



Religious Discrimination in France: 2011 Report for State Department

Introduction

International human rights organizations have warned that the French government has retreated from its mandate toward respecting religious pluralism. In spite of the principles of non-discrimination and equal treatment, 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" or "sectarian movements" viewed as dangerous to society, which are the targets of oppressive and discriminatory measures, and which the government declares must be "fought" against.

No Western democracy would admit to being intolerant of minority faiths or being opposed to religious liberty. The tactic used to discriminate against targeted minority faiths in France is to redefine the notion of "religion" to exclude disfavored minority groups. Although the United Nations Human Rights Committee, the United Nations Special Rapporteur for Religious Freedom, the Human Rights Directorate of the Council of Europe, the European Court of Human Rights, human rights groups, scholars and experts in the field have all called for a broad, inclusive definition of religion which is consistent with notions of pluralism, minority rights, freedom of conscience and religious liberty consistent with standards mandated by human rights instruments, the French government has adopted a restrictive classification system designed to marginalise, ostracize, and stigmatize targeted minority faiths.

This type of classification has resulted in the stigmatizing and blacklisting of hundreds of minority religious groups as "sects" in France. There is no rational justification for such classification. Indeed, classifying religious groups into "religions" and "sects" or "sectarian movements" is itself a violation of religious human rights standards. It is impermissible and arbitrary for the government to confer benefits on groups it classifies as "religions" while denying benefits and enacting oppressive measures against groups it classifies as "sects" or "sectarian movements".

This false perception of the danger of "sects" underlies the current climate of discrimination currently waged against religious minorities in France. This is the climate in which repressive laws and administrative measures regarding minority religious freedom are being proposed and implemented.

As detailed below, the current oppressive measures and actions by the French government to abuse the judicial process to target the Church of Scientology and other minority religious groups and their followers and to bias judges against such groups and their members interferes with the independence of the judiciary, contravenes the right to a fair hearing, violates the principles of non-discrimination and equality at the heart of justice, and represents an attempt to improperly single out and repress minority religious organizations through bad faith prosecutions and trials steeped in prejudice.

Scientology

Malton Criminal Proceedings and Appeal

By way of background, this case arises out of the five-month participation in 1998 by the main civil party in Scientology religious practices. These included the study of Scientology scriptures and the participation in spiritual counseling.

In 2006, the original prosecutor dismissed this investigation because it was so weak that eight years of inquiry failed to disclose any evidence of wrongdoing. The case was only resurrected by a new prosecutor in 2008 due to intense political pressure from anti-religious extremists in the French government. That pressure continued unabated through the trial and the appeal by the presence in court of UNADFI, an anti-religious hate group that was ultimately ruled to be inadmissible as a civil party, yet whose bigoted rhetoric was permitted to poison the proceedings, turning the case into a witch hunt and heresy trial that could not withstand scrutiny under international human rights law or the First Amendment.

In October 2009, the Paris Trial Court issued convictions against a Scientology Church in Paris, the Church's bookstore, five Church staff members on charges of fraud and illegal practice of pharmacy. The sentences consisted of fines for the entities and suspended sentences for the individuals found guilty of fraud and a fine to the individual found guilty of illegal practice of pharmacy.

In September 2011, only one month before the trial at the Paris Appeals Court, the French Ministry of Justice, advised by MIVILUDES, issued a Circular enjoining Magistrates to collaborate with UNADFI, the main government-sponsored anti-sect association which filed as a civil party in the case, and instructing them to consider religious practices such as purification and initiation courses as "behavioral practices" susceptible to constitute "psychological subjection". As the accusation against the Church of Scientology which was going to be examined by the Court of Appeal concerned allegations of fraud through the alleged psychological subjection of its followers, this instruction constituted a direct undermining of the independence of the judiciary and the defendants' right to a fair trial. The Church filed a complaint with the UN Special Rapporteur on the Independence of Judges and Lawyers on 10 October 2011 which is pending.

Before the Appeals Court, the defense lawyers attempted to address the glaring defects and unjust treatment found in the first instance trial and in the whole procedure. From the outset, the appellate proceedings were characterized by arbitrary and discriminatory rulings completely unsupported by the law and the facts and in violation of Scientologists' fundamental constitutional freedoms and human rights.

The Court also refused to dismiss UNADFI as a civil party in the case at the outset of the appellate proceedings even though there was no legal basis for the association to be included in the proceedings. UNADFI had participated in the trial below and was permitted to participate in the appeal even though the Trial Court and the Court of Appeal, in their final decisions, determined it had no legal basis to intervene in the

proceedings. This was a major issue in the case as UNADFI is an extremist group dedicated to fighting against religious groups derogatorily labeled as “sects” and engaged in hostile and bigoted rhetoric designed to poison the proceedings.

The environment in the Court was so prejudicial that, in November 2011, defense attorneys walked out of the proceedings in protest, refusing as a matter of conscience to participate in appellate proceedings that had degenerated into a charade. This is a rare and serious situation in France

The Court, instead of postponing the hearing to ensure that the defendants had new lawyers to ensure their defense, suspended the hearing for 20 minutes and then resumed without bothering about providing the defendants with legal counsel. . One defendant who lives abroad and was represented, asked for her attorney to be replaced but the Court did not answer her request, and continued the trial without any defense attorney or defendants in the Court room.

The decision rendered on 2 February 2012 confirms the one from the lower Court, sentencing the two legal entities and the members of the Church for fraud, levying fines for all and suspended sentences for four of the individuals. This constitutes an impermissible attack on the religion in violation of the fundamental right to freedom of religion.

The Church will appeal to the Cassation Court to raise the critical legal and constitutional challenges ignored by the Court of Appeals in contravention of the Rule of Law. The Church is hopeful that these serious defects in the proceedings will be addressed and remedied in this appeal. If necessary, the Church will go to the European Court of Human Rights where Scientology Churches have already won two unanimous decisions upholding the rights of its members. (*Church of Scientology of Moscow v Russia* in 2007 and *Kimlya v. Russia* in 2009)

Discrimination and Harassment of Scientologists

Several companies saw their bank accounts closed the moment it was known that their directors or board members were Scientologists. Michel Raoust, a Scientologist who has a very successful engineering company, had both his personal and his company accounts closed by the HSBC bank.

The Celebrity Centre in Paris has been recurrently subjected to harassment and assaults from masked and hooded anti-Scientology demonstrators of “Anonymous”, a group of criminal extremists, which members have been convicted in the US for illegally hacking and blocking Scientology web sites. They recently attacked the web sites of the White House and the Elysées Palace after the US and French governments adopted some internet regulation against illegal downloading. Some of their members were arrested and detained for these actions in France. The leader of the French Anonymous group attacking Scientologists at Churches of Scientology in Paris has been criminally convicted twice, once for public insults and once for threats.

For example, on 22 January 2011, an illegal Anonymous demonstration took place at a Church of Scientology in Paris with no permit or other legal authorization. The

demonstrators were masked and hooded (which is illegal under French law) and violently attacked Scientology parishioners. Two demonstrators tried to enter the Church premises by force and a member of the Church was assaulted, both verbally and physically, by an individual who held scissors as a weapon in his hand and made death threats against him.

The police were called and came but they only spoke to the demonstrators who stated that the individuals involved in the assault were not with them. The police left without speaking with the members of the Church who had called them and who had evidence (photos, bailiff certified report) that the aggressors were stirred by the demonstrators to do what they did.

A few weeks before, the Church had contacted the Mayor of the 17th District of Paris (where one Paris Church of Scientology has its premises) to let her know about vandalism and hate crimes following these demonstrations (e.g., throwing stones and breaking the front window;, vandalizing the reception area; and placing offensive graffiti on Church walls, etc.). However, nothing had been done to protect the Church or its parishioners. Only after the third “demonstration” in 2011 did the Prefect of Paris who had been asked for help by the Church send policemen to ensure protection.

These violent “demonstrations” by Anonymous regularly occurred in 2011, altogether a dozen of times during that year. On 2 February, 2012, the Mayor of the 17th District, who did nothing to protect the Church from harassment and assaults in 2011, publicly called for the Minister of Interior to shut down the Scientology Church in the 17th District.

Sessions of Indoctrination Against Religious Minorities

Training of Magistrates by Miviludes

As detailed in the September 2011 MIVILUDES Newsletter, the training of Magistrates on the subject of “sectarian deviances” continued at the National School of Magistrates. Hundreds of Magistrates have been trained since 1998 by MIVILUDES, which uses uniformly biased and derogatory information for this training provided by anti-sect associations it works with.

Based on documents released under the Freedom of Information law, the “training” provided so far to the judges, police and other officials, could be better labeled as indoctrination of Magistrates since, far from being general briefings on sectarian drifts, it has included specific briefings on Scientology, Jehovah's Witnesses and other targeted groups, with information provided by speakers of government-sponsored anti-sect associations and without any possibility of contradiction, debate or rebuttal by the concerned groups. As part of the documents distributed to the attendees, hostile press articles and only negative court decisions were provided, omitting decisions from higher judicial authorities directly contradicting those decisions. Positive jurisprudence has been completely ignored.

From 23 to 25 May 2010, the training was delivered to approximately one hundred Magistrates, some from other countries in the European Union, as well as to other civil

servants such as police, justice officers for the protection of youth and prison personnel.¹

New “anti-sect” Curriculum at French University Paris-Descartes

This year, MIVILUDES organized a new curriculum on “sectarian subjection” at the Paris-Descartes University where social workers, justice professionals, psychiatrists and medical workers are “trained” to take questionable actions such as identifying so-called “sect victims”, even if these persons adhere to religious minorities on their own will and have never asked for assistance or complained. The curriculum also covers how to make an “exfiltration” from a sect, a very questionable practice of forced de-conversion like “deprogramming”.

This curriculum includes 144 hours of lectures and analysis of practical cases in each course by having apostates give their stories about the minority religion they have left. It is organized by the Secretary General of Miviludes, Hervé Machi, a psychologist, Sonya Jougla, who was quoted in Mr. Fenech’s 2008 program² saying that *“it is even more difficult to protect a child from his parents’ beliefs than from their beatings or their incestuous sexuality”* and Jean-Pierre Jougla, administrator of UNADFI, a state funded anti-sect association.

As in the earlier trainings, the stress will be put on specific movements which will be stigmatized by apostates and considered *de facto* as dangerous cults without any possibility for them to refute the accusations against them.

Stigmatization of Religious Minorities by Government-Sponsored Anti-Sect Associations

The United Nations Special Rapporteur on freedom of religion or belief Asma Jahangir, in her report of 8 March 2006 (E/CN.4/2006/5/Add.4) after her visit to France in September 2005, found: “However, she [the Rapporteur] is of the opinion that the policy and measures that have been adopted by the French authorities have provoked situations where the right to freedom of religion or belief of members of these groups [religious groups or communities of belief] 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”. (§108)

She recommended that “the Government monitor more closely preventive actions and campaigns that are conducted throughout the country by private initiatives or Government-sponsored organizations” (§113) and urged the 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”. (§112)

Far from complying with this recommendation, the government has let government-sponsored organizations such as UNADFI and local ADFIs continue their stigmatization

¹ See the newsletter at : <http://www.miviludes.gouv.fr/no10-mai-septembre-2011?jddiv=5>

² See his report « La justice face aux dérives sectaires » (Justice Facing Sectarian Drifts), La Documentation française, 2008.

of religious minorities, and has even fuelled prejudice into the public directly through its government agency MIVILUDES.

The Church of Latter Day Saints

The Church of Latter Day Saints (LDS) community in France has applied for a building permit to build a Temple to the Mayor of Le Chesnay (not far from Versailles) on 5 August 2011. The permit was granted on 27 October 2011.

The inhabitants, whose fears have been stirred up by ADFI since the Mormons' project was known,³ circulated a petition to have the Mayor repeal his decision. The leaflet distributed with the petition refers to detailed files held by UNADFI on the LDS, which is accused of engaging in a certain number of sectarian practices, such as: proselytizing, absolute devotion to their leaders, allegiance to a living prophet and mandatory payment of a tithe. These characteristics could actually apply many religions and are used discriminatorily to stigmatize "sectarian movements".

In the media reproduced on UNADFI's web site,⁴ the President of ADFI Yvelines expressed her concern in November and December 2011 about "the aspects of mental subjection" of the Mormon Church "which has huge financial demands". She noted that one has to pay the tithe of 10% of one's income in order to go to the Temple, adding that this Church is incredibly rich.

Tabitha's Place

This religious community established in the South of France in Sus, expressed last year its intention of acquiring new lands and expand the community. This created immediate reaction of the government and a meeting of the local representatives of all the State services was organized on 12 July 2011 to discuss the group's "various projects of acquisition and expansion" according to the head of the Prefect of Pyrénées-Atlantiques' office.⁵

Their concern was based on the annual report 2010 of MIVILUDES dedicated to the alleged "unprecedented resurgence" of the activities of apocalyptic movements in France. A chapter of the report concerned Tabitha's Place and described it as "a Christian religious movement of fundamentalist and apocalyptic type of north-American origin which justifies all life by a strictly literal reading of the Bible which has to be studied everyday and known perfectly in all circumstances".⁶

At the occasion of the projects of acquisition of new lands of the community, the local media reproduced the accusations of MIVILUDES labelling the community as a fundamentalist and "closed" sect, but paradoxically "suspected of proselytizing" in particular by distributing leaflets to Catholic pilgrims on their way to Saint-Jacques de Compostèle.

³ See article of Le Parisien of 21 June 2010 : <http://www.leparisien.fr/yvelines-78/les-mormons-veulent-construire-leur-temple-21-06-2010-972106.php>

⁴ See <http://www.unadfi.org/installation-contestee-d-un-temple.html>

⁵ See <http://www.larepubliquedespyrenees.fr/2011/07/12/la-secte-de-sus-reste-sous-surveillance,203176.php>

⁶ See p. 88 : http://www.miviludes.gouv.fr/IMG/pdf/ra2010_mise_en_ligne.pdf

Opus Dei

An association linked to Opus Dei was tried at the Paris Criminal Court (Tribunal Correctionnel) on 22 and 23 September 2011 under the accusation of illegal work.

The woman who initiated the proceedings, Catherine T., started working at the hotel school Dosnon, an apprenticing centre established in a castle in Couvrelles near Soissons (North East of France), in 1985 when she was 14. She later on made vows and joined the Opus Dei when she was 16 and became a house worker. She decided to file a complaint after she met with members of ADFI North who reported on their web site: “she worked for over fifteen years for a very controversial organization, the Opus Dei. She was subjected to undue influence, mental manipulation together with detrimental facts which, bit by bit, affected her health, her liberty and her dignity” and “ADFI North brings its unconditional support to those who are the only victims of this painful case: Catherine T. and her family”.⁷

In the complaint filed in 2001, her lawyer put forward allegations regarding “mental manipulation”, “mind-numbing conditions of work” and “economical dependency”. After a nine year investigation, two members and a legal entity, “l'Association de culture universitaire et technique (ACUT)”, were tried in September 2011 for “remuneration contrary to dignity” and “undeclared work”.

Although the charges were based on the Labor Code and not on the “About Picard” law on abuse of weakness, the plaintiff complained that she was “made to practice” religion for years. She tried before the Court “to put forward mental manipulation which is characteristic to sects, described as the natural functioning of Opus Dei”. She was represented by a lawyer who represents the anti-sect association UNADFI in other cases, who declared that she had been subjected to “modern slavery”.⁸

On 24 November 2011, the Court rendered its decision and acquitted the two members and legal entity of Opus Dei. The Court ruled that the accusations of undeclared work were not established and that if “some salaried persons assume various unpaid functions”, “this choice of volunteering has been done without constraint”.⁹ The State Prosecutor and the plaintiff appealed the decision.

On 21 September 2011, the former representative of the OSCE for the fight against discrimination against Christians and followers of other religions, Massimo Introvigne, denounced the misinformation in certain media resulting in discrimination against Opus Dei in France. In the Roman media Zenith¹⁰, he explained that a complaint concerning

⁷ See <http://www.adfi59.net/spip.php?article369>

⁸ See UNADFI's magazine Bulles, n° 112 p. 36

⁹ See <http://www.francesoir.fr/actualite/justice/opus-dei-apres-une-relaxe-parquet-fait-appel-160529.html>

¹⁰ See <http://www.zenit.org/article-28998?l=french>

labor law had been used to launch a campaign of discrimination against Opus Dei and the Catholic Church in general.¹¹

Transcendental Meditation

In February 2011, members of the Town Council of Sidiailles, a small village in the centre of France, discovered that the members of an estate company which had signed a sales promise to acquire some land in the village were followers of Transcendental Meditation (TM). They searched for information on the movement and found out that it was listed in the Parliamentary report on sects of 1995 and that anti-sect associations did not like it.¹²

According to the media, fear spread amongst inhabitants concerning this movement and public opinion became hostile to their project of acquisition, although what was envisaged was to build a residence for retired persons dedicated to ecology, renewable energies and the consumption of organic products.

On 24 May 2011, alternatives to purchase of the land by TM through acquisition of the property by the city was to be debated by the city council but the Mayor – who had agreed with the acquisition by TM - did not show up. She alerted the media that she had been the victim of “violent attacks” from the City Council, which suspected her to advocate on behalf of the sect.

Virgin Mary Prayer Group in Corsica

On 16 December 2011, Agnès M., the head of the association Ave Maria of Jesus (“Ave Maria de l’enfant Jésus”) was charged with abuse of trust, abuse of weakness and fraud on vulnerable persons; she was then incarcerated pending trial. This former auxiliary nurse was accused of defrauding thousands of euros to followers by asserting to receive for nearly twenty five years messages from the Virgin Mary.

The Messenger was always wearing a prayer suit and a white veil, and a neon cross three or four meters high was erected in the garden of a village inhabitant, where Agnès and followers would sing and dance in nuns’ habits.

The Public Prosecutor of Bastia, who is also a member of MIVILUDES, stated to the media “They are very clearly sectarian drifts. We have interrogated members of the association and all of them continue to support her when some of them have given a lot of money. The investigation is still ongoing but we speak of very important amounts”.

The association consisted of only around twenty members, but the remittal of funds had happened over several years. The investigators are searching for former victims who had voluntarily left the group, as they had no complaining victims.¹³

¹¹ See for example the article titling « obvious sectarian dimension » : <http://www.20minutes.fr/paris/792888-derives-opus-dei-mises-lumiere-barre>

¹² See <http://www.francesoir.fr/actualite/societe/sidiailles-c-est-secte-au-village-104715.html>

¹³ See <http://www.leparisien.fr/faits-divers/la-messagere-de-la-vierge-ecrouee-pour-escroquerie-17-12-2011-1773093.php>

Kidnapping Nice

In August 2011, in Nice , a couple forced their 24-year old daughter into their car, handcuffed and drugged her, to take her in a wheelchair to Corsica. The parents claimed that her boyfriend belonged to the Antoinist movement, which is classified as a sect in a Parliamentary report. They added that “anti-sect associations advised us to make her do a break of at least one month and a half by withdrawing her from this harmful environment”. Both parents were subsequently charged in September 2011 for kidnapping and sequestration.¹⁴

Exporting the French “Anti-Sect” Policy Abroad

MIVILUDES tries by any means to export its French “anti-sect” policy to other countries, especially in Europe and at European institutions level. In 2011, meetings of MIVILUDES with the representatives of various European countries have occurred while laws have been introduced and passed resulting in restrictions of freedom of religion and conscience in these countries. This is the case with Belgium and Kazakhstan.

In 2010, at an anti-sect conference held by FECRIS¹⁵ in London, Mr. Fenech, MIVILUDES’ President, declared he had been heard by the Belgian Parliament and promoted a draft bill equivalent to the French About-Picard law on the repression of abuse of weakness, designed at targeting proselytizing of religious minorities. On 7 May 2011, Mr. Fenech did the introductory speech of a conference of FECRIS in Warsaw on cults, and André Frédéric, Belgian Member of Parliament, presented the new Belgian bill on abuse of weakness he drafted. On 26 October 2011, Mr. Frédéric participated in the celebration of the ten years anniversary of the About Picard law at the French National Assembly and gave a speech where he underlined the collaboration of Mr. Fenech, UNADFI’s President Mrs. Picard, and MIVILUDES and UNADFI concerning the Belgian bill on abuse of weakness being debated at the Belgian Parliament.

But this “About-Picard” law, named after its authors, contravenes the Council of Europe’s Recommendation 1412 in which it considered that major legislation on sects was undesirable on the grounds that such legislation might well interfere with the freedom of conscience and religion guaranteed by Article 9 of the European Convention on Human Rights as well as harm traditional religions.

Indeed, during the vote of the About-Picard law in 2001 the International Helsinki Federation for Human Rights as well as the leaders of the major French traditional religions condemned this special law derogating from common law. It was adopted to repress minorities of religion or belief by criminalizing the “abuse of a state of ignorance or a situation of weakness of a person under psychological subjection”. This new penal offence with its vague and undefined terms allows prosecution of any proselytism or conversion to religious beliefs or practices considered as deviant by advocating an alleged “psychological subjection”.

¹⁴ See article in Nice Matin, 26 September 2011, “Les parents ont enlevé leur fille pour la sortir d’une secte” (Parents kidnapped their daughter to take her out of a sect).

¹⁵ “European Federation of Centres of Research and Information on Sectarianism” is nearly entirely financed by the French State.

On 6 October 2000, 14 Members of the Parliamentary Assembly of the Council of Europe signed a proposal expressing their concern with this law and the fact that it classifies 173 religious groups as “sects”, a negative term rejected by the Council of Europe in a Committee of Legal Affairs Report in 1999 (Doc. No. 8373). On 26 April 2001, 50 members of the Parliamentary Assembly of the Council of Europe signed Declaration 321, whereby they expressed their concern against this law and recommended that it be withdrawn (Doc. No. 9064). And on 18 November 2002, the Parliamentary Assembly of the Council of Europe adopted Resolution 1309 (2002) on the About-Picard law, calling on the French government to “reconsider the law”.

The European Court of Human Rights noted in its *Jehovah's Witnesses v. Russia* decision of 10 June 2010 that there is no generally accepted and scientific definition of what constitutes “mind control” and that as long as the members of this religious community had made a voluntary and conscious choice of their religion and followed its doctrines of their own free will, their right to freedom of religion should be respected.

Far from following these European human rights standards, MIVILUDES continues its policy of exporting the “French model” of discrimination by advising countries like Belgium to enact legislation similar to the About-Picard law. The Belgian law has now been adopted by the Belgian Parliament.

According to the last bi-quarterly letter of MIVILUDES of September 2011, MIVILUDES President met on 6 April 2011 with Lord Konstantin Bendas, Vice President of the Union of Evangelist Christians of Russia, to brief him about the French model of vigilance and fight against sectarian drifts. Lord Bendas expressed his wish to invite the President of MIVILUDES in Russia, in particular to explain to the Duma the organization, the functioning and the missions of MIVILUDES, as well as the French law on abuse of weakness. Mr. Fenech answered that he would be pleased to accept such an invitation to go to Moscow.