

FRANCE
Submission to the UN Universal Periodic Review
Human Rights Without Frontiers, International
Second Session of the UPR Working Group, May 2008

Human Rights Without Frontiers, International (HRWF) is an international non governmental organisation defending human rights, democracy, and the rule of law. For details see Appendix 1)

Outline of this Submission:

- A. In this submission HRWF provides information under sections B, C, and D.
- B. Under section B, HRWF raises these concerns:
1. MIVILUDES, a state entity promotes religious discrimination through stigmatization of faith groups which are minorities in France.
 2. Taxpayer money is used to fund non state organizations that promote religious discrimination.
 3. French courts have accepted in the place of evidence material from Parliamentary reports which do not meet evidentiary standards.
- C. Under section C, HRWF expresses these concerns
1. The actions of MIVILUDES and state-supported anti-sect organizations propagate the language of discrimination rather than the language of inclusion and respect.
 2. State support for such actions lends legitimacy to discrimination on the basis of religion or belief.
 3. The recommendations of the UN Special Rapporteur on Freedom of Religion and Belief are being disregarded.
- D Under section D, HRWF makes recommendations in reference to the concerns raised.
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B. Normative and institutional framework of the State

France fosters and Finances Religious Intolerance. During The OSCE's September 2007 Human Development Implementation Meeting in Warsaw,, no fewer than six parties lodged complaints against France related to actions by government-authorized or government-funded entities engaged in the denigration of religious minorities primarily through innuendo, allegations in the media, and in public seminars, and awareness raising workshops for state employees, health workers and teachers.

Three entities funded by the State are active in promoting religious discrimination within France. These are 1) MIVILUDES, 2) CCMM, and 3) UNADFI. A fourth entity with government financial support, (FECRIS) promotes religious intolerance on an international level.

1. MIVILUDES, a state entity, promotes religious discrimination through stigmatization of faith groups which are minorities in France. MIVILUDES stands for Interministerial Mission for Vigilance and Battle against Sectarian Deviations. It is attached to the office of the Prime Minister and has representatives of each government ministry on its board. It is 100% State financed. Under the guise of vigilance and battle against vaguely defined sectarian deviations MIVILUDES targets numerous movements and persons on grounds of their religious beliefs. A description of their action is given in the following section.

2. Taxpayer money is used to fund non state organisations that promote religious discrimination. French authorities have elevated to public charity status (equivalent to that enjoyed by the Red Cross) two private entities which operate under the guise of protecting individuals and families against 'sects'. These are UNADFI (National Union of Associations for the Defence of Families and Individuals) and CCMM (The Center Against Mental Manipulation). National, regional, and local administrations provide more than 90% of their budget. These organizations fuel religious intolerance against specific groups through conferences and statements in the media.

France also contributes 90% of the financial support of FECRIS (European Federation of Research and Information Centers on Sectarianism), a federation of European groups acting against religious minorities. Numerous of the leaders of FECRIS and its affiliated organizations have been convicted on the grounds of hate speech, including the president of FECRIS.

The financing by public powers of private organizations which under cover of protection of the family and the individual carry out activities systematically defaming certain minority religious groups is a source of concern for human rights organizations.

3. French courts have accepted, in place of evidence, materials from Parliamentary reports which do not meet evidentiary standards. This takes place as a consequence of MIVILUDES awareness raising workshops and the efforts of UNADFI. A clear documentation of this phenomenon has been published by attorney Laurent Hincker who practices before French courts and before the European Court of Human Rights in Strasbourg.¹

C. Promotion and Protection of Freedom of Religion or Belief and Religious Non Discrimination

1. The actions of MIVILUDES and state-supported anti-sect organizations propagate the language of discrimination rather than the language of inclusion and respect. Much of MIVILUDES action is carried out through awareness raising workshops for magistrates (with the consequence of prejudicing child custody decisions), health care administrators and workers, and school administrators and teachers.

MIVILUDES published a 170-page guide for private sector human resource managers on 13 December 2007. It provides language and the rationale needed to facilitate employment discrimination against persons belonging to belief groups which are minorities in France. This guide to discrimination is downloadable from http://www.miviludes.org/IMG/pdf/guide_Miviludes_L_entreprise_face_au_risque_sectaire.pdf.

On 18 July 2007, the Court of Appeals in Rouen condemned the president of UNADFI, Catherine Picard, to pay 6,750 Euros to the Jehovah's Witnesses for defamation. Other convictions have taken place, yet the French government continues to finance these non-state actors which stigmatize minority religions despite repeated convictions of their leaders on grounds of defamation towards religious groups.

Janine Tavernier, former president of the anti-sect/anti-cult group UNADFI expressed her concerns about the current deviations of the fight against the so-called sectarian organizations in *Le Monde* of 17 November 2006. She was then quoted as saying: "In 2001, we had the feeling that we were on the path of witch-hunting... Today, I feel concerned when I hear the president of UNADFI lump together in her criticisms all the Evangelical Churches of La Reunion. (...) I have always been against the principle of lists of sects/cults. I barely dare say that I follow a homeopathic treatment."

2. State support for such actions lends legitimacy to discrimination on the basis of religion or belief. Private individuals have broad freedom to express their opinions, to associate, and to carry out activities which please them. If the ideas and notions promoted by MIVILUDES, UNADFI, CCMM, and FECRIS were the expressions of any private individual or group of private individuals, their opinions would be protected by the Universal Declaration of Human Rights. But when the state gives its authority and funding and allows the trust of the citizens in its protection to be used by these organizations for the purpose of social division and discrimination on the basis of religion, not only are the victims harmed but the social fabric is damaged and the state's legitimacy is impaired.

¹ Laurent Hincker: *Sectes, rumeurs et tribunaux: La république menacée par la chasse aux sorcières?* (Strasbourg: La Nuée Bleue/DNA) 2003, p. 105, 149-151.

3. The recommendations of the UN Special Rapporteur on Freedom of Religion and Belief are being disregarded. In 2005 United Nations Special Rapporteur Mrs Asma Jahangir carried out a fact-finding mission on religious freedom and intolerance in France. In her report she called on France to cease “the stigmatization of members of certain religious groups or communities, including those whose members have never committed any criminal offence under French law.” Singling out MIVILUDES, she expressed the desire that “future actions of MIVILUDES will be in line with the right to freedom of religion and belief and avoid past mistakes.”

Despite the circular of 27 May 2005 of Prime Minister Raffarin, local administrations routinely deny meeting place access and building permits or otherwise discriminate against groups which are mentioned on the list of sects/cults publicized by the first parliamentary enquiry commission in 1995.

D. Identification of best practices, challenges, and constraints. Human Rights Without Frontiers makes the following recommendations.

1. HRWF calls upon the United Nations Human Rights Council to extend the mechanisms engaged in identifying and monitoring the activities of anti-Semitic and anti-Muslim non-state actors to all other communities of faith and belief which are targets of intolerance and discrimination.

2. HRWF further recommends that the United Nations Human Rights Council enquire into the activities of state and non-state actors which foster a climate of suspicion and intolerance towards communities of faith and belief, and to propose remedies to curb this alarming trend.

3. HRWF recommends to the government of France to transfer the competences of MIVILUDES to the Ministry of Interior which is the legitimate and natural state body in charge of religious affairs, the maintenance of the rule of law and the respect of human rights.

4. HRWF recommends to the government of France to enforce strictly the laws of evidence and to rule that parliamentary reports cannot be used as a substitute for evidence in legal proceedings.

5. HRWF recommends to the government of France to invest its taxpayers money in projects and organizations that promote religious tolerance and enhance inclusion and participation in harmony with United Nations norms.

6. HRWF recommends to the government of France that if it is deemed necessary that citizens’ religious choices and behaviours be scrutinized, monitored, and reported, information should be gathered and dispensed in a fair, universal, and scientific fashion which respects human rights. France has excellent professionals skilled in the scientific and objective study of religious behaviour, and fully capable of doing so in harmony with international scientific and legal standards. People with these qualifications should lead the effort and be engaged to perform the functions required. They should use the valid research methods common to the international scientific community. The work should also be conducted in a transparent and fair fashion, so that those concerned have means to appeal and correct errors of fact.

Human Rights Without Frontiers Int'l

From its inception, the main focus of the activities of Human Rights Without Frontiers Int'l has been monitoring, research, and analysis in the field of human rights as well as promotion of democracy and the rule of law on national and international level. In these endeavours, we have been guided by the understanding that it is not sufficient for international norms and standards in the field of human rights to be approved and adopted by governments. States enjoy different levels of approximation to democratic development and the rule of law and human rights norms do not always have a "taken-for-granted" quality. In many cases, they still need to undergo a long, and sometimes painful, process of socialization in order to become integrated into state policies. The success of this process would be predicated, among other things, on the strength of non-governmental human rights networks to instigate changes towards human rights promotion.

We also work on the assumption that ideas, and not only state interests and positions, matter in international relations. In this respect, international human rights instruments can be seen as representing the ultimate expression of collective ideas of social justice. As such, we consider their implementation to be of utmost importance as an overarching framework for the ideas of liberty, democracy, the rule of law.

Within this context, *HRWF Int.* has adopted an approach to human rights promotion, which is wider in scope than lobbying on a specific human right. Our emphasis is on human rights advocacy, which we understand as a process, through which we bring new ideas, norms and discourses into policy debates and promote norm implementation by pressuring target actors to adopt new policies and by monitoring compliance with international standards.

In pursuit of this overarching objective, the *HRWF Int.* has been using three main strategies: information, communication, and leverage. Gathering trustworthy information of situations of human rights violations is essential in constructing a solid case which merits attention and advocacy. On the level of communication, we try to generate attention to issues at stake, alert policy-makers to long-term implications of specific human rights abuses and open up channels of communication on the international arena as means of gaining attention. New issues can be brought up for public debate through various advocacy techniques: media attention, debates, hearings, and larger conferences. Though information gathering and communication are an important part of our advocacy campaigns, the crucial strategic step is to gain enough influence to induce changes in state positions and policies.

Part of our advocacy cycle is devoted to formulating issues and identifying possible "target" loci of advocacy, which are primarily in the domain of international organisations. The United Nations, the European Union, the Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE) are the main venues for targeted and structured human rights advocacy activities. The European Union is an important international actor and human rights have become an integral and important part of its external relations. The principles of liberty, democracy, the rule of law and the respect for human rights are goals of the foreign and security policy of the European Union and underpin its co-operation with third countries. In this respect, the EU institutions – the European Commission, the European Parliament, and the Council of the European – are crucial to human rights promotion worldwide. **Website:** <http://www.hrwf.net>
– **Email:** info@hrwf.net