



UN Human Rights Council

Universal Periodic Review On France

15th session (Jan/Feb, 2013)

Other Stakeholders Report

Contribution by CAP (Coordination des Associations et des Particuliers pour la Liberté de Conscience)

Background

1. France has accepted, during the first Universal Periodic Review on France in 2008, two Recommendations made by the United Kingdom and the Russian Federation:

– “to make efforts to enforce existing anti-discrimination legislation more effectively” (Recommendation n°7)

and

– “to find effective ways of realizing the rights of individuals belonging to ethnic, religious and linguistic minorities” (Recommendation n°29).

2. In its 2010 follow-up report, the French government stated:

In addition, France is committed on an international level to freedom of religion or belief, in particular through the annual submission at the UN General Assembly together with European partners of a resolution on “the elimination of all forms of intolerance and discrimination based on religion or belief”. See also the answer of France to the questions and recommendations of the UN Special Rapporteur on freedom of religion or belief:

http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-lesmecanismes-internationaux-protection-droits-homme_20083/index.html

3. This constitutes a misrepresentation of the existing situation for minorities of religion or belief in France, since the French policy of stigmatization of new or minority religious movements has actually expanded and results in increased discrimination.

Stigmatization of Minorities of Religion or Belief within the School System

4. The Inter-ministerial Mission of Vigilance and Fight against Sectarian Drifts (MIVILUDES), placed directly under the Prime Minister in France, has set in place a policy that directly contradicts Article 18.4 of the International Covenant on Civil and Political Rights (the "Covenant") which provides:

4. The States Parties to the present Covenant 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.

5. For years, France has had a policy of stigmatization and negative stereotyping of minorities of religion or belief it first labeled as "sects" or, since a Prime Minister Decree of 2005 prohibiting such practice, it now labels as "sectarian movements". This derogatory classification corresponds to the improper assessment of religion or beliefs and the consideration that some of them are "deviant".

6. In his 2008 Report "Justice and Sectarian Deviances", the President of MIVILUDES explained the need to protect children from their parents' beliefs, approvingly quoting a psychologist who stated regarding children "victim of sects" that "it is even more difficult to protect a child from his parents' belief than from their beatings or their incestuous sexuality".

7. In MIVILUDES Annual Report 2009, under the heading "Assimilation of the sole beliefs of the movement", the President of MIVILUDES, Mr. Fenech, explained that children brought up in a context of "sectarian subjection" are ideologically isolated because they are subjected to a unique and exclusive discourse, for example by the daily repetition of a credo of allegiance to a superior entity or the substitution of a mythical discourse to rational explanations. According to him, such education – which could correspond to the raising of children in any religion – enslaves and diminishes the possibilities of the child.[1]

8. He concluded by this question: "If such a [psychological] risk is established, isn't the solution, as very often, to protect the young, and mostly the teenager, from a univocal vision of the world by arranging for him, giving the largest place possible to the non-follower parent, some windows on other realities, and this even if he, in the exclusive sphere of his follower parent, has blossomed, works well at school and does not complain about anything?"[2]

9. Thereby, in cases of family conflicts and whatever general affirmations to the contrary, MIVILUDES recommends to not give equal rights to parents who are members of targeted religious minorities and suggests an encroachment of the parent's rights presenting it as a "solution" to protect

children from their parents' beliefs, in violation of Article 18 of the Covenant and Article 14.2 of the Convention on the Rights of the Child.

10. But what MIVILUDES' President derogatorily refers to as "mythical discourse" as opposed to rational explanations is precisely belief in the sense of the religious freedom principles articulated in the International Human Rights Instruments signed and ratified by France. He considers that some beliefs are acceptable while others are not and assesses their legitimacy, in total violation of his duty of neutrality as a State agent.

11. For parents who belong to religious minorities he labels as "sectarian movements", MIVILUDES' President recommended unusual procedures in domestic family law. In his 2008 Justice and Sectarian Deviances Report, the President of MIVILUDES recommended that family conflicts with "a sectarian background", although civil cases, be referred to the General Prosecutors who would check for penal offences, that they be assigned to specialized family judges, who would themselves be assisted by professionals (social investigators, psychologists) specially trained in "sect" matters.

12. Indeed, due to the vagueness of the concepts used, MIVILUDES' President explained in the 2009 Report that repression of sectarian movements will not be efficient if the Judges and social workers dealing with the Protection of the Youth are not specially informed on what movements and practices should be targeted with these measures:

However, as regards specific knowledge of the sectarian context, the actors of the protection of children are still lacking detailed and updated information. Due to the extremely fast evolution of the movements and practices, the personnel in charge of children matters must be kept informed of the variety of situations in a regular and precise manner.

13. Mr. Fenech recommended further information and training of these personnel as part of their continuing education on the various movements and practices which should be considered as "sectarian" by the Judges and social workers adding that "Only on the condition of this preliminary step can prevention and repression of the sectarian phenomenon be really efficient".

14. The "training" on sects has already been given by MIVILUDES in the form of seminars on "sectarian deviances" proposed to the Judges, Prosecutors, Police and Youth workers as part of their continuing education. It has revealed to be entirely based on one-sided derogatory information on religious or belief minorities without any possibility for the concerned communities to contradict the accusations it contained.

15. The seminars delivered to Justice Agents have included briefings on specific minorities of religion or belief, with information provided by the

two anti-sect associations UNADFI and CCMM, and without any possibility of debate or rebuttal by the concerned groups. As part of the documents distributed to the attending Justice personnel, press articles hostile to these groups were provided.

16. The above policy and recommendations of MIVILUDES have been implemented and they inevitably result in an infringement of the rights of believers to educate their children in their own faith and in discrimination.

17. Back in 2006, Mr. Fenech, who was a Member of the French National Assembly at the time, chaired a Parliamentary Enquiry Commission on "children and cults". The Commission interrogated dozens of members of the Government and of Government agencies, and the answers were uniformly that there were only very few or none cases related to "sectarian movements" reported by each branch of the Ministries of the French government.[3]

18. However, in furtherance of the French ideological policy of repression, a new Circular has been enacted on 22 March 2012 (Circular N° 2012-051) by the Ministry of National Education addressed to education authorities of primary and high schools entitled "Prevention and Fight against Sectarian Risks".

19. Contrary to the preceding Circulars of 14 May 1999 and 26 December 2011 which provided merely and legitimately for control of the acquisition of knowledge and level of education of children receiving education at home, this Circular provides for the identification of "sectarian risks" by the National Education personnel. This has led to visits by national education agents to parents belonging to minorities of religion or belief whose children were doing "at-home" correspondence courses delivered by a State recognized organism. The national education agents were checking for any ideological or religious motivation behind the choice of the parents to take their children out of the regular school system.

20. The Circular provides the following explanation of what constitutes a "sectarian risk":

"A situation of sectarian risk, for a child, is therefore the one in which some views and practices are imposed on him with the exception of any other views or practice. This situation is likely to harm his intellectual development, his social integration and finally his attainment of autonomy. The risk concerns not only the content of the knowledge passed on, the possibility of access to the values and pluralism of democratic societies, but also the possibility for the child to develop and exert a critical mind, an independent judgment. The context can be family, or even community: the child is then likely to be under the undue influence of views and practices threatening his education; or extra-family: the child is then likely to be subjected to views and practices which

can be harmful to him either: – at school (through the teacher, his friends, an association delivering services at school or distributed literature), or at tutoring associations or during a stay with a family abroad”.

21. This constitutes discrimination and a direct violation of the right of parents to raise their children according to their own beliefs protected by the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

22. Per the Circular, National Education personnel (teachers, Principals, etc.) have the duty to denounce any child and family suspected of “sectarian drifts” to the special units created for “the collection, processing and assessment of worrying situations” (CRIP) in each of the French Departments, or to the Public Prosecutor.

23. In parallel, MIVILUDES and the French Ministry of Education launched during the last years a campaign against “sects” in schools. Posters are put in schools and the subject is addressed with the students during civic education courses.

24. This has led to situations where children of members of religious or belief minorities attending these courses have been put under pressure by the teachers and even principals to criticize or recant their parents’ faith.

25. In her report following her official visit to France on 18-29 September 2005, Asma Jahangir, the United Nations Special Rapporteur on Freedom of Religion or Belief, noted as regards “new religious movements or communities of belief”:

108. However, she is of the opinion that the policy and measures that have been adopted by the French authorities have provoked situations where the right to freedom of religion or belief of members of these groups 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.

26. The UN Rapporteur made the following recommendations:

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.

27. Instead of complying with these recommendations from the United Nations, MIVILUDES continues to implement a policy of stigmatization and discrimination which violates the rights of believers under Article 18 of the International Covenant on Civil and Political Rights, the Human Rights Committee General Comment N° 22 and the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

CONCLUSION

28. The Recommendations made to France have not been implemented. To the contrary, the rights of individuals belonging to religious minorities are continuously and increasingly jeopardized by its policy of repression of beliefs it deems "deviant".

29. It is time for France to comply with its international commitments as regards freedom of religion or belief and freedom from discrimination.