

Submission by Church of Scientology

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Religion or Belief**

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**From Commitments to Implementation: Freedom of Religion or
Belief in the OSCE Area**

Religious Discrimination in France: 2009

On 19 September 2008, Prime Minister Fillon appointed Mr. Georges Fenech, former Magistrate and suspended Member of Parliament, as President of MIVILUDES (the Inter-Ministerial Mission of Vigilance to Fight against Sectarian Drifts). MIVILUDES is an inter-ministerial government entity under the Prime Minister tasked to collect information on religious movements and inform the public about the "risks of sectarian deviances". MIVILUDES is composed of a President, a Secretary General with a task force of twelve officials assigned from government ministries, an Executive Committee composed of 18 government officials from nine ministries, and an Advisory Council composed of eight members of Parliament, eight associations, and 14 "experts".

Mr. Fenech assumed his position as President of MIVILUDES on 1 October, 2008. This appointment is of great concern to minority religious organizations in France. Not only is Mr. Fenech unfit for such a high level government appointment due to his controversial background, which includes pending penal proceedings¹ and suspension from Parliament, Mr. Fenech has also exhibited a complete lack of objectivity and neutrality on the issues of religious tolerance and religious freedom. His appointment as President has resulted in policies, statements and activities from MIVILUDES that represent a backward step for religious freedom and a return to religious repression of minorities in France.

**Repressive Recommended Measures Contrary to Fundamental Human
Rights**

¹ On 11 February 2009, the Procurator of the Republic demanded a suspended six-month prison term for Mr. Fenech for his alleged role in the "Angola-gate". Mr. Fenech was indicted for accepting a check of 100,000 Francs (15,000 EUR) from the company Brenco whose director, Pierre Falcone, was involved in illegal sales of weapons to Angola. He was then the President of APM (Association Professionnelle des Magistrats). Sentence will be pronounced on 27 October 2009.

By way of background, a few days after his Parliamentary mandate was cancelled for violating election laws, Mr. Fenech was appointed in April 2008 by the Prime Minister to conduct a study and evaluation of the Judiciary to ensure that it is set up to "fight more efficiently" against "sectarian abuses". The Report, presented to the Prime Minister in September 2008, advocates a series of draconian measures to "fight" targeted faiths in the Courts. For example:

- The Report recommends having Guardianship Judges intervene at the request of third parties or families in order to place the "*consenting victims*" under guardianship and a higher sensitization of Guardianship Judges to "sectarian drifts".
- The Report recommends that, during judicial investigations, a psychiatric examination should occur to confirm if the adherence to the religious minority group constitutes a state of subjection and that, during custody, a special support be organized with a psychologist and anti-sect associations as "*followers who are not conscious of living in a situation of dependency*" are "*susceptible of strong emotional reactions at the time of their arrest and in the following hours*".
- The Report recommends the creation of "Cells of mobile intervention on sectarian subjection" (Cellules d'Intervention Mobile sur l'Emprise Sectaire or CIMES) composed of a psychologist expert in "sectarian" matters and anti-sect associations to carry out these "interventions" during police operations and custody, concluding that "Such a cell which relies to date on the sole initiative of dedicated professionals could be very usefully turned into a permanent institution under either the Ministry of Justice or the MIVILUDES".

Many of the recommendations in the Report stem from the premise that the doctrines and beliefs of religions derogatorily referred to as "movements of sectarian character" are inherently dangerous and not entitled to be treated like other religions. The Report champions the theory that *all members* of these minority religious movements are victims.

For example, characterizing consenting adults who choose to be members of minority faith communities as "*happy slaves*" who are "*not yet conscious of being victims*" (Report at 42) exposes a bias against the beliefs of targeted religions that cannot be countenanced with France's duty to remain neutral, objective and impartial on matters relating to religion.

According to Mr. Fenech's repressive Report, one issue at stake is to "protect" children from their parents' beliefs. Such a backwards approach, and the recommendations that flow from that approach, constitutes a clear violation of the right of parents to educate their children according to their own beliefs guaranteed by international human rights treaties that France has signed and ratified, including Article 2 of Protocol 1 of the European Convention on Human Rights, which states that:

"The State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions".

These recommendations regarding children who have parents in minority faiths are especially egregious as the United Nations Rapporteur on Freedom of Religion or Belief published a report in March 2006 regarding her visit to France in which she determined that the divisive policies adopted by the government at that time has resulted in " *the public condemnation of some of these groups, as well as the stigmatization of their members, which has led to certain forms of discrimination, in particular vis-à-vis their children*".

Rather than attempt to repair these human rights shortcomings identified by the UN Religious Freedom Rapporteur, the foremost UN expert on international human rights law and religious freedom, MIVILUDES under Mr. Fenech's leadership, has instead attempted to compound the problem of religious intolerance directed at children of minority faiths by advocating draconian laws and "awareness campaigns" designed to:

- Take custody away from a parent or parents of children of minority faiths simply due to their religious association and belief;
- Stigmatize and marginalize such children in public educational institutions;
- Refuse to respect the fundamental human right of parents to raise their children in accordance with their own religious beliefs;
- Bias court officials against members of minority faiths;
- Stigmatize hundreds of thousands of law abiding French citizens due to their personal religious beliefs and religious association with faiths denigrated as "sects"; and
- Expand the highly controversial and internationally criticized About-Picard law through further repressive legislation.

Despite Mr. Fenech's protests to the contrary, not only purported "sectarian abuses" but *beliefs themselves* are targeted for repression. For example, the Report quotes psychologist Mrs Sonya Jougla with approval:

"Until today, the children who are victims of sects remain the forgotten of society and of professionals of childhood in danger; maybe because it is even more difficult to protect a child from his parents' beliefs than from their beating or their incestuous sexuality; maybe also because the duress that the parents impose on their child by immersing him into a sect is perfectly legal "(Report at 30).

This statement is very clear: the issue at stake is to protect children from their parents' beliefs. Such an approach, and the implementation of recommendations

that flow from that approach, constitutes a clear violation of the right of parents to educate their children according to their own beliefs guaranteed by the International Covenant on Civil and Political Rights and the European Convention of Human Rights.

The French State simply has no business intruding into the sphere of religious convictions to "fight against" beliefs it does not approve of, yet that is what Mr. Fenech advocates.

Renewed Call for a "Sect List"

In February 2009, Mr. Fenech called on the government to re-institute a so-called official "sect list" in France similar to the infamous blacklist established by a Parliamentary Commission in 1995.

Mr. Fenech publicly lobbied for this blacklist even though the previous "sect-list" had been officially withdrawn in a Circular letter by then Prime Minister Raffarin in May 2005 on the grounds that it operated as a blacklist, because of the overwhelming prejudice it caused to organizations on the list and due to its misuse by MIVILUDES officials to justify harassment and persecution of religious minorities. As reported in Le Parisien on 13 February 2009:

"The policy of Michèle Alliot-Marie in this field is in conformity with the 2005 circular letter released by Jean-Pierre Raffarin (2) which was rejecting lists of movements likely to have cultish misbehaviors and was following another line of thought: to qualify in legal terms facts that could be viewed as criminal offences. In her letter addressed to François Fillon, the Minister of the Interior expresses her "surprise" about the policy change of Miviludes, "without any previous inter-ministerial dialogue" and severely points at the move: infringement of freedom of conscience, weakening of France on the European and international scene, repeated condemnations of its intransigence on religious freedom issues by the annual report of the US Department of State but also by the OSCE (Organization for Security and Cooperation in Europe)".

There is no question that Mr. Fenech's incendiary statements to reinstitute a blacklist are designed to incite religious intolerance in France. The previous religious black list represented dark days for religious freedom in France. Human Rights groups, interfaith groups, NGOs, officials from intergovernmental bodies such as the UN, Council of Europe and OSCE, the United States State Department in its human rights reports and other governments spoke out against religious repression in France and France's reputation as a champion of human rights was undermined. Initiation of another blacklist would constitute a giant step backward for religious freedom in France.

Under the previous blacklist, 173 movements and hundreds of thousands of French citizens were officially transformed into second class citizens who were denied basic human and civil rights and "fought against". Targeted groups were routinely subjected to never-ending investigations, audits and inspections. Municipal

authorities refused to rent blacklisted movements. Custodial rights of parents were challenged in court on the grounds that a parent belonged to a religious group on the blacklist. The government provided information to the public regarding businesses it identified as employing individuals who associated with religious organizations on the blacklist, falsely accusing these businesses of “infiltrating” the French economy by conducting legitimate business in France. Individuals were fired from jobs or not hired due to their religious associations. Ministries cancelled contracts with reputable business if it was discovered principals or employees were members of a religious organization on the “sect list.”

As the UN Rapporteur on Freedom of Religion or Belief noted in her report on her September 2005 Mission to France (E/CN.4/2006/5/Add.4):

“The debate on this matter and the different measures that were taken at the governmental and parliamentary level in the second part of the 1990s undermined the right to freedom of religion or belief and raised serious concerns about religious intolerance. In particular, the establishment of a list, as well as the awareness-raising policies that were carried out, raised serious concerns in terms of freedom of religion or belief”.

Mr. Fenech’s call for a new blacklist in contravention of fundamental human rights provides further proof that he is unfit to hold high office in France. Instead of promoting religious pluralism and tolerance as require by the Helsinki Accords, Mr. Fenech incites religious intolerance towards hundreds of thousands of French citizens associated with religious groups he denigrates as targeted “sects”.

Improper State Support and Financing of Religious Hate Groups

The Union of Associations for the Defense of the Family and Individual (UNADFI) and its affiliated organization, the Centre Against Mental Manipulation (CCMM) are umbrella organizations for anti-religious extremist groups in France. This deceptively-named UNADFI has a history of defaming minority faiths and breaking families apart, at times by violent means. One of the only reasons UNADFI (whose name is often shortened to ADFI) even exists today is because it performs a propaganda function for France’s high level anti-religious extremists.

UNADFI and CCMM receive substantial financial support from the French government to promote religious discrimination in France. A third anti-religious group, FECRIS, receives substantial funds from the French government to promote religious intolerance throughout Europe. National, regional, and local government entities administrations provide more than 90% of the budget for these groups. These organizations use these funds to incite religious hatred and fuel religious intolerance against specific groups through completely biased “awareness sessions,” conferences and incendiary statements in the media. France thus funds these groups to systematically defame minority religions and engage in the very activities France is forbidden to do under international human rights law, which mandates

religious neutrality and the promotion of religious pluralism. That is why these subsidies violate the law and should cease.

Indeed, these organizations enjoy such abysmal private sector support that they could not *exist at all* without public subsidies. In 2000, for example, ADFI received over 1,000,000 Euros from the Ministry of Justice and 8 other ministries. Yet, it received only approximately 12,000 Euros in membership fees and non-government donations. There obviously is no public support for these organizations (which is further evidenced by the dearth of complaints filed against the religions). ADFI uses this funding to mount propaganda campaigns, to solicit legal complaints against religious minorities, and work with their attorneys to prosecute these complaints in tandem with the office of the prosecutor to a chorus of media derision aimed at the targeted minority.

The close working relationship between the Ministry of Justice and ADFI became even more intimate in 2001, when the Ministry signed an agreement with ADFI. Under Article 3 of that agreement, "UNADFI will receive from the Minister of Justice a subsidy amounting to 200,000 francs." In exchange, ADFI is committed to assisting the Ministry by "implementing all the means necessary to the realization of the objective in Article 1." Article 1 requires that ADFI incite criminal complaints against religious minorities.

ADFI reported in its newsletter that "the importance of this circular for UNADFI and ADFI has to be underlined..." and that "UNADFI is pleased to hear about the nomination in each delegation, direction and department of the Minister of a correspondent in charge of sectarian problems."

The government continues to designate UNADFI as an association of public utility (*Association d'Utilité Publique*) to publicly subsidize ADFI's campaign of religious intolerance through propaganda based on false and derogatory data targeting minority faiths and to provide a means for it to be a civil party against "sects". In 2004, the French government granted 110,000 Euros to ADFI in a letter signed by the Prime Minister. Thus, the government sponsors and subsidizes ADFI's orchestrated campaign against a plethora of minority religions it designates by *fiat* as "sects".

Yet, the very concept of fighting "destructive sects", which constitutes ADFI's mandate, is anathema to international human rights standards as it attempts to make an arbitrary distinction between religions described as "good" and religions described as "bad". Based on the public subsidies and laws allowing it to intervene in trials, ADFI has a vested monetary interest in "fighting" religious groups designated as "sects". Its position is purely biased – as a policy it refuses to meet with targeted groups and instead it specializes in providing one-sided and uniformly negative information. . As an executive leader of a branch of UNADFI, Gerard Toussaint, declared on a local radio program in Pau, which was quoted in *La République* in June 2001, "It is part of ADFI's policy to never enter in direct contact with the groups we are fighting against."

Such discrimination is incompatible with the duty of the state to remain neutral and impartial with respect to religions and with the policy of true religious pluralism.

Conscious of the fact that it may not so blatantly discriminate against certain religions consistent with the UN Bill of Rights, France has instead provided private anti-religious groups with the funds and the authority to discriminate against chosen religious denominations. But what France may not do directly under international human rights law it may not do indirectly through a private group. ADFI is nothing more and nothing less than the government's agent in the "fight against sects", and therefore any acts taken by ADFI must be attributable to the government and fall under the jurisdiction of the International Covenant on Civil and Political Rights and other relevant UN instruments.

It is through ADFI and CCMM that extremists have been able to impose their policies on the government and their propaganda attempting to marginalize minority faiths on the public. Yet without substantial government monetary subsidies, ADFI and CCMM would wither away through lack of interest and support from the public.

In September 2001, an individual who planted a bomb at the Church of Scientology's premises in the town of Anger was convicted and sentenced. Fortunately, the bomb never exploded. The man, who stated that he got his information only from public sources (such as the media and promotion from these anti-religious groups) stated in court that *"I was convinced that the cults ... are a threat for freedom, and I considered that almost any means was justified to fight against these organizations."* This underscores the influence that extremist statements made by these anti-religious groups and like-minded politicians can have.

Conclusion

International and legal standards mandate that religious minorities be treated in conformance with the principles of pluralism, non-discrimination and equality. These standards also mandate a spirit of tolerance towards minority faiths and a responsibility on the part of the State to create dialogue and take action where discrimination occurs. Yet, MIVILUDES and its President have advocated policies and repressive measures that completely contravene fundamental human rights, including the Helsinki Accords.

Likewise, what France cannot do directly under human rights law, it cannot do indirectly by aiding and abetting religious hate groups. As long as France subsidizes, encourages and supports private groups to stigmatize minority faiths and promote religious discrimination in France, the right to religious freedom in France is in peril.