



*pour la Liberté de Conscience*

24 June 2008

**Coordination of Associations and Individuals for Freedom of  
Conscience Contribution to the Report of the UN High  
Commissioner for Human Rights to the UN General Assembly on  
the Implementation of General Assembly Resolution 62/154  
entitled " Combating Defamation of Religions"**

**Submission Regarding France**

Coordination des Associations et des Particuliers pour la Liberté de Conscience (Coordination of Associations and Individuals for Freedom of Conscience, or CAP) is an association created in 2000 to unite minority religions in France in order to counter discrimination concerning the right to freedom of conscience and belief and to denounce acts and speech violating human rights or which are a threat to fundamental liberties. Members of CAP include adherents to numerous minority faiths targeted for discriminatory measures as "sects" by the government. This submission details instances of defamation of religion in France.

For well over a decade, France has been criticized at the United Nations (UN) and at the Organization for Security and Cooperation in Europe (OSCE) as one of the key States fostering religious intolerance and discrimination in Western Europe. Many complaints have been formulated in international forums by NGOs, interfaith groups, human rights groups and minority religions against state entities and state-funded private entities in France for discrimination, defamation and denigration of minority religious groups and individuals due to their religious association with these groups.

Coordination des  
Associations &  
Particuliers  
pour la  
**Liberté  
de Conscience**

## Background

For years, the French government 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.

In 1995, a Parliamentary Inquiry Commission of the French National Assembly released a Report entitled *Sects in France*. The Report listed 173 movements as constituting "potentially harmful sects", thereby legitimizing the systematic investigations of these movements carried out by the intelligence branch of the French police force, Renseignements Généraux (RG), which were adopted wholesale by the Commission without examination or independent verification.

The Report has been criticized as being unscientific and untrustworthy, based almost exclusively on rumor, innuendo and anecdotes from disgruntled former members. In addition, the Commission did not consult objective academics or scholars familiar with issues related to religious movements, but instead relied on anti-sect activists. Such was the criticism made by the Swedish Parliamentary investigation, which traveled to France and interviewed those who participated in the preparation of the report.

Unfortunately, in pursuing a policy and practice of institutionalized discrimination against targeted religious minorities, the French state adopted the findings of the Parliamentary Commission Report. Although the Commission's report had no status as an official publication, government statements, circulars and publications produced prior to the current administration – but still in circulation – were replete with citations to the Report, which was presented as an authoritative reference on the subject of "sects", and which operated in effect as a blacklist.

The Report was not only disseminated to all public authorities, but also to the general public. The Report and the hysteria that the government created on the subject through inflammatory statements to "fight sects" provoked systematic actions of discrimination throughout France, which seriously infringe on the rights of the targeted groups and their parishioners.

Overnight, 173 movements and hundreds of thousands of French citizens were officially and publicly transformed into second class citizens. Targeted groups were routinely subjected to never - ending criminal and security investigations, audits and labor inspections. Municipal authorities refused to rent town halls to religious associations designated in the Report as "sects". Custodial rights of parents were challenged – sometimes successfully – in court on the grounds that a parent belonged to a "sect". Owners of businesses who were identified by the media as being associated with religions derogatorily designated as "sects" were subject to economic boycotts and blacklisting.

As reported by the internationally respected human rights group International Helsinki Federation in its 1999 human rights report to the OSCE on religious freedom:

"While other reports abroad (a Swedish parliamentary report and a report of the canton of Tessin in Switzerland) recommend dialogue with so-called sects, France appears to have chosen open confrontation. This has led to slanderous reports in the media, to professional prohibitions, to religious discrimination by the French authorities and to increasing intolerance from civil society towards ordinary people on the grounds of their personal religious beliefs."

In 1998, the French government established the "Interministerial Mission to Fight Against Sects (MILS)" directly under the Prime Minister. This office, headed by Alain Vivien, former President of a French "anti-sect" group, targeted minority religions for a campaign of discriminatory government treatment, flanked by derogatory reports in the French media promoting stereotyped images of the movements and their members. MILS also promoted the "sect" list as a "blacklist" of the religious groups included on the list. Due to the international controversy that MILS generated, this entity was dissolved and replaced by MIVILUDES (Interministerial Mission of Vigilance and Battle against Sectarian Deviations) in 2002.

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

"The debate on this matter and the different measures that were taken at the governmental and parliamentary level in the second

part of the 1990s undermined the right to freedom of religion or belief and raised serious concerns about religious intolerance. In particular, the establishment of a list, as well as the awareness-raising policies that were carried out, raised serious concerns in terms of freedom of religion or belief.”

### **Continued Denigration of Religious Groups as “Sects”**

To its credit, the French government officially revoked this “blacklist” in a May 2005 Circular of the Prime Minister.<sup>1</sup>

However, the term “sect” is still used by certain French officials and state funded “anti-sect” associations to stigmatize and denigrate targeted minority religious groups which had been on the blacklist. Revocation of the “sect” blacklist and the attempt to forge a new policy regarding religions in France cannot be successful, however, unless the machinery of discrimination constructed over the last decade – including Circulars and Manuals that relied on the “sect list” to create discriminatory policies – is dismantled and unless constructive dialogue with minority faiths to resolve differences occurs on an inter-ministerial basis at the highest levels of government.

There is no rational justification for such classification and no definition has ever been given of the term “sects”.<sup>2</sup> Nevertheless, in the last ten years, several “anti-sect” Parliamentary Commissions have been set up in France, reports stigmatizing small religious groups have been published and campaigns of denigration have been organized by state entities and state funded organizations under the guise of “education” on those movements. This has generated a climate of intolerance towards such groups and their members.

Yet, classifying religious groups into “religions” and “sects” is itself a violation of religious international human rights standards. It is impermissible and arbitrary for the government to confer benefits on

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<sup>1</sup> Circulars (briefings, instructions) can constitute regulation in France.

<sup>2</sup> As the UN Rapporteur on Religious Freedom noted in paragraph 62 of her Report on Religious Intolerance to the Commission on Human Rights (E/CN.4/2005/61), the international principle of freedom of religion or belief is difficult to reconcile with distinctions between different religious communities as such distinctions may, in some cases, constitute discrimination.

groups it classifies as "religions" while denying benefits and enacting oppressive measures against groups it classifies as "sects." As long as the policy of classifying certain religions as "sects" to be fought against continues in France, discrimination will continue.

As the U.N. Special Rapporteur on Freedom of Religion or Belief noted in her report regarding her Mission to France in September 2005 after the revocation of the "sect blacklist":

"A number of improvements nevertheless remain to be carried out in order to ensure that the right to freedom of religion or belief of all individuals is guaranteed and to avoid the stigmatization of members of certain religious groups or communities of belief..."

In spite of the UN Rapporteur's recommendations, MIVILUDES is today going backwards by advocating the adoption of a new list of "sects". During the presentation of the 2007 report to the press on 3<sup>rd</sup> April 2008, the President of MIVILUDES, Jean-Michel Roulet, spoke up in favour of the creation of a "*list*" of sectarian organisations, as he sees in this method "*more benefits than inconveniences*".

### **Public Subsidies for Private Hate Groups**

French authorities have, during the last decade, heavily supported and subsidized private "anti-sect" groups, in particular UNADFI (National Union of Associations for the Defense of Families and Individuals) which is not only funded almost completely by the French State (over 90%) but has also been granted the official status of a "public utility" association. UNADFI and its organizations have denigrated targeted minority faiths, labeling them derogatorily as "sects" and pressuring the public authorities to enact discriminatory measures against them.

Under the guise of protecting individuals and families against "sects" and of "defending" so-called "victims", the ADFI organizations actually fuel misinformation of religious groups, resulting in stigmatization and discrimination directed at members of such groups. The French State has utilized the ADFI organizations for "education" campaigns that provide false stereotypes rife with inaccurate information denigrating minority faiths that are presented to the public to the prejudice of the groups concerned. Janine Tavernier's statement, when resigning from her post as president of UNADFI, very clearly sums up the climate of intolerance and

the role of these anti-religious associations : "When one has a grudge against one's neighbor, one accuses him of being a member of a cult."

What France cannot do directly due to its human rights commitments and duty of religious neutrality it cannot do indirectly by providing substantial funds and a special status to groups that defame and discriminate against minority faiths.

### **A System Designed to Denigrate Religious Communities**

MIVILUDES has also defended its campaign to denigrate targeted religious groups accused of committing "sectarian deviations", saying that these "deviations" are evidenced by the number of "legal troubles" the said groups have been submitted to.

This is a fallacious argument since the "legal troubles" are for the most part the consequences of the arbitrary and discriminatory system targeting groups designated as "sects" that has been organized in France over the years.

Since 1996, repressive measures have been enacted by the previous French governments to make sure that prosecutions were initiated against religious groups derogatorily designated as "sects". A Circular was passed in 1996 by the then Minister of Justice making it mandatory for prosecutors to investigate when they received a complaint relating to such groups and to provide a special detailed motivation in case they decide not to prosecute. The Minister had the list of the 173 so-called "sects" concerned attached to the Circular to ensure that the prosecutors knew what specific groups to prosecute.

In 1998, another Circular created a "Sect Mission" within the Ministry of Justice, in charge of following the judicial proceedings against such groups and of giving special directions to the prosecutors below them to prosecute and make requisitions for sending the cases to trial.

Despite the revocation of the "sect" list by the Prime Minister in 2005, these discriminatory Circulars remain in force today, resulting in arbitrary investigations and proceedings brought against targeted religious groups and their members.

In addition, "awareness" sessions have been organized by the State to "educate" officials regarding "sects". The 2005 *Guide for Public Agents on Sectarian Deviations* notes that each year the National School for Magistrates (Ecole Nationale de la Magistrature) 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, general direction of competition and consumer offices. Up to 140 trainees take part in this course.

Based on documents released under the Freedom of Information law, the presentations on the targeted religions have been biased. The seminars delivered to the judges have included specific briefings on Scientology, Jehovah's Witnesses and other targeted groups, with information provided by UNADFI and CCMM, and without any possibility of contradiction, debate or rebuttal by the concerned groups. As part of the documents distributed to the attending judges, press articles hostile to these groups were provided, as evidenced by the list of documents attached to the programs of the seminars.

The mountain of positive jurisprudence and official recognitions regarding these groups has been completely ignored. Only a few negative court decisions were provided, and decisions from higher judicial authorities directly contradicting those decisions were also not discussed. Objective and scientific information regarding these groups was not included – neither objective scholars nor experts in the field of religion were included in the program, exposing the program as an attempt to prejudice the judiciary against minority religious organizations.

Such "awareness" programs for court officials have been condemned by the United Nations Human Rights Committee. In its *Concluding Observations of the Human Rights Committee: Germany. 18/11/96 (CCPR/C/79/Add.73)*, the 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.

In addition, MIVILUDES published a 170-page guide for private sector human resource managers on 13 December 2007. It provided language

and the rationale to facilitate employment discrimination against persons belonging to belief groups which are minorities in France.<sup>3</sup>

This "awareness" campaign has resulted over the years in numerous cases of discrimination against members of stigmatized groups, including economic blacklisting and boycotting, refusal of child custody by Courts to members of the stigmatized groups, refusals of renting premises for conferences or events by religious groups designated as "sects," prohibitions from distributing or selling religious literature, dismissals from employment and many other forms of discrimination.

This system is clearly unnecessary as no serious problem exists. Indeed, the 1998 Circular recognizes that there are very few complaints against minority religious movements:

*"The denunciations or complaints from "victim followers" are yet insufficient in number, and are often imprecise. It is true that the "consent" of the said victims makes it particularly difficult to prove that there has been a violation of a person's integrity, and therefore, does not favor the exercise of prosecution."*

The Circular's reference to "**consenting followers**" evidences the complete lack of a criminal predicate justifying investigations, the ideological nature of the fight organized against so-called "sects" and the arbitrary and discriminatory nature of the system put in place against targeted faiths in France. In order to create more complaints and denunciations, the Circular gives the following instructions:

*"The associations of fight against the sectarian phenomena must, in this regard, be thoroughly involved insofar as they are susceptible to provide elements of appreciation on the concerned organizations."*

The Circular adds that *"there would therefore only be benefits for prosecutors to contact these associations, in order to discuss with them the wrongdoings of sectarian movements in their jurisdictions."*

Therefore, the French government then in power organized the fueling of biased information directly to those in charge of initiating criminal proceedings - which actually constitute an ex parte pre-trial - to ensure

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<sup>3</sup> This guide is downloadable from [http://www.miviludes.org/IMG/pdf/guide\\_Miviludes\\_L\\_entreprise\\_face\\_au\\_risque\\_sectaire.pdf](http://www.miviludes.org/IMG/pdf/guide_Miviludes_L_entreprise_face_au_risque_sectaire.pdf)



that systematic prosecution would occur in order to make up for the lack of complaints against minority religious groups. <sup>4</sup>

### **Discrimination in Education**

The previous French government initiated an indoctrination campaign in schools to instill fear and prejudice towards minority faiths that is still ongoing. This campaign grew out of the 1996 Parliamentary Report which labelled 173 minority faiths as "sects". The Report included proposals for an official government propaganda effort, including a program to warn youth throughout the National Education System in France of the "sect phenomenon," the organization of informative conferences each year in all educational institutions from primary school to the University level, specialized training of teachers on the "sect problem", and the creation of videos for use in schools produced under the authority of the Ministry of National Education.

As part of this education campaign, schools have published highly inflammatory information that fosters prejudice and supports negative stereotypes based on uninformed and unscholarly generalizations or anecdotes. No attempt is made to provide balanced, scholarly and accurate information. All members of a religion are tarred and labeled as dangerous and suspect.

### **Examples of Inflammatory School Publications**

**Publisher HACHETTE - French – BTS level – Advanced Vocational training at the end of a 2-year higher education** This school manual contains an article by Alain Vivien, the former President of MILS who resigned office in 2002 under criticism for his actions targeting minority faiths; later that year, on the advice of an inter-ministerial working group, the Government abolished MILS and established the MIVILUDES, the successor to MILS.

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<sup>4</sup> The inexistence of a real "sect" problem in France is tellingly evidenced by the report made on 14 May 2008 by the French authorities as part of the Universal Periodic Review (UPR) by the Human Rights Council of the United Nations. During the UPR session on the situation of human rights in France, no mention was even made by the French representative regarding a problem with so-called "sects". Likewise, the report submitted by France, apart from the mention of the existence of MIVILUDES, was silent on the "sect" issue.

In this manual, Vivien accuses new religious movements of being totalitarian, denounces their "penetration of structures and institutions" to proselytize, denigrates members of these movements as depersonalized automatons, denigrates their religious leaders as mere profiteers, accuses them of luring youths into infiltrated organizations as a "breeding ground" for new members, and claims that the hidden purpose of these religious groups is "the conquest of power". The Church of Scientology, the Unification Church and the Transcendental Meditation movement are specifically named and singled out as, in essence, enemies of the state. The spiritual, philosophical and religious values of the targeted movements are denigrated. University professors who publish studies favourable to targeted faiths affirming their religious nature are denounced.

**Publisher BELIN – Attention Dangers! – For 9 – 11 year olds.** This school manual characterizes "176 sects and 800 sub-groups" (sic) referred to in the 1996 Parliamentary Report as not only dangerous but on the same dangerous level as illegal drugs, and alerts parents to beware of attempts to "recruit" children through organizations offering services such as dance, music and tutoring (thereby engendering discrimination against anyone who happens to be a member of a targeted faith who works in one of these areas, even though the person has never proselytized or even articulated their personal and private beliefs).

**Publisher NATHAN – Civic Education for the 4<sup>th</sup> class.** This publication contains an anecdotal statement from a disaffected member of Hare Krishna who claims he was depersonalized and subject to mental manipulation by a "guru," and who also claims that an "insidious trap of the sects" is to require marriage between members to "keep you for life". Students are then given an exercise to detail in writing the "traps of sects" and the improper activities of "leaders of the sects" articulated by the disaffected member. The exercise also includes a press article about a condemnation in first instance of certain Church of Scientology members, whereas the positive decision in the appeal process is not cited and the information in the article is inaccurate, incomplete and derogatory.

This campaign has severely infringed upon the rights of members of targeted faiths by creating a climate of fear, misunderstanding and prejudice towards members of minority religions. Teachers, parents and children of targeted faiths and who attend French educational institutions have suffered particular hardship and intolerance through these coercive

educational practices. Pupils have been required to do written exercises reinforcing these stereotypes that also require students to justify government discrimination directed against their religion.

### **Defamation During the 2006 Parliamentary Commission**

This defamation of minority religious groups was also materialized through the actions of the June 2006 "Inquiry Commission on the Influence of Sects and their Consequences on the Physical and Mental Health of Minors" (Parliamentary Commission on Minors in Sects), the third Parliamentary Inquiry Commission on "sects" in eleven years in France.

This inquiry regarding youth and minority faiths is ironic as the United Nations Rapporteur on Freedom of Religion or Belief published a report in March 2006 regarding her visit to France in which she determined that the methods of the first two Parliamentary inquiries and divisive policies adopted by the government at that time has resulted in "*the public condemnation of some of these groups, as well as the stigmatization of their members, has led to certain forms of discrimination, in particular vis-à-vis their children*".

Rather than attempt to repair these human rights shortcomings identified by the UN Religious Freedom Rapporteur, as the foremost UN expert on international human rights law and religious freedom, the new Commission instead attempted to compound the problem of religious intolerance directed at children of minority faiths by holding biased hearings to attempt to justify draconian laws and "awareness campaigns" designed to: take custody away from a parent or parents of children of minority faiths; stigmatize and marginalize such children in public educational institutions; subject such children to discriminatory examinations and treatment; refuse to respect the fundamental human right of parents to raise their children in accordance with their own religious beliefs; and bias court officials against members of minority faiths.

The entire approach of this Commission violates fundamental human rights principles. Article 18 (4) of the International Covenant on Civil and Political Rights requires States to "undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions".

Likewise, Protocol 1, Article 2 of the European Convention on Human Rights requires States to "respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions".

Although France has signed and ratified these human rights instruments and is obligated to respect these human rights, the Commission hearings operated from the premise that parents had no such right and that any beliefs imparted from parents to their children should be identified, isolated and then rooted out.

### **Ignoring Government Findings That No Serious Problem Exists**

There is no question that the Commission's actions constituted purely political measures by a handful of extremists on the issue designed to fuel further intolerance directed at targeted minority religious organizations in France. Indeed, objective examination of the evidence clearly establishes that no serious problem regarding youth and "sects" even exists while the real and serious problems in France that beset youth, such as drugs, illiteracy, violence, suicide, child pornography, education and employment have never been the subject of any Inquiry Commission.

The marginal nature of any problems with youth and religions compared to the serious problems that face France was highlighted in testimony before the Commission in October 2006 by a Ministry of Justice Official from the Office of Judiciary Affairs responsible for the direction of the judicial protection of youth who stated:

"Three years ago, we did a survey amongst Judges for minors to be able to determine, also for ourselves, statistically, what weight would have the sectarian problem on the work of judges or on the work of educators: *it is true that this problem is extremely marginal compared with all the others problems that our office is brought to administer in relation to minors: problems of violence, children who are not going to school, problems of professional insertion, problems of familial difficulties. There are all these different aspects to take into account...*"

This point was confirmed by the Prime Minister in response to a written question posed by Member of Parliament and Commission Member Philippe Vuilque on 10 May 2005. The Prime Minister noted that:

"The cases of physical or psychological mistreatment of minors in relation with the membership of one or both parents to a movement that is said to be of sectarian character *are exceptional.*"

The lack of any serious problem of students in educational institutions was also highlighted in testimony before the Commission in October 2006 by a General Inspector in the Ministry of National Education who stated:

"Now, for the past school year, ... Academy inspectors or rectors, have proceeded to 19,000 alerts pointing out ... let's say 19,000 alerts to Republic prosecutors in regards to children that were likely to be in danger ... in danger for various reasons, physical, morals, and so on.

*And when we asked the Academy Inspectors how many amongst these children in danger were in danger because of ... sectarian movements, they answered that they had 8."*

The lack of any serious medical problem was also confirmed in testimony before the Commission in October 2006 by the Head of the Central Office of Religions in the Ministry of Interior, who stated that:

"As regards with this hearing, I found necessary to ask the Departmental prefectures to count the incidents related to transfusion over the three last years.

*Looking at the results that were gotten, what is reported is a small number of incidents often resolved with communication. Never in the past three years have cases involving children or a life diagnosis, or the functions of the public hospital service been reported to me for the past three years."*

The Director of Youth and Popular Education in the Ministry of Youth, Sports and Associative Life conceded in testimony before the Commission in October 2006 that there was no problem regarding issues under his jurisdiction:

"Our Inspectors of Youth and Sports inspect sports structures, they inspect holiday centers, and they inspect leisure centers. *Globally, statistically, we have very little, in terms of information... Statistically, in any case for the last three years, since I have been appointed at this post three years ago, we have had no case where we have been able to demonstrate that there was a 'deliberate endangering', therefore 'knowingly voluntary' fact, of minors.*"

The Deputy Director of the service of French people abroad and Foreigners in France of the Ministry of Foreign Affairs identified only two cases under his jurisdiction in his testimony before the Commission where a parent had complained because a child had left the country with the other parent who was a member of a minority religion.

Fenech (Commission President): "You do not have a situation of children in Ashrams in India or... all this is not brought to your attention"?

Le Bihan: "Not to my knowledge, we don't".

Fenech: "You only have these two cases, currently"? ...

Le Bihan: "Only these two cases".

Likewise, the Guide de l'agent public face aux dérives sectaires (Handbook for Civil Servants in the Face of Sectarian Deviations), published by MIVILUDES in 2005, conceded that:

*"However, the number of cases of minors in danger is relatively small on a national level (an investigation in 2003 showed that, out of 54, 000 cases of educational assistance, only 192 [a percentage of 0.35 %] had any link to a problem of a sectarian nature)"*

The Guide also highlighted the lack of criminal cases involving sectarian activity:

*"Some prefects consider that their departments have very little "sectarian activity" and that it is probably neither necessary nor useful to set up this structure and maintain it."*

Rather than accepting the evidence as provided by the few objective officials invited to appear before it, Commission members rejected the evidence that they disagreed with to forge ahead with their purely political agenda. For example, when the Ministry of Justice official testified that the problems of youth and sects were "extremely marginal compared with all the others problems that our office is brought to administer in relation to minors" a Commission member responded:

"I must confess, and it is not only your testimony, but this follows some others which makes it in such a way... that... fortunately we are active because otherwise we could even feel a certain discouragement.

Yes, it is not you especially... but... I'm a bit disappointed by your testimony... but not more than with the other representatives of Ministries... because we have the feeling that we are fighting against... *like Don Quixote*. When we know that there are a lot of cases in France. *We have the feeling that we are not followed on this field. I dare to say things as I feel them, because it ends to be a bit annoying.*"

This ostrich-like approach explains why the Commission forged ahead in areas where there are no serious problems with yet a third Inquiry Commission while the truly serious problems involving youth such as youth and drugs, pedophilia, violence, suicide and youth, child pornography, illiteracy and the social problems of youth in the inner city and in the suburbs *have never been the subject of a Commission of Inquiry*.

### **Defamatory Tactics**

The tactics of the Commission were criticized by the United States State Department in its 2007 Human Rights Report. The State Department noted that:

*"Members of Jehovah's Witnesses also alleged that during the reporting period the rapporteur and the secretary of the newly convened commission openly attacked them, describing them as delinquents and criminals and labeling their activities as "mafia like." The commission's report also elicited criticism from other minority*

*religious and civil rights groups, which labeled the commission's conclusions an affront to freedom of conscience and religious belief".*

The secretary in question was Jean-Pierre Brard, a Member of Parliament who is the former Mayor of one of the biggest suburbs of Paris. Mr Brard has a history of religious intolerance. In February 2005, Mr Brard raided 5 different African Protestant Churches during their religious services under the pretext of security inspections in their premises. He took their religious leaflets at that occasion and declared to the Pastor of the Evangelistic Missionary Center "*Sir, learn that here, praying is done in one's heart, one does not need to sing*". The French Protestant Federation filed a complaint against him. In November 2006, Mr Brard attacked a member of the political opposition in the city in which he is the Mayor because the lady was wearing a religious cross on her sweater.

Mr Brard is one of the instigators of the fight against "sects" in France and has taken an active part in it from the beginning. He has participated in all the Parliamentary Commissions on sects and is a member of the Advisory Board of MIVILUDES. During a public hearing of the Parliamentary Commission on Minors in Sects on October 10, 2006, Jean-Pierre Brard asked Jean-Yves Dupuis, representative of the Ministry of National Education, who had explained that the children of Jehovah Witnesses were actually considered as model students by the French National Education: "*Am I right that the [Ministry of] National Education has the objective of developing the sense of criticism? Can we consider that the Jehovah's Witnesses are making handicapped children, intellectually speaking?*"

Other officials made very derogatory statements during the hearings of the same Commission. Jacques Myard, member of the Commission, commented on the "*quasi brainwashing*" done by a group: "*It is a phenomenon well known in all the totalitarian states. We have this, either in concentration camps, either in dictatorships, of nazi type, or communist type, etc...*"

Georges Fenech, former member of Parliament who served as Chairman of the Commission, raised the "*problem of legitimacy of the intervention of a judge, a prosecutor, a social worker when nothing indicates a danger*", when dealing with "*a family which looks normal, which needs no external intervention but the children are raised in a family which is caught in a sectarian grip*". He made the following suggestion: "*Could*



*we envision an ex officio intervention for example from the moment we find out that a child belongs to a family and to a certain group?"*

From these discriminatory statements, the Commission drew its biased conclusions that were reported widely in the media. The very serious accusations proffered during the sessions of the Commission resulted in several complaints for defamation filed by the groups concerned.

Mr Brard has been sued for libel by the Jehovah's Witnesses for accusing them of being "absolute delinquents". He is due to appear before the Paris Criminal Court. In September 2001, the Court of Appeal of Paris stated that Mr. Brard had made a defamatory declaration on the Steiner schools at the TV News in the context of the 1999 Parliamentary Commission on sects and finances which he was chairing, but the Court held then that he had done it in good faith and therefore released him from the offence of public defamation.

It is noteworthy that when the minority religious groups subject to such defamatory statements defend themselves by due legal means, MIVILUDES qualify the legal proceedings that they initiate as harassment of the state institutions and as a characteristic litigious feature of "sects". In an article published in Le Monde on 23 October 2007, Jean-Michel Roulet, the President of MIVILUDES, stated that "*the judicial harassment and intimidation constitute precisely one of the criteria of cult-like tendencies*" of a movement.

Following the numerous complaints for defamation filed after the Parliamentary Commission on Minors in Sects, a draft bill was filed at the National Assembly on October 24, 2007 by a Member of Parliament involved in "anti-sect" issues to grant the same immunity to witnesses appearing before Parliamentary Commissions as the Members of Parliament have. If the law is enacted, witnesses could make slanderous accusations without having to justify them and without being liable for defamation.

### **Defamation before the Courts**

The systematic defamation of religious in France has resulted in numerous court cases. Minority religious groups have decided to not let serious defamation of religion go unpunished and they have been successful in numerous cases.

*"Jehovah's Witnesses are increasingly forced to use all legal means", their lawyer, Philippe Goni, stated to Le Monde on October 23, 2007. "Since 2000, when the Council of State recognized the movement as a 'religious association' (association culturelle), they have been harassed by anti-sect groups. They have decided to react to each attack."*

And even though, he added, *"the image of Jehovah's Witnesses remains very negative in public opinion"* due to the defamation campaigns that have been running over the years - the number of acts of vandalism against their houses of worship is in constant rise, according to the Ministry of the Interior - the latest court decisions have been in their favor.

On July 18, 2007, the Appeal Court of Rouen ruled against Catherine Picard, former Member of Parliament and currently President of UNADFI, who denied in the media the official status of "association culturelle" granted to the Jehovah's Witnesses and compared them to Mafia:

*"Undoubtedly, Catherine Picard, by assimilating the movement of the Jehovah's Witnesses to a mafia movement, by imputing them embezzlement of legacies and donations, by accusing them of organizing under the cover of the spiritual adherence of their members a "disguised work" evoking undeclared employment, which has occasioned criminal prosecutions, has in an outrageous manner and through a fallacious presentation discredited the Jehovah's Witnesses and thereby had excessive words exceeding the limits admissible for free expression and exclusive of good faith."*

Jehovah's Witnesses have also won several defamation cases against other anti-sect activists: Janine Tavernier, a former President of UNADFI, Mrs. Ovigneur-Dewynter, President of ADFI Nord, and Jacky Cordonnier, member of UNADFI.<sup>5</sup>

On 3 April 2007, the Court of Cassation found defamatory the statements which were made by Catherine Picard, then Member of Parliament, and Anne Fournier, member of the MILS, against AMORC association, in their

<sup>5</sup> Janine Tavernier, President of UNADFI, 5 February 2003: the Paris Court of Appeal, 11th Chamber/ Section A, confirmed the judgment in civil proceedings against Janine Tavernier and UNADFI (Decision of the Paris Trial Court of 20 November 2001); Mrs Ovigneur-Dewynter, President of ADFI Nord, 15 January 1997: the Douai Court of Appeal, 4th Chamber, sentenced her for defamation regarding the Association of Jehovah's Witnesses - Case 96/02832; Jacky Cordonnier, member of UNADFI, 29 March 2002: criminal conviction for defamation. The Marseille Trial Court sentenced him for libel regarding the Association of Jehovah's Witnesses. Case 2972/02, Decision N° 01207964.

book "Sects, Democracy and Globalization" (Sectes, démocratie et mondialisation). In that book, AMORC was accused among other things of pursuing personal interests, of supporting racist theories and threatening freedoms, of being structured like a mafia and of functioning like a criminal organization.

*"Whereas in so deciding, when the reported statements - which compared sects to "totalitarian groups", to "Nazism" or "Stalinism" accused them of obtaining by force the adherence of their followers, on whom they exert means of pressure of such nature that they lose their free will, of creating "out-law areas", comparing them to Mafia -, require evidence and an open debate, the reported statements are defamatory to the whole of the movements qualified as sects and thus to the association AMORC, since it stems from the work done that it is one of them, the Court of Appeals has violated the aforementioned articles of the law."*

## **Conclusion**

Serious defamation of minority religions has happened on a wide scale in France over the last decade. It has been perpetrated through the State entities as well as through private "anti-sect" organizations funded and recognized by the State as "public utility" associations.

The discriminatory classification as "sects" has been utilized to discredit beliefs considered as marginal and to stigmatize minority faiths in the media. Defamation has been organized nation wide through "awareness" sessions given to judges, prosecutors, police, teachers, school administrators, social workers and other officials. This has resulted in numerous cases of discrimination, defamation and blacklisting of individuals associated with religious groups arbitrarily classified as "sects" by the government.

France must now close the door on its past policy and make sure that future actions *"will be in line with the right to freedom of religion and belief and avoid past mistakes"* as was recommended by the U.N. Special Rapporteur on Freedom of Religion or Belief in 2005.