

**Universal Periodic Review
France
15th session (Jan/Feb, 2013)**

Contribution to the Other Stakeholders Report

Submission by European Office for Human Rights of the Church of Scientology



Introduction

1. Having accepted, during the 2008 Universal Periodic Review on France, Recommendations 7 and 29 formulated by the United Kingdom and the Russian Federation:

- “to make efforts to enforce existing anti-discrimination legislation more effectively”, and
- “to find effective ways of realizing the rights of individuals belonging to ethnic, religious and linguistic minorities”,

the French authorities have made certain representations in their 2010 follow-up report concerning the implementation of these Recommendations and the development of human rights situations in France.

2. However, the reality is that the French repressive policy towards minorities of religion or belief and new religious movements has not been modified; it has actually been developed further.

Discrimination through a Repository of Records Created by MIVILUDES

3. 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.

4. This type of classification has resulted in the stigmatizing and blacklisting of 173 religious 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 a number of movements by using any kind of list of “sects” anymore.

5. 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 denouncements or complaints against minority belief movements.

6. After an opposition by the Minister of Interior who feared that the accusatory records would stigmatize minority faiths, the French government decided to not make these records public. Still, they 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.¹

7. 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 1996.²

8. 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.

9. 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.

10. 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 18 of the International Covenant on Civil and Political Rights.

11. 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

¹ 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>

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

undermines fundamental due process and jeopardizes the right to presumption of innocence and the independence of the judiciary.

12. Under the previous 1995 Parliamentary list of “sects”, targeted groups and their members were routinely subjected to never-ending investigations, audits and labour 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.

13. This discrimination against targeted minority faiths has been aggravated by the repository of records recently created by MIVILUDES which is still in use to date.

14. 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”.

15. In its answer to the Special Rapporteur in February 2010 as part of the follow-up of her Mission to France, the French government asserted that “Opposite to reference to a list a priori defined of movements susceptible of committing sectarian drifts, the reasoning applied to date aims at researching and characterizing facts which are criminally reprehensible as provided for in the Circular of 25 February 2008. Hence, to fulfil its missions, MIVILUDES does not use any list or grid of discrimination” and that “MIVILUDES does not proceed to any public condemnation or any stigmatization of movements or practices as such, but only to the warnings encompassed by its mission”.

16. These statements are contradicted by the very nature of the repository of records compiled on specific movements and the public stigmatization of such movements that MIVILUDES regularly engages in in its annual report to the Prime Minister.

17. The President of MIVILUDES was convicted on 1 June 2012 for defamation against an association of lay Catholics - Defence of Tradition, Family and Property (TFP) – for statements made in the 2008 MIVILUDES report. The Paris Court estimated that “the highest rigour should be expected concerning the verifications done and the prudence in the expression when the text is issued by a State body under the Prime Minister which cannot proceed by approximations” and found MIVILUDES’ President guilty of libel. He appealed the judgment.

Stigmatization of Religion or Belief Minorities through “Awareness Programs”

18. Special seminars entitled “awareness sessions” on so-called “sects” have been held each year for Judges and Prosecutors at the French National School of Magistrates since 1998.

19. Documents obtained through the Freedom of Information law have shown that these seminars organized by MIVILUDES do not only train the Magistrates on particular types of crimes or misdemeanors, but they directly target specific religious movements, listed by MIVILUDES as “sects”. They are entirely based on documentation provided by anti-sect associations without any possibility for the concerned communities to rebut this information.

20. This documentation comprises 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 are provided or even considered. (See the list of documents attached to the programs of the seminars in Annex to this Report.)

21. Such “awareness” 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, in strikingly similar circumstances, 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)

22. Additionally, the two anti-sect associations UNADFI and CCMM, which give speeches at the seminars, are also “civil parties” in criminal cases against the minority religion or belief movements. This leads to the situation in which, during trials, they plead against these movements before Judges whom they may have trained, to whom they presented the same movements as a priori criminal during the “awareness sessions”.

23. These training sessions do not hesitate to tackle “different ideas”. In 2009, 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.*” Obviously, ideas are more in the focus than practices during these “training” sessions.

24. These sessions are delivered in the frame of “continued education” for judges and prosecutors, but they are now also delivered to judges and prosecutors “in training”, before they start their functions.³

25. 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.

26. There is great concern in the minority religious community in France that this system of indoctrination creates undue incitement of Magistrates and Judges, and puts 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

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

³ Miviludes report 2007 p59

28. Back in 2008, right before his appointment at the head of MIVILUDES by the French Prime Minister, Mr. Fenech announced his program⁴ 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 “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.

29. 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.

30. In 2007, the MIVILUDES report recommended 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.”*⁵

31. Indeed, the training about “sects” has now been extended to be part of official University programs: a new University curriculum has been organized by MIVILUDES 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 will and are not complaining about anything. The curriculum also covers how to make an “exfiltration” from a sect, a very questionable practice alike kidnapping and deprogramming.

32. This curriculum includes 144 hours of lectures and analysis of practical cases in each course by having former followers give their stories about the minority of religion or belief they have left. An important part of this curriculum is therefore based on the interventions of apostates who are very critical on the religious movements they once adhered to, and who come to University to give special biased briefings to the attendees on these denominations.

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

Conclusion

34. The repository of records created by MIVILUDES on minorities of religion or belief and made available to Judges, Prosecutors, personnel dealing with Youth and Family matters, Ministries, etc. but also to public authorities and local officials who make decisions that affect

⁴ “Justice facing sectarian deviances” La Documentation française, 2008.

⁵ 2007 MIVILUDES report p.59.

the rights of the concerned followers, such as authorizing or denying the renting of conference halls or nursing licences, is generating discrimination on a large scale in France.

35. The “awareness 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, infringe the duty of neutrality of the State, and represent an attempt to prejudice the judiciary and society as a whole against these minorities.

36. Far from implementing the Recommendations that France has accepted in 2008 “to enforce existing anti-discrimination legislation more effectively” and “to find effective ways of realizing the rights of individuals belonging to religious minorities”, the French authorities with their continued policy of stigmatization and discrimination violate the rights of followers of religious or belief minorities under Article 18 of the International Covenant on Civil and Political Rights, the Human Rights Committee General Comment N° 22 and the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Enc. Programs of the “Awareness Sessions” on “sects”.