

A State apparatus to organize discrimination in France

Our association, l'OMNIUM des Libertés, was formed in 1996 to defend freedom of thought, conscience and religion. For 13 years we have received complaints by members of spiritual, religious or philosophical minorities, who are victims of denigration campaigns, resulting in loss of jobs, withdraw of child custody, physical violence, bomb threats and damages to estates.

All these campaigns and wrongdoings have been based essentially on a list of 172 groups of minority beliefs arbitrarily classified as « sects » by a Parliamentary Report of December 1995. Ten years later, by a circular of 27 May 2005 of its Prime Minister Mr Raffarin, France officially abandoned the reference to such “*lists of groups*”, the Prime Minister finding that “*the approach consisting, for the public authorities, in characterizing this or this group as “sect” and grounding their action on this sole characterization*” did not ensure “*the respect of public liberties and principle of secularism [of the State]*”.

But the Interministerial Mission of Watch and Fight against Sectarian Deviations (MIVILUDES), a French governmental body directly under the Prime Minister, has established under the impulse of its new President Mr Georges Fenech, who arrived on post in September 2008, a new system of files on groups it accuses of sectarian deviations. In an interview given to the newspaper Libération on 3 August 2009, Mr Fenech indicated he has “*listed around 500 movements or practices*” and established files on groups characterized as “*dangerous*” on the sole basis of denunciations or complaints.

These files, established in a non contradictory denouncement basis, identify all the movements or practices that Mr Fenech accuses of “sectarian deviations”.

Sectarian deviations are typified, according to the 2008 MIVILUDES Report, by the existence of mental subjection and this subjection is characterized as soon as one or several persons “*start to adhere to ideas that are spread and are different from ideas usually shared by social*

consensus” and “*the person who receives them is lead to modify all her references, relations and projects*”. Repressive actions should be initiated by the State when relatively new practices, religious, philosophical, spiritual, of personal fulfilment or even therapeutical, have not yet received social consensus. It is clear from this Report that it is the ideas which constitute in themselves deviations and which are susceptible to characterize a mental subjection.

Established on the basis of these discriminatory premises against minority belief groups, the files of MIVILUDES will not be published but will be made available for justice professionals, public authorities, ministries and local elected officials, in order to inform them about the groups spreading ideas considered as dangerous so they can reject requests for renting conference halls or for practicing as children nurses. (Statement by Mr Fenech in the same interview)

These files will allow unprecedented discrimination, beyond the 1995 list which, although it has been considered by the French courts as having no legal value, has resulted to date in numerous incidents of discrimination. Just to mention as an example the scandal of the Reims case revealed in September 2009 where three youth workers of the Department of social aid to children were suspected of acting under the influence of the Sukyo Mahikari group, presented as a sect in the 1995 list. After 5 years of interrogations, detention, probation and prohibition to practice their profession, it appeared that the workers had been sued for abuse of weakness of minors, deprivation of care and moral violence on the basis of false confessions forged by the policemen who had not found any other evidence to support the discriminatory rumours.

Our first recommendation is that the Personal Representative of the Chairman-in-Office on combating intolerance and discrimination against Christians and members of other religions intervene so that the State apparatus organizing discrimination, MIVILUDES, stops immediately its filing system and destroys its files on minority belief groups.

Our second recommendation is that OSCE reminds the French authorities that every citizen has the right to freedom of thought, conscience, religion or belief and that this right includes freedom to change one's religion or belief, right that France has committed to respect at the 1990 Copenhagen Conference.