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## **Human Dimension Implementing Meeting**

### **OSCE – Varsovie**

#### **Toughening up religious discrimination in France**

Our association, OMNIUM des Libertés (OMNIUM of Liberties), was founded in 1996. Its purpose is to defend the principles of freedom of thought, religion and association, pursuant to Article 9 of the European Convention for Human Rights: *“Everyone has a right to freedom of thought, conscience and religion; this right includes freedom to change religion or belief, and freedom, either alone or in community, and in public or private, to manifest ones religion or belief, in worship, teaching, practice and observance.”*

For the last 12 years we have received hundreds of complaints from members of religious, spiritual or therapeutic minorities whose rights have been flouted regarding Articles 9, 10 and 14 of the European Convention.

The victims generally deplore not only that the State does not defend their rights but moreover that some of its institutions are themselves instigating witch hunt campaigns targeting them.

Adversities and sufferings are aplenty - hearsay campaigns, ruined reputations, loss of jobs, children taken away from their parents, physical violence, bomb laying and degradation of real estate property. Those who are at the origin of such discriminatory acts are often difficult to identify, however certain organisms are reported as catalysts of discrimination against these minorities. *“l'Union Nationale de Défense de la Famille et de l'Individu”* (UNADFI – National Union for the Defense of Families and Individuals), *“le Centre Contre les Manipulations*

*Mentales*” (CCMM – Center Against Mental Manipulations) both of them financed over 95% by the State, and the “*Mission Interministérielle de Vigilance et de Lutte Contre les Dérives Sectaires*” (MIVILUDES – watchdog committee on cults), are often reported as the discrimination catalysts against minorities.

Being alerted about the situation of French religious minorities, the Special *Rapporteur* on Freedom of Religion and Belief, Asma Jahangir, carried out a mission in France in September 2005. In her report on religious intolerance in France she adopted the following conclusions and recommendations:

*“However, she [the rapporteur] is of the opinion that the policy and measures that have been adopted by the French authorities have generated situations where the right to freedom of religion or belief of members of these groups has been unduly limited. Moreover, the public condemnation of some of these groups, as well as the stigmatization of their members, has led to certain forms of discrimination, in particular vis-à-vis their children.”*

And further « *The Special Rapporteur hopes that future actions of the MIVILUDES will be in line with the right to freedom of religion or belief and avoid past mistakes. She will continue to closely monitor the various actions that are carried out by MIVILUDES.* »

With the appointment of Georges Fenech as a Chairman on October 1<sup>st</sup> 2008, -veteran activist against religious minorities-, the MIVILUDES takes the opposite direction to the recommendations of the Special UN Rapporteur. Actually Mr Fenech refuses any dialogue with religious minorities that he labels beforehand as sectarian movements. Interviewed on June 8 2007 on *Sud Radio* on his serious allegations against the political party « La France en Action » which he accused of undercover work and financing for cults, he refused to talk to the chairman of the party and stated:

*“I’ve never talked to anyone connected to a cult”*

Mr Fenech being nominated at the head of the MIVILUDES is questionable and this would be extremely unlikely to happen in any other European country especially to deal with religious affairs. Mr Fenech was condemned in 1998 for racial insults in public. His election as Member of Parliament was invalidated by the *Conseil Constitutionnel* in 2008 because of the rejection of his campaign’s accounts, and he is at the moment ineligible. In the Angolagate case, Georges Fenech was indicted in July 2001 on charges of dealing in stolen goods and misappropriation of funds, for having accepted as chairman of the *Association Professionnelle de Magistrats* a 100,000 Francs (15 000 €) cheque from a firm suspected of illegal arms sales to Angola. The trial is to start on October in Paris.

UNADFI and CCMM associations are wholly devoted to activism against religious and philosophic minorities. Having these private organisms almost entirely financed by public funds

and the ADFI recognised as a public charity<sup>1</sup> is a violation of the neutrality of the State. But even if they actually create “disturbances of public order” by picking up minority beliefs, there are however within the French Civil service many competent individuals who rely on facts.

This is supported by the report of the Parliamentary enquiry commission of 2006 on children within religious minorities. Several high-ranking civil servants stated that “problems related to sectarian deviations were negligible in France”.

Questioned before the commission The Director of the Sports and Youth Department (Ministry of Youth, Sport and Associations) stated that: *“The minister has set up a national unit coordinated by the general inspector. Representatives from the youth, sports and community service administrations meet regularly. It hears experts, summons departmental managers, and ensures that the minister's policy of prevention is indeed carried out.*

*At a local level, we have appointed a correspondent in each ‘department’ [administrative subdivision of France administrated by a Prefect, similar to a county]. These correspondents forward information to us. But this is not enough. We regularly organize meetings with the regional directors for youth and sports. [...] The forwarding of information takes place via the correspondents, but also via our inspectors, who inspect sports establishments, vacation centers and recreational centers.*

***Statistically, in the field of youth, we have very little information forwarded to us. [...] Statistically, over the three past years, we have had no evidence of minors being deliberately put at risk.”***

This statement confirms similar claims by other civil servants in police, justice, *gendarmerie* and intelligence services. As a conclusion of their testimonies under oath, there were only a few dozen cases which might need an enquiry.

Mr Fenech admits it him self for he wrote in his mission’s report “Justice in front of sectarian deviations” dated from Sept. 2008: *“sectarian deviations correspondents point out that the number of these cases is not very important.”* (page 34) and *“We must admit that out of a population of circa 60 000 children concerned at different degrees by the sectarian issue only one hundred is under supervision of a children’s magistrate. We acknowledge even a diminution of reports on children victims of sectarian abuses. (...) Thus a inquiry in 2003 after 147 Children’s Magistrates showed that out of 54 040 briefs of educational assistance, only 192 were related directly or indirectly to a sectarian issue, which represents 0,14% of all the briefs”*

But Fenech justifies this small amount of educatinal measures, by quoting the

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<sup>1</sup> Specific status as an association “d’utilité publique” (being beneficial to the public at large), which confers privileges under French law like being able to sue for damages on behalf of a third party e.g.: a cult victim.

explanation of a psychologist : « *Perhaps because it is harder to preserve a child from his parent's beliefs than from their blows or their incestuous sexuality* » (rapport page 30)

As a conclusion, he considers there is a need to trigger more denunciations of children whose parents belong to religious or philosophical minorities, and particularly when « *both parents belong to the same group* » and when the judge is « *neither informed nor seized* ». (Report P.27)

These recommendations are a violation of parent's rights to educate their children according to their beliefs, protected both by the (« European Convention on Human Rights) (Protocole #1, Article 2) and by the International Covenant on Civil and Political Rights (Article 18.4). They are also an obvious illustration of Fenech's ideological fight. In p. 42 of his report, he advises that consenting adepts of new religious or philosophical movements should get under guardianship on the pretext that they « *are not yet aware of being victims* » and that they are « *happy slaves* ».

On grounds of this radical stand, Mr Fenech calls for a greater influence of anti-sect groups in French justice. Every year, the MIVILUDES organises a training workshop on “*sectarian deviations*» at the *Ecole Nationale de la Magistrature*. The use of French FOIA rights revealed that these workshops far from delivering general information on this issue were actually a smearing of certain minority movements specifically named by the aforementioned anti-sect association’s speakers. Documents given to participants contained hostile press articles and justice decisions unfavourable to some of these movements wilfully omitting to mention any quashing or reversal by higher judicial or administrative courts. None of the positive decisions before courts of justice or sociological studies on the matter were furnished. The movements in question had of course no means to reply or to deny the charges brought forth against them. This disinformation of magistrates called to rule on penal or domestic cases, aimed to influence them on particular cases, constitutes an unbearable infringement to the independence of justice, to the presumption of innocence and to a fair trial.

Mr Fenech, in his report, calls for multiplying by 4 these “*awareness workshops*” broadening them to include the police, *gendarmerie*, teachers, social inquirers, psychiatric experts called to assist judges to determine which groups may be charged with “psychological subjection” and which parents should be deprived from the custody of their children. He advises for a systematic intervention of anti-sect associations and for an increase of their subsidies;

Justice will thus become the instrument of these groups fighting against minorities.

This is what we denounce today and why we ask your prestigious organization for help.

We are also making an appeal today from this rostrum, to all those who belong in the tolerant and humane face of France, respectful of all beliefs.

We ask them to realise the danger represented by the toughening up of French policy vis-à-vis of religious, spiritual or philosophical movements, which are under administrative, judicial and professional harassment on grounds of hearsay and slander fuelled by a handful of activists who don't actually reflect French society.

**Our first recommendation** is that the personal representative of the current chairman of the OSCE against intolerance and discrimination regarding Christians and followers of other religions sends a mission to France, to gather evidence stemming from the many members of spiritual or religious associations, victims of discrimination. Our first recommendation is that the personal representative of the current chairman of the OSCE against intolerance and discrimination regarding Christians and followers of other religions sends a mission to France, to gather evidence stemming from the many members of spiritual or religious associations, victims of discrimination.

**Our second recommendation** is that the OSCE reminds to its member States the rights of religious, spiritual or philosophical minorities regarding the respect due to their beliefs as drafted by the Helsinki agreement and that it encourages all French authorities to undertake a constructive dialogue with representatives of these minority movements.

We ask for the respect and immediate implementation of the following:

- Article 9 of the European Convention on Human rights - Freedom of thought, conscience and religion "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance."
- Article 2 du Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms : Right to education ; « No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions. »
- Article 18.4 International Covenant on Civil and Political Rights : « The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions. »
- Article 10.1 of the European Convention on Human rights - Freedom of expression "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers."
- Article 14 of the European Convention on Human rights - No discrimination "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

