

FREEDOM OF OPINION AND BELIEF IN FRANCE

“A CAUSE
FOR
CONCERN”

FREEDOM OF OPINION AND BELIEF IN FRANCE

“A CAUSE
FOR
CONCERN”

Also available in:
French, Italian, Spanish,
German and Dutch.

© CAP LC 2013. All rights reserved.

Photo credits: p. 8-9: © iStockphoto.com/Natasa Tatarin/Mlenny Photography, p. 10: DR; p. 11: © Carlo de Santis, Fotolia.com; p. 14: Parliamentary Assembly of the Council of Europe; p. 30: © Sergey Ilin, Fotolia.com; p. 38: Council of Europe (architect: Sir Richard Rogers); p. 49 © Rob Hill, Fotolia.com; p. 56: European Court of Human Rights; p. 58: © webdata, Fotolia.com.

Introduction

ON 3 MARCH 2000, an international commission of enquiry made up of experts from the United States and Europe convened in Paris. Formed on the initiative of Irving Sarnoff, founding president of the NGO *Friends of the United Nations*, the commission heard the testimony of over 300 people who came from all corners of France to speak out against the discrimination they endured. During the hearings, it emerged that successive governments had put an administrative arsenal in place contrary to principles of freedom of opinion and belief.

That day, an American observer could not help murmur: “*Incredible*”!

Thirteen years later in 2013, the situation has undeniably degenerated.

This documents sums up the key facts and figures of troubling departures from the French ideals of liberty, equality and fraternity that are not clearly understood.

Table of contents

INTRODUCTION	3
TABLE OF CONTENTS	5
“PSYCHOLOGICAL SUBJUGATION” BECOMES A CRIMINAL OFFENCE	7
The Italian experience	10
2000: France flirts with the notion of “mental manipulation”	12
European alert	14
The bill is passed...	15
THE GOVERNMENT CREATES A THOUGHT POLICE	17
When the executive arm of the law grows too long...	18
...and extends beyond justice	19
A denunciation form on the Prime Minister’s website	21
The new police flexes its muscles	22
THE MEDIA MISINFORMED	25
A game of numbers	27
Astounding declarations	29
JUSTICE PUT UNDER PRESSURE	33
An executive invasion of the judiciary	34
Grants to make accusations	37
France Condemned	38
FRANCE TRIES TO IMPOSE INTOLERANCE ON EUROPE	39
Rumour attacks Europe	40
A “European” federation financed solely by the French government	41
France: an alibi for the violation of Human Rights	42

BLATANT VIOLATION OF HUMAN RIGHTS.....	45
The UN condemns France on the subject of freedom of religion or belief	46
The American Congress denounces the Miviludes	49
A European Commission report criticizes France for discrimination on the basis of religion or belief.	50
CONCLUSION	55
Appendix 1: France: one of the most condemned countries by the European Court of Human Rights.....	56
Appendix 2: The American experience	58
Appendix 3: Voyage to the centre of the Miviludes.....	59
Appendix 4: An incredible list of “signs of aberration”	61
BIBLIOGRAPHY.....	63

Note: quotes in bold by the editor.

I

“Psychological subjugation” becomes a criminal offence

IN 2013, France was the only country in the modern world where **judges were empowered by lawmakers to penalise intellectual or spiritual activities** by defining “psychological subjugation” as a criminal offence. The law establishing the offence was passed in 2001.

1930 - Italy

“Whosoever subjects another person to their control so as **to reduce them to a complete state of subjugation** is sentenced to imprisonment of five to ten years.”

[Source: 1930 Italian Penal code, aka “Rocco Code”, article 603]



2001 - France

“Any legal entity [...] that pursues activities with the intent or the effect of **forming, maintaining or exploiting psychological subjugation** [...] may be disbanded.”

[Source: Act No. 2001-504 on 12 June 2001 NOR: JUSX9903887L.]



The Italian experience

In Italy, 1930, the criminal offence of reducing someone to a “*complete state of subjugation*” was established under the Plagio Law (Moral Subjugation). The fascist leader Mussolini had inserted the law into the Italian Penal Code, because he believed that all Communist believers and sympathisers must be under undue influence.

“Whosoever subjects another person to their control so as to reduce them to a **complete state of subjugation** is sentenced to imprisonment of five to ten years.”

[Source: 1930 Italian Penal code, aka “Rocco Code”, article 603.]



Mussolini 1883 - 1945

The law survived World War II and was subsequently used against homosexuals. It finally led to a scandal in the 1970s when Father Emilio Grasso, a catholic priest linked to the Charismatic Movement, was accused of estranging his young disciples from their families¹.

1. *Le Lavage de Cerveau : Mythe ou Réalité ?* [Brainwashing: myth or reality?], Dick Anthony and Massimo Introvigne, Editions L'Harmattan, p. 149.

Repeal of the law

The case was referred to the Italian Constitutional Court, which repealed the Plagio law in 1981, declaring it to be:



Italian Constitutional Court

“A **mine floating in our judicial system** that can be applied to any instance involving the psychological dependence of a human being upon another human being, in the absence of any clear criteria to measure its intensity.”

[Source: *Italian Constitutional Court, State vs. Grasso, judgement No. 96, 8 June 1981.*]

The Constitutional Court’s decision to repeal the contentious text argued that:

“Some typical instances of psychological dependence [...] can also reach heightened levels, over more or less extended periods, as in the case of romantic relationships, or the relationship between priest and believer, teacher and pupil, doctor and patient.”

[Source: *Italian Constitutional Court, State vs. Grasso, judgement No. 96, 8 June 1981.*]

Note: see also “*The American experience*”, Appendix 2, p.58.

2000: France flirts with the notion of “mental manipulation”

Major religions take up the shield of faith

A heated debate took place in the French Senate on 8 November 2000, regarding the introduction of “mental manipulation” or “psychological subjugation” in French legislation. The following are some extracts from the debate on the proposed law.

Joseph Sitruk, former Chief Rabbi of France (1987-2008):

“... felt that making mental manipulation a criminal offence **could have serious consequences.**”

[Source: French Senate website www.senat.fr/rap/100-192/100-192_mono.html]

The late Vicar General Jean Vernet, who served as a representative of the Conference of Bishops of France:

“... noted that the rules observed by certain religious congregations, be they consecration, fasting or vows of obedience, poverty and chastity were incongruous with manipulation at the moment, but that views on the matter could change. [...] He wondered whether such a law would not lead to **all religious conviction being perceived as a sign of deficiency on the part of the individual in question.**”

[Source: French Senate website www.senat.fr/rap/100-192/100-192_mono.html]

“Making mental manipulation a criminal offence **would seriously endanger** progress in the relationship between society and religion.”

declared Mr. Dalil Boubakeur, Rector of the Paris Great Mosque.

[Source: French Senate website www.senat.fr/rap/100-192/100-192_mono.html]

Jean-Arnold de Clermont, president of the Protestant Federation of France:

“... stated his opposition to making a criminal offence out of mental manipulation. He observed that such a law would contribute to the **growing prosecution of society** and that the defining criteria of the offence were much too vague.”

[Source: French Senate website www.senat.fr/rap/100-192/100-192_mono.html]

..... For the record

Following these unambiguous positions, the only term to be dropped from the bill was that of “mental manipulation”, but the concept was retained in the expressions “placed in a subjugated state” and “psychological subjugation”.

European alert

In April 2001, 50 members of the Parliamentary Assembly of the Council of Europe signed a joint declaration alerting Europe to the dangers of the bill:

“That the proposed law **is possibly in violation of international and European** human rights standards.”

(Source: Council of Europe – Parliamentary Assembly – Doc 9064 rev – Written Declaration No. 321 – Religious freedom and religious minorities in France.)



The bill is passed...

In spite of this last European warning, the About/Picard bill (named respectively after the Senator and MP bent on inscribing “mental manipulation” and “psychological subjugation” into French law) was passed on 12 June 2001.

Article 1

Any legal entity [...] that pursues activities with the intent or the effect **of forming, maintaining or exploiting psychological subjugation** [...] may be disbanded [...].

Article 20

The fraudulent abuse of the state of ignorance [...] of a person in a **state of psychological** or physical subjugation as a result of [...] **techniques apt to alter his or her judgement**, to lead said minor or person to act or not act to his or her severe detriment [...] is punishable by three years imprisonment and a fine of 2,500,000 F.

(Source: Act No. 2001-504 on 12 June 2001 NOR: JUSX9903887L.)

..... For the record

The bill was passed with roughly 3% of MPs present.

On 18 November 2002, in light of the predictable effects of the new law, the Parliamentary Assembly of the Council of Europe reiterated its criticism: “**The Assembly invites the French government to reconsider this law** [...]”. (Source: Resolution 1309 (2002) – *Freedom of religion and religious minorities in France*).

Despite this European resolution, the law has not been reconsidered by France to this day.

II

The government creates a thought police



“In 2009, we created a new special police [...] dealing with mind control.”

[Source: George Fenech, Miviludes president, FECRIS London Conference on 17 April 2010.]

When the executive arm of the law grows too long...

1993-2001: Nothing to report...

Belief and faith minorities and their members are seldom in breach of the law. Janine Tavernier, president of UNAD-FI¹ from 1993 to 2001, begrudgingly remarked:

“These organisations **are in general very careful not to overstep the boundaries established by the law.**”

[Source: *20 ans de lutte contre les sectes (20 years of struggle against cults)*, book by Janine Tavernier.]

2002: ... yet an inter-ministerial anti-cult task force is formed

In spite of the lack of infringements by minority groups, in November 2002 the Prime Minister appointed the Mission Interministérielle de Lutte et de Vigilance contre les Dérives Sectaires (Inter-ministerial Mission to Monitor and Oppose Sectarian Deviances), or Miviludes, to step up the campaign against these minorities:

“An inter-ministerial task force **to monitor and oppose** sectarian deviances is hereby established by the Prime Minister.”

[Source: Decree No. 20024392 on 28 November 2002 NOR: PRMX0200164D.]

1. *Union Nationale des Associations de Défense des Familles et de l'Individu* (National Union for the Defence of Families and Individuals): a semi-public organisation that receives almost all of its funding from the State (nearly 97% of its budget) and which often stigmatises belief and faith minorities.

...and extends beyond justice

2006: Where there's no smoke, there's no fire...

Eleven senior officials from the key Interior, Justice, Health and Education ministries gave a positive review in front of a parliamentary investigative committee on the state of children in religious minority groups. *See page 27.*

2007: ... no sign of harm...

In 2007, Catherine Picard, the new president of UNADFI since 2004, concurred with Janine Tavernier when she commented:

“Another major problem is that judges always require proof of charges [...] Even though we have access to the leaders' manuals and the material circulated to their followers, **we often have difficulty in obtaining proof of what we are denouncing.**”

(Source: Quest-France – Brest, 19 November 2007.)

..... For the record

A “major problem” is that “judges always require proofs” (*sic!*).

2009: ... and yet a thought police sees the light of day in France

No proof? No problem! Despite there being nothing to prosecute, the Miviludes built up its resources by creating a thought police:

“In 2009, we created a new special police, called CAI-MADES¹ (Sectarian Abuse Assistance and Intervention Unit). It consists of six investigative police and gendarmerie officers qualified to assist with investigations **into mind control**.”

[Source: George Fenech, Miviludes president, FECRIS London Conference on 17 April 2010.]

1. The CAIMADES is a sub-division reporting to Central Directorate of the Judicial Police (DCPJ) in the Interior Ministry.

..... For the record

“Mental manipulation” (see pages 12 and 13) appears recurrently as “mind control”.

Note the clear affirmation of qualified officers...

A denunciation form on the Prime Minister's website

The screenshot shows the 'Miviludes' website interface. At the top, there's a navigation bar with the 'Miviludes' logo and a search bar. Below this, there's a section titled 'Informez la Miviludes d'une dérive sectaire' (Inform the Miviludes of a sectarian deviation). A red arrow points to this title. The form includes a text area for the user to describe the situation, a list of checkboxes for specific types of deviations, and a section for contact information (Name, Address, City, Postal Code, Phone, Email). There are also links to 'S'informer', 'Être aidé', and 'Agir'.

[Source: www.miviludes.gouv.fr/quelles-instances-saisir/informer-la-miviludes-d-une-derive-sectaire]

..... For the record

There are no forms on the Prime Minister's website to report major social problems recognised by society and addressed clearly by the law, such as drugs, violence, rape and discrimination.

The new police flexes its muscles

Two instances of forced intervention:

1. On 22 February 2011, the CAIMADES, **acting on information received from Miviludes** and backed by **70 policemen**, raided the *Centre d'Enseignement de biodynamisme* (Biodynamism Teaching Centre), a self-development centre in the south of France. Four people were taken into police custody.

Hervé Machi, the Miviludes secretary general, justified the raid as follows:

“According to information collected in 2009, the centre’s founder **appeared** to be subjecting her students to mind control.”

[Source: *Le Dauphiné.com*, 26 February 2011.]

..... For the record

Seventy policemen and the CAMAIDES **officers** were deployed...
against a group of less than ten people.

The centre’s neighbours described its members as “*peaceful and quiet*”.

[Source: *Le Dauphiné.com*, 26 February 2011.]

“[...] the centre’s founder
appeared to be subjecting her
students to mind control.”

(Source: Hervé Machi, Miviludes secretary general – Le Dauphiné.com, 26 February 2011.)

2. On 14 December 2011, Agnès Malet-Mignoni, directress of the *Ave Maria de l’enfant Jésus* association (Hail Mary of the baby Jesus association) was remanded in custody in Bastia (Corsica). Ms Mignoni was surrounded by a few “devotees” who called her the *Messenger* after she claimed to have seen *visions* and *apparitions*. The *Ave Maria de l’enfant Jésus* association numbers less than 20 people.

..... For the record

Paul MICHEL, the Bastia Court of Appeal public prosecutor, declared that this had been “*a case of psychological subjugation*”.

(Source: France 3 Corse, 16 December 2011.)

Paul MICHEL is a steering committee member of Miviludes.

III

The media misinformed

Ministry of the Interior:

***“A few dozen
at the most”...***

*[Source: Ministry of the Interior
– Report No. 3507, National Assembly]*



Miviludes to the media

« 50,000... »

*[Source: Miviludes president,
Ouest-France, 14 October 2010]*

A game of numbers

Setting the record straight...

When questioned by a parliamentary investigative committee in 2006 on the status of children in religious minority groups, the relevant authorities affirmed that young people living among these groups led normal lives.

Etienne Madranges, Ministry of Youth, Sports, Clubs and Societies:

“In the past three years, **we haven't had any demonstrable instances** of minors being put in danger.”

[Source: Report No. 3507, National Assembly, page 459.]

Didier Leschi, Head of the Central Bureau of Religions, Ministry of the Interior:

“**No incident** contravening [the rights of] children.”

[Source: Report No. 3507, National Assembly, page 446.]

Carola Arrighi de Casanova, Ministry of Justice:

“First of all, I must point out that we are **hardly ever faced with situations** involving cults.”

[Source: Report No. 3507, National Assembly, page 390.]

Joël Bouchité, Central Director, General Intelligence Service, Ministry of the Interior:

“[...] we never handle up to 60,000 complaints, or even 30,000, but a **few dozen at the most...**”

[Source: Rapport n° 3507, Assemblée nationale, page 329-330.]

... what's more...

The following Ministry statements were issued in response to questions from Miviludes regarding children in spiritual groups:

Ministry of Justice:

“The Direction des Affaires civiles et du sceau (a sub-section of the Justice Ministry dealing with the rights of persons and families) **was not made aware of any court rulings** on family disputes during 2010.”

[Source: Ministry of Justice, Miviludes 2011 Report.]

Ministry of Youth, Sport, Clubs and Societies:

“**No complaints** were passed on by local government youth services in 2010.”

[Source: Miviludes 2011 Report.]

However, Miviludes president declared to the media:

“Between 50,000 and 60,000 children are victims of sectarian deviances in France.”

[Source: Interview George Fenech, Miviludes president – Ouest-France newspaper, 14 October 2010.]

Astounding declarations

Below are some statements made by prominent Miviludes figures or sympathisers:

“Don't Jehovah's Witnesses produce **handicapped children, intellectually speaking?**”

Jean-Pierre Brard, *Miviludes member.*

[Source: Parliamentary Investigative Committee Report No. 3507, 10 October 2006.]

“The authorities placed a child in the care of a Jehovah's Witness couple. This is quite baffling. [...] **Is that normal?**”

Georges Fenech, *Miviludes president.*

[Source: Parliamentary Investigative Committee Report No. 3507, 26 September 2006.]

“The **difficulty** lies in the fact that the **justice system** considers the **testimony** of a cult follower to be as valid as that of a non-follower.”

Jean-Pierre Jougla, *Fecris¹ director, Unadfi board member.*

[Source: Hamburg conference, 28 April 2007.]

“Belonging to a cult is **incompatible with being a citizen.**”

Jean-Pierre Jougla, *Fecris¹ director, Unadfi board member.*

[Source: OSCE Human Dimension Implementation Meeting, Warsaw, September 2007.]

Miviludes warns businesses against teaching institutions that reportedly use one or more of the following terms:

“Enthusiastic atmosphere, **well-being**, selflessness, personal growth, **self-esteem**, social progress, personal strengths and weaknesses, quest for meaning, sense of sharing, **self-worth**, etc.”

[See the complete list in Appendix 4.]

[Source: Miviludes Report: “L'entreprise face au risque sectaire : un enjeu humain et économique, un défi professionnel” (Business and the sectarian threat: rising to the challenge, safeguarding our values and economy), published on 9 December 2011. Pages 50 and 51.]

1. See page 41.



“There is no liberty if the judiciary is not kept separate from the legislature and executive.”

The spirit of the law.
Montesquieu (1689 – 1755)
Enlightenment philosopher

IV

Justice put under pressure

AS EARLY AS 1996, the UN Human Rights Commission had criticised the practice (not in France) of giving judges negative information on certain groups:

“The Committee also recommends the State party to discontinue the holding of ‘sensitising’ sessions for judges against the practices of certain designated sects.”

[Source: Concluding Observations of the Human Rights Committee: Germany 18/11/1996 - CCPR/C/79/Add.73.]

An executive invasion of the judiciary

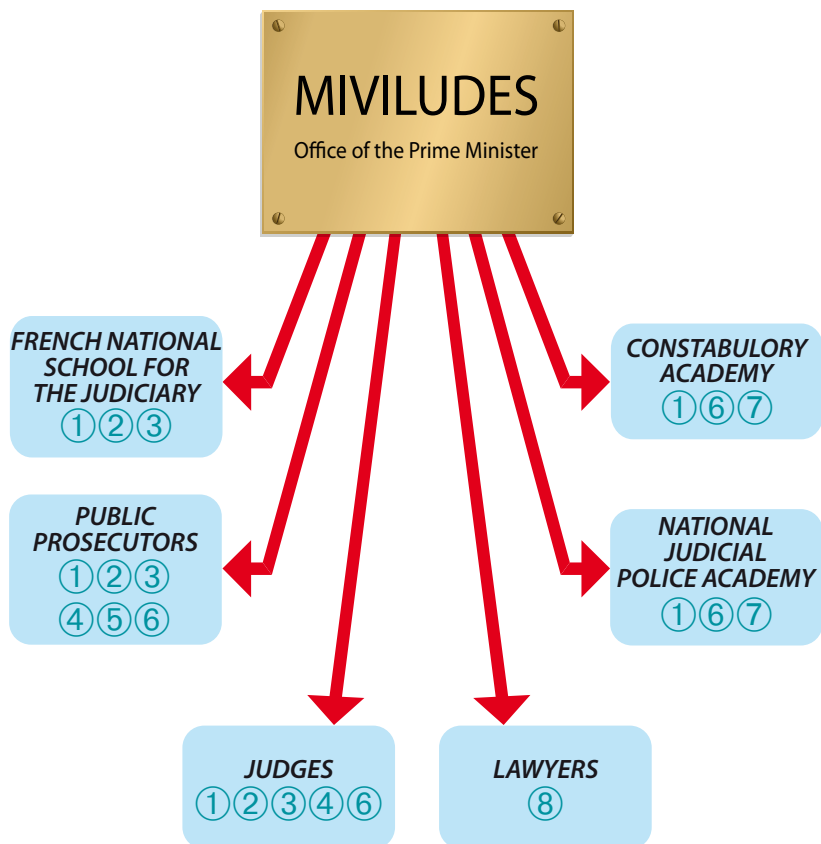


Diagram notes

- ① - **Decree** on preventing and opposing sectarian dangers, Ministry of Justice, 19 September 2011.
- **Decree** on criminal procedures to monitor and oppose sectarian deviances, Ministry of Education, 5 April 2012.
- **Decree** on opposing sectarian deviances, Ministry of the Interior, 25 February 2008.
- **Decree** on opposing sectarian deviances, Prime Minister, 27 May 2005.

- ② “ [...] an in-service **training session** was organised by the French National School for the Judiciary, and was led by the [Miviludes] judge in charge of “**sectarian deviances**”.”

[EDITOR'S NOTE: these sessions have been held every year since 1998.]

[Source: *Miviludes 2009 Report* – page 268.]

- ③ “the **French National School for the Judiciary training programme on sectarian deviances** [...] brought over one hundred judges together, some of whom came from countries outside the European Union, as well as other public officials (police, gendarmerie, juvenile protection services, prison services).”

[Source: *Miviludes Bi-monthly letter, September 2011.*]

- ④ “The judge in question [Department of Justice] was led **to arrange a series of meetings** between Miviludes advisers and judges from the public prosecutor's office in charge of cases presuming the existence of sectarian deviances.”

[Source: *Miviludes 2009 Report* – page 267.]

- ⑥ “The ‘**liaison officers in charge of sectarian deviations**’ in the public prosecutors offices were established by decree [...].”

[Source: Georges Fenech report to the Prime Minister, October 2008.]

- ⑥ “It is interesting to note that the proper conduct of these inquiries and investigations was made possible by the **customised preparation of the investigators and judges**, who were assisted by a mobile support unit consisting of multi-disciplinary experts on mind control.”

[Source: *Justice against sectarian deviances*, Georges Fenech report to the Prime Minister, October 2008, p. 19.]

- ⑦ “[These] security advisers [from Miviludes] **conducted a training session** at the Centre national de formation de police judiciaire (CNFPJ) of the Gendarmerie (their National Judiciary Police Academy) in Fontainebleau on 17 May and at the École des officiers de la Gendarmerie (French Gendarmerie National Officers School) in Melun on 1 July.”

[Source: *Miviludes Bi-monthly letter*, September 2011.]

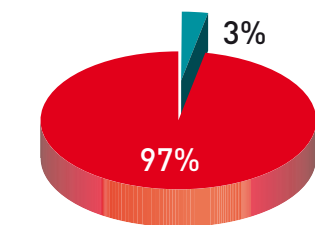
- ⑧ “Within the framework of their **in-service training**, around forty lawyers belonging to the Paris Bar Association took part in the training programme [...] Hervé Machi [Miviludes secretary general] made a presentation **on how the French system monitors and opposes sectarian deviances**, and on the role played by Miviludes [...].”

[Source: *Miviludes Bi-monthly letter*, September 2011.]

Grants to make accusations

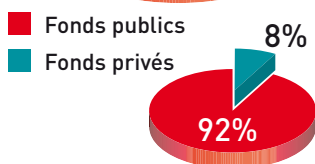
For 30 years, the State has been allocating public funds to groups that stigmatize religious and belief minorities.

The UNADFI, subsidized to nearly 97% of its costs, has very close links with the Department of Justice: training of magistrates at the National Institute of the Magistrature, contribution to the investigations of the Criminal Investigation Department and joining civil action lawsuits attacking religious groups or belief communities.



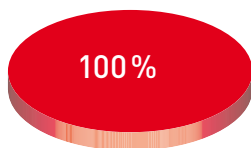
€6,299,279 of public funds from 2001 to 2011 for the Unadfi and the Centre Against Mental Manipulations.

(Source: Operating accounts Unadfi and CCMM from 2001 to 2011.)



€514,600 of public funds from 2001 to 2011 for the Fecris (see p. 41).

(Source: Fecris operating accounts 2001 to 2011.)



€4,000,000¹ approx. for the Miviludes since its creation in 2002.

(Source: letter of the Miviludes secretary-general, June 26, 2007.)

Total: 10,813,879 euros.

1. Estimated figure due to the confidentiality of the Miviludes accounts. Following a request for information on Miviludes' accounts pursuant to the law on access to administrative documents, the applicant was answered as follows by the Miviludes secretary-general "the provision of these documents would, moreover, constitute a breach of public security".

(Source: letter from the secretary-general of Miviludes, on June 26, 2007, available on request from CAP LC.)

France Condemned

The European Court of Human Rights blocks actions taken detrimental to religious and belief minorities.



1. European Court of Human Rights
December 22, 2005. *Paturel v France*:

On December 22, 2005, **France was found guilty** by the European Court of Human Rights for violation of art. 5 of the Convention (Freedom of Expression).

The European Court noted that *“the fact that [the applicant] was a Jehovah’s Witness was retained by the courts dealing with the substance of a case to characterize this animosity”*. However, *“such considerations [...] could not constitute, in themselves, relevant and sufficient reason to warrant the conviction of the applicant”*.

2. European Court of Human Rights. June 30, 2012.

Jehovah’s Witnesses Association v France:

In a ruling dated June 30, 2011, **the European Court of Human Rights convicted France** for violation of article 9 (right to freedom of thought, conscience and religion): *“The court points out that [...] the right to freedom of religion as understood in the Convention excludes any appreciation by the State on the legitimacy of religious beliefs or on the manner in which these are expressed”*.

3. European Court of Human Rights. July 5, 2012.

Aff. Jehovah’s Witnesses Association C. France:

In a ruling dated July 5, 2012, **France was again found to be at fault** regarding the question of just satisfaction (article 41 of the Convention). The Court ruled *“France shall refund to the applicant the sum unrightfully paid to the Treasury, namely 4,590,295 € [plus approximately 2 M€ interest], as well as 55,000 € for expenses and costs”*.

V

France tries to impose intolerance on Europe

Rumour attacks Europe

In 2006, eleven senior officials testified that children in minority groups lead lives similar to those of other children (see p. 27).

However, the Miviludes report of 2009 attacks on this very point:

“The first **point of agreement** possible for a European program that needs to be set up – minors that are victims of sectarian aberration.”

[Source: Miviludes report 2009.]

Rudy Salles, Member of Parliament for Nice, rapporteur to the Council of Europe and close to the Miviludes, wrote this falsehood on his blog (pages 26-28):

“We have listed that there are approximately 50,000 children who are victims of cults in our country.”

[Source: Blog Rudy Salles]

..... For the record

As of the following year, 2010, the absence of any problems within religious or belief minorities was again confirmed by the relevant authorities:

“During the year 2010, no decision concerning family disputes was referred to the Department of Family Affairs”.

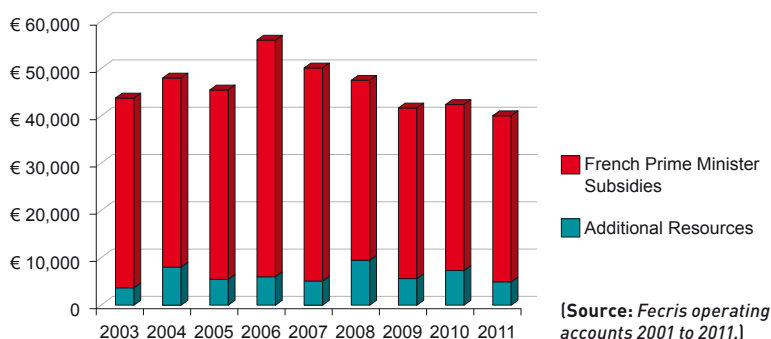
[Source: Ministry for Justice - 2010, Miviludes report.]

“In 2010, no complaint was transmitted by the decentralized services in charge of youth affairs”.

[Source: Ministry for Youth, Sports and Associations - 2010, Miviludes report.]

A “European” federation financed solely by the French government

In order to promote the topics of “*psychological subjection*”, “*mental manipulation*”, and “*sectarian aberration*” on a European scale, the Miviludes can make use of an “association”: the European Federation of Information and Research Centres on Sectarianism (Fecris), financed by funds from the French Prime Minister (see *table below*).



..... For the record

Although financed to a total of 92% of its budget by funds from the Prime Minister’s office, the FECRIS was registered as a “Non Government Organization” with the OSCE and with the UN.

France: an alibi for the violation of Human Rights

1. At the time of the About-Picard law

China:

“China welcomes the fight against cults in France.

The Chinese government is engaged in a ruthless crackdown on cult-members – in the province of Hunan (center-South), the main leader of a cult similar to Falun Gong has just been sentenced to seven years in prison. Through *The People's Daily*, a voice of the Communist Party, the government praised the action of France in the fight against cults. **According to the Chinese authorities, France has the “first law in the world directed in a clear and direct way against cults”.**”

[Source: *La Croix*, 11 September 2001.]

Iran:

Accused of discrimination against the Bahá'í religion - not recognized in Iran, Mr Kamal Kharazi, head of Iranian diplomacy, declared shortly after the About-Picard law was voted:

“This is about a cult and European countries also have legislation against cults.”

[Source: *AFP*, 11 June 2002.]

2. Since the Miviludes

April 8, 2011: an “initiation” visit to the Miviludes

“Mr MursaNabi Tuyakbayev, adviser to the Republic of Kazakhstan Embassy in France, expressing particular interest with regard to the French system of fight against sectarian abuses, was received at the Miviludes.”

[Source: *The bi-monthly Miviludes Letter*, headline *Miviludes outside the walls*, n° 10 - 2011.]

September 29, 2011: 5 months later an antireligious law was voted in Kazakhstan and condemned by the Organization for Safety and Co-operation in Europe:

“The director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Ambassador Janez Lenarcic, admitted he was preoccupied by the adoption by the Kazakhstan Senate today of a restrictive law against religions and called for a revision of the law before it comes into application. **The new law seems to needlessly restrict freedom of religion or conviction and is likely to restrict the exercise of this freedom in Kazakhstan.**”

[Source: www.osce.org/odihr/83191.]

IV

Blatant violation of Human Rights

We have already seen the standpoint of the Parliamentary Assembly of the Council of Europe against French policy with regard to minorities of conviction and belief (*see pages 14-15*). Here are three others: one from the UN, another from the American Congress, and a final from the European Commission.

The UN condemns France on the subject of freedom of religion or belief

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF RELIGIOUS INTOLERANCE

Sixty-second session

Distr. General

E/CN.4/2006/5/Add.4
8 March 2006

Report submitted by Asma Jahangir,
Special Rapporteur
on freedom of religion or belief

Mission France
(18-29 September 2005)

“82. [In France] cases of unlawful discrimination continued to be raised, including in the school system because of the anti-sect campaign that is often conducted without appropriate guidance, resulting in the stigmatization of a number of children that were said to be members of these groups. [...]

IX. CONCLUSIONS AND RECOMMENDATIONS

108. [The Special Rapporteur on freedom of religion or belief] is of the opinion that the policy and measures that have been adopted by the French authorities have caused 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.

111. The Special Rapporteur hopes that future actions of 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.

112. The Special Rapporteur urges 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 and on the principle that no one can be judged for his actions other than through the appropriate judicial channels.

113. Moreover, she recommends that the Government monitor more closely preventive actions and campaigns that are conducted throughout the country by private initiatives or Government-sponsored organizations, in particular within the school system in order to avoid children of members of these groups being negatively affected.”

[Source: <http://www2.ohchr.org/french/issues/religion/visits.htm>
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/117/19/PDF/G0611719.pdf?OpenElement>]

The American Congress denounces the Miviludes



HEATH SHULER
11th DISTRICT, NORTH CAROLINA

230 CAMDEN TOWER OFFICE BUILDING
WASHINGTON, DC 20515
Phone (202) 225-5491
Fax (202) 225-6422

205 CHALLENGE STREET, SUITE 100
ASHEVILLE, NC 28701
Phone (828) 257-1841
Fax (828) 257-6738



Congress of the United States
House of Representatives
Washington, DC 20515-3311

Co-CHAIR
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE
SUBCOMMITTEE ON
SAFETY AND TERRORISM
SUBCOMMITTEE ON
ECONOMIC DEVELOPMENT, PUBLIC INFRASTRUCTURE,
AND EMERGENCY MANAGEMENT
COMMITTEE ON THE BUDGET
THE STEERING AND POLICY
COMMITTEE
HEATH SHULER

October 28, 2011

“Miviludes delegations have traveled and/or met with leaders of several countries, including foreign embassies, members of parliaments, and anti-sect associations.

Such actions appear to evidence a clear bias against a large number of religious communities and their adherents and impose arbitrary restrictions on an individual's human rights. Further, designating specific beliefs and communities as sects and restricting the freedom of belief is inconsistent with French principles, the Constitution and international standards on religious freedom.

[...] ***we sincerely urge the Government of France to review the policies of Miviludes, and to disband this inter-ministerial mission — just as it disbanded MILS in 2002 - and withdraw public funding from anti-sect associations if they are found to be taking actions that are contrary to French principles, the French Constitution, and France's international obligations.***”¹

Most sincerely,


Tim Franks


Heath Shuler

1. full english text at: www.coordiap.com/Document/letter%20of%20Congress%20US.pdf

A European Commission report criticizes France for discrimination on the basis of religion or belief.



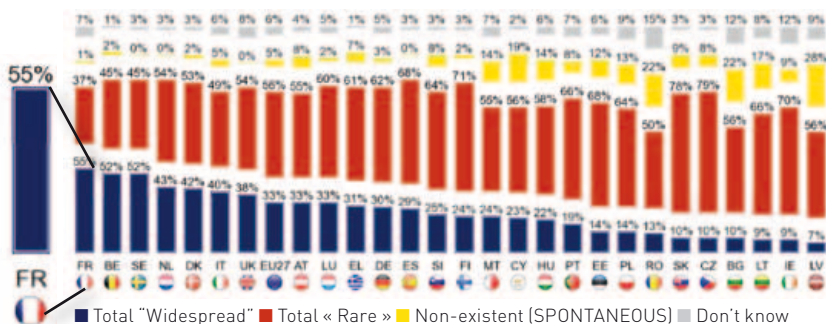
[Source: http://ec.europa.eu/public_opinion/archives/ebs/ebs_393_en.pdf]

Special Eurobarometer 393 - This survey was requested by the European Commission, Directorate-General Justice

“The feeling that discrimination on the grounds of religion or belief is widespread outside working life ranges from less than 10% in Latvia (7%) and Ireland and Lithuania (both 9%) to over 50% in **France (55%)** and Belgium and Sweden (both 52%). Again, we see that there are very large differences between countries.

Question 13.5. *Discrimination can happen outside working life. For example, in education, when people go shopping, visit restaurants/bars, try to rent accommodation or buy a property, go to a doctor or to a hospital. Could you please tell me whether, in your opinion, discrimination outside working life is very widespread, fairly widespread, fairly rare, or very rare in (OUR COUNTRY)?*

Discrimination on the basis of Religion or beliefs.”



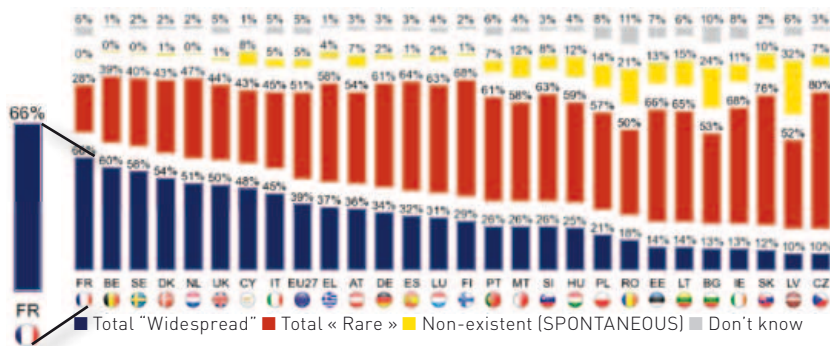
6. RELIGION/BELIEFS

— Wide differences between countries —

Discrimination based on religion or belief is seen as most widespread in France (66%), followed by Belgium (60%), Sweden (58%), Denmark (54%), the Netherlands (51%) and the UK (50%). The survey shows that belonging to a religious minority is an important factor here, with 54% of these Europeans indicating that discrimination on the grounds of religion/belief is widespread in their country.

Question 1.5 *For each of the following types of discrimination, could you please tell me whether, in your opinion, it is very widespread, fairly widespread, fairly rare, or very rare in (OUR COUNTRY)? Discrimination on the basis of religion or belief."*

Discrimination on the basis of religion or belief.



Again, a comparison of the 2012 results with those obtained in 2009 shows that views have not evolved in the same direction throughout Europe. In some countries, perceptions are more positive (more people now say discrimination is non-existent or rare), whereas in others the opposite trend is noted (fewer people now hold this opinion).

Focusing firstly on the countries where the trend is positive, double-digit improvements can be found in Slovenia and Greece (both +13 percentage points), and in Malta and Austria (both +12). In five further countries improvements of at least 5 points are recorded: the Netherlands (+8), Bulgaria (+6), and Estonia, Romania and Finland (all +5).

The most negative development has been recorded in France. Here only 28% now say that discrimination on the grounds of religion or belief is non-existent or rare (-9). There have also been large falls in Cyprus (-6) and Belgium (-5). ”

Conclusion

The legal and administrative instruments established by the French State violate the fundamental principles guaranteed by the European Convention on Human Rights.

Such a situation should be inconceivable in a democratic country, and this, paradoxically, is perhaps its force. Who could believe that there exists in France a law making it possible to condemn an association for activities of “psychological subjection”, that a police force to monitor thought was created or that pressure is being exerted on the legal system?

Some people have infiltrated the State machinery, used their influence with a great number of those in charge, in the world of politics, in the media and within the general public, in order to forge opinion and give credibility to the accusations made against religious and belief minorities in France. This state of affairs, denounced in international reports, is damaging to France’s image.

Such aberration is as unacceptable as it is potentially dangerous.

This is why our aim is to alert those in France and in Europe who are concerned with key human rights principles.

Appendix 1:

France: one of the most condemned countries by the European Court of Human Rights



From 1959 to 2011, **France was condemned 848 times by the European Court of the Human rights** for violations of the various articles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

This positions it in the penultimate place, among the 20 countries of Western Europe, with regard to the total number of violations of the entire articles of the European Convention.

Hereafter there are some quantified examples of rulings against France: relative to articles 6 and 10, two articles particularly important with regard to the rights of religious and belief minorities.

1959 to 2011

ARTICLE 6: RIGHT TO A FAIR TRIAL		ARTICLE 10: FREEDOM OF EXPRESSION	
COUNTRY	VIOLATIONS	COUNTRY	VIOLATIONS
Denmark	1	Denmark	1
Iceland	4	Iceland	1
Ireland	5	Ireland	1
Norway	9	Czech republic	1
Hungary	10	Switzerland 2	2
Luxembourg	11	Sweden	2
Germany	16	Luxembourg	2
Portugal	19	Germany	4
Netherlands	22	Spain	4
Switzerland	24	Belgium	4
Czech republic	24	Italy	4
Sweden	26	Norway	5
Spain	32	Netherlands	5
Finland	37	Hungary	7
Belgium	47	Greece	9
The United Kingdom	60	The United Kingdom	11
Austria	83	Portugal	15
Greece	120	Finland	16
Italy	245	France	25
France	251	Austria	32

Art. 6: "Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal..."

Art. 10: "Everyone has the right to say and write what he thinks, and to receive or communicate information. This right includes the freedom of the press."

Appendix 2:

The American experience

On a register close to that of “mental subjection”, the concept of “mental hold” or of “brain-washing” has been defended in the USA.

“[Communists] wash the brain clean of the thoughts and [...] create new brain processes and new thoughts.”

[Source: Allen Welsh Dulles, director of the CIA, 1953.]



Federal Court of the
North District of California

This notion of “brain-washing” was then used during the 1970s and 80s in the USA against religious and belief minorities. After several cases had made big headlines, notably the case concerning conversion to a traditional religion, the American Department of Justice finally abandoned the use of the concept of “*brain-washing*”. In April 1990, it should be remembered that judge Jensen of the Federal Court of the North District of California, ruled that:

“Theories regarding the coercive persuasion practiced by religious cults are not sufficiently established [within the scientific community] to be admitted as evidence in federal courts of law.”

[Source: Jugement : United States v. Steven Fishman No. CR-88-0616-DLJ – p. 14.]

This position was subsequently confirmed by several instances of case law.

Appendix 3:

Voyage to the centre of the Miviludes

As Russian evangelical Christians have gone through 70 years of totalitarianism, it's interesting to see how they consider a body such as the Miviludes...

1. Miviludes stated in a September 2011 letter:

“On April 6 2011, Mr Georges Fenech received Mr Konstantin Bendas, vice-president of the Union of Russian Evangelical Christians, who wanted to investigate the French model of vigilance and combat against cult aberration [...] Mgr Bendas expressed the wish to invite the president of Miviludes to Russia, in particular to explain to the Duma the structures, the missions and the functioning of Miviludes as well as the French legislative arsenal in this matter. Mr Fenech has answered that he would accept with pleasure an invitation to go to Moscow.”

2. What really happened

“First of all, I was struck by the quantity of security services surrounding Mr. Fenech. The MILIVUDES building did not have a sign on it but on the other hand it had an enormous number of security cameras. Gendarmes (armed police) met us at the entrance, fully equipped, in flak jackets, with automatic guns. There were security cameras everywhere inside, even in the small elevator. A gendarme saw us into the President's office. [...] I was sincerely trying to understand what threat warranted employing such levels of security and investing so much money. Alas, after an hour and a half of conversation I still didn't have a clear answer.

According to Mr. Fenech, a 'sectarian danger' is an attempt to influence a person who is in a state of 'manipulative weakness'. Counting on his fingers, he named the following situations: when someone's loved ones have died recently, when a person is ill, is disabled, recently divorced, when a person has family difficulties and conflicts, as well as all children, adolescents, young people, pupils, students and pregnant women, people in the armed services, in prison, subordinates. [...] **Nearly the whole population of the Earth falls into the category of liable to sectarian influence. Milivudes was trying to protect any person from such influence. As you see, the scope of their activity is very wide and the criteria are set by the Milivudes itself.**

"When the meeting ended and we left the building, I heard a sigh of relief from the woman who was my interpreter. I asked her for her impressions and she replied, '**I have never belonged to any cult, but if they do exist, they must look like the Miviludes**'. ”

*Monseigneur Konstantin Bendas, Vice-President
of the Union of Russian Evangelical Christians.*

[Source: Russian Evangelical Christians website <http://cef.ru> - 17 juin 2012.]

••••• For the record •••••

"Nearly the entire population of the Earth falls into the category 'liable to sectarian influence'."

Appendix 4:

An incredible list of “signs of aberration”

The full list of the “signs” of sectarian aberration published by the Miviludes goes without comment.

Extracts from the Miviludes report: *Companies faced with cult-risks: the human and economic stakes, a professional challenge*, published on December 9, 2011, pages 50 and 51).

“The list [below], non-exhaustive, covers terms or **words which should trigger immediate questions** from those individuals responsible for the economic safety of private enterprises.

self-achievement

atmosphere of enthusiasm

well-being

knowledge capital

coaching

confidence

self-knowledge

energetic impeccability

knowledge management

freeing the body and the spirit

emotional control

management of professional situations

information sharing

weak points – strong points

awareness of breathing

mental control

total conviction

selflessness

personal development

devotion

enrichment

blossoming

self-esteem

avoidance of conflicts

social development

management of relational life

psychic heredity

power to influence events

process of revelation

personal profile

proselytism

purification of the soul

search for meaning

overall health

knowing how-to-be

sense of sharing

problem resolution strategy

meditative therapy

self-fulfillment

inner emptiness ”

Bibliography

Anthony Dick, Introvigne Massimo: *Le Lavage de cerveau : mythe ou réalité ?*, L'Harmattan, 2006.

Bécourt Thierry: *La Nouvelle Chasse aux sorcières*, Omnium Editions, 2002.

CAP LC: *Les fonds publics sont-ils utilisés dans l'intérêt général ? Le cas de l'UNADFI*, 2011.

CAP LC: *Les « sectes » : un non-problème, les chiffres officiels*, 2011.

Duval Patricia: *FECRIS and its Affiliates in France. The French Fight against the "Capture of Souls" in Freedom of Religion or Belief, Anti-Sect Movements and State Neutrality, A Case Study : FECRIS*, LIT Verlag, 2012.

Kounkou Dominique: *La Religion, une anomalie républicaine*, L'Harmattan, 2003.

Kounkou Dominique: *Un Bilan de la liberté religieuse en France*, L'Harmattan, 2008.

Labruyère Joël: *L'État Inquisiteur : la spiritualité en danger*, Les Éditions des 3 Monts, 2000.

Morelli Anne et Dierkens Alain: *L'implication du pouvoir en France dans le « classement » entre sectes et religions : l'exception française*, in « Sectes » et « hérésies », de l'Antiquité à nos jours, Éditions de l'Université de Bruxelles, Bruxelles, pp. 215-223.

Palmer J. Susan: *The New Heretics of France*, Oxford University Press, 2011.

Paturel Christian: *La Pensée Unique face aux spiritualités : le choc des mondes*, L'Harmattan, 2007.

Paturel Christian: *Sectes, Religions et Libertés publiques*, La Pensée Universelle, 1996.

Poulat Émile (under the supervision of) and Kounkou Dominique: *Actes du colloque : les discriminations religieuses en France*, L'Harmattan, 2004.

Roux Eric: *France 2012 : Inquisition en bande organisée*, Éditions les 3 génies, 2012.

Coordination des Associations et Particuliers pour la Liberté de Conscience

CAP LC is a non-profit, voluntary association dedicated to defending minority beliefs. It is open to groups and individuals of all persuasions who share a deep commitment to freedom of conscience. Certain people have unleashed a witch hunt in France against groups engaged in spiritual research and personal development, alternative medicines and psychotherapies and new religious movements. CAP LC is an information, communication and action springboard for groups and individuals affected by these issues: freedom of conscience, freedom of religion, freedom of therapy, freedom of belief, freedom of thought and freedom of worship. In order to guarantee its independence, CAP LC seeks no public funding.

37, rue Saint Léonard - 44000 Nantes - France

www.coordiap.com

E-mail : contact@coordiap.com

© CAP LC 2013. All rights reserved.

Printing Graficas Ulzama, 31620 Huarte-Pamplona

Coordination des Associations et Particuliers pour la Liberté de Conscience

Who would think that legislative and administrative regulations recently implemented by the French State are violating principles of the European Convention on Human Rights?

Such a situation is unbelievable in a democracy, unbelievable in the "country of human rights" and this might be the reason why it went unnoticed.

This is why we have decided to alert those in Europe who care about these important principles of freedom and human rights.

37, rue Saint Léonard - 44000 Nantes • www.coordiap.com • contact@coordiap.com

