDES' 2009 annual Report



Committee on Legal Affairs and Human Rights

Questionnaire for the European Centre for Parliamentary Research & Documentation (ECPRD)

In connection with his report on “**The protection of minors against sectarian influence**”, the rapporteur (Mr Rudy Salles, France, EPP/CD) wishes to look into certain issues relating to the scale of the phenomenon of sects in Europe and current legislation protecting minors against the dangers of sects.

He would therefore like to obtain further information on the following questions:

1. Religious movements and sects

- a) Does your country have an official list (drawn up by the public authorities) of religions, “new religious movements” and/or sects
- b) Can “new religious movements” and religious movements which may be suspected of engaging in sect-like activities receive state financial assistance?
- c) What are the criteria for registering “new religious movements”?
- d) What is the legal status of religious movements which may be suspected of engaging in sect-like activities (religious denominations or ordinary non-profit organisations)?
- e) Is there a public body specialising in preventing and combating abuses by sects and protecting minors against them, or a body responsible for collecting data on the phenomenon of sects?

2. Legislation against abuses by sects

- a) Does your country have legislation which:
 - deals with and/or defines “sects” and “abuses by sects”?
 - concerns specifically the illegal activities of sects, and particularly those targeting minors?
- b) Does your country recognise the offence of “fraudulent abuse of weakness” of persons in a state of psychological or physical subjection? If not, on what legal basis are abuses by sects punished?
- c) Does your country’s legislation permit the dissolution of legal entities which engage in activities designed to exploit persons in a state of psychological or physical subjection?
- d) In criminal cases concerning abuses by sects, can non-profit organisations join the proceedings as civil parties claiming damages?

- f) Is there a register of cases of abuses by sects involving minors?

3. Parliamentary initiatives to combat abuses by sects

- a) Is there, or has there been, a parliamentary committee of enquiry or a study group on the activities of sects, and in particular on minors who have been the victims of abuses by sects? If so, what are the results of its work (reports, recommendations, findings etc.)?
- b) Are there currently initiatives in Parliament to increase protection for minors against the influence of sects?

4. Education and sects

- a) Can religious movements establish private schools? If so, are there any schools established by “new religious movements” or sects?
- b) Do they receive financial assistance from the state?
- c) What is the legal framework governing these confessional schools? Do they provide religious education?
- d) What is the extent of state supervision in these confessional schools?
- e) Have there been cases in which authorisation to establish a school has not been granted to a “new religious movement” or has been withdrawn?

5. Other measures to combat abuses by sects targeting minors

- a) What educational or awareness-raising measures (circulars, publications, seminars etc.) are taken by the public authorities to address the problem of abuses by sects affecting minors (sexual abuse, psychological abuse, ill-treatment etc.)?
- b) Are there any organisations active in combating abuses by sects, and in particular protecting minors and/or helping them to leave sects?
- c) If so, do they receive financial assistance from the state?

Excerpts from the MIVILUDES' 2009 annual Report

Results of the review made clear that no real problem existed in Europe regarding the issue of “minors in sects”.

For example, the review of the UK is reported in the report in the following way⁷: “*The sect phenomenon has little impact on youth in the United Kingdom. Only a few cases have been reported*”⁸.

As concerns Germany: “*According to the Ministry of Family Affairs, Senior Citizens, Women and Youth, which coordinates interdepartmental work on issues related to sectarianism in Germany, the report of the "Bundes Kriminal Amt" ("BKA") on the disappearances of individuals contains no reference to the sect phenomena that are the cause of wrongful removal of children.*”⁹

Regarding the Czech Republic, five reports are identified by Miviludes over the past 20 years¹⁰.

Regarding Portugal: “*This country does not identify any criminal activity involving a sectarian movement.*”¹¹

Regarding the Netherlands: “*Activities of movements and practices with risk of sectarian deviances is not considered a threat in itself in the Netherlands and does not constitute the subject of any specific public policy. (...)”According to the "Council of Child Welfare" and the Department of Justice, the phenomenon of sectarianism is not subject to any registration or reporting especially in the area of child protection*”¹².

Regarding Greece: “*There are also no recent incidents in the matter of children in Greece.*”¹³

Ireland: “*The Irish competent services in the field of sectarian affecting youth are the Central Authority in relation to child abduction under the Ministry of Justice, and the office of Minister for Children and youth. These two services could not cite any recent case of wrongful removal of children linked to sectarian movements or case of sectarianism on children.*”¹⁴

Romania: “*Similarly, the specialized services of these departments have not been confronted with sectarian drift related to children.*”¹⁵ As concerns Poland: “*The relevant departments in Poland, including the Prosecutor's Office, reported no recent case of sectarianism on children.*”¹⁶

In Lithuania, no reports regarding sectarian cases: “*In addition, the French notion of "sectarian deviance" is foreign to the Lithuanian approach regarding movements or religious groups which are all listed in the Department of Justice.*”¹⁷

Regarding Italy: “*No specific information regarding sectarian affecting minors can be reported during the past year, whether from the interior ministry, or from the Ministry of Social Affairs.*”¹⁸

⁷ Miviludes Report 2009: http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

⁸ Page 136: http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

⁹ Page 139: http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

¹⁰ Page 140: http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

¹¹ Page 149: http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

¹² Page 149-150: http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

¹³ Page 150: http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

¹⁴ Page 150-151: http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

¹⁵ Page 152: http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

¹⁶ Page 153: http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

¹⁷ Page 153: http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

¹⁸ Page 154: http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

Regarding Finland: *"The different movements also considered as risk present in Finland, do not seem to be reported as abuses involving children or youth."*¹⁹

Regarding Latvia, Albania and Malta: *"The embassies had no knowledge of missing children, parental conflict regarding the placement of children in sectarian organizations or sectarian deviances on children."*²⁰

In Luxemburg: *«The Department of Justice indicates that the Prosecutor General's Office reported no domestic case of wrongful removal of children in connection with sectarian movements and no special consideration was currently underway at the Department of Justice on the issue of sectarian aberrations affecting minors.»*²¹

¹⁹ Page 154 : http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

²⁰ Page 154 : http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf

²¹ Page 154 : http://www.miviludes.gouv.fr/sites/default/files/publications/francais/rapport2009_mise_en_ligne.pdf