



**Combating intolerance, negative stereotyping,
stigmatization and discrimination
based on religion or belief**

Report on France

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Submission by CAP Liberté de Conscience

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As part of the Human Dimension Implementation Meeting 2013, CAP provides the following report regarding the French policy on minorities of religion or belief in France that needs to be changed to effectively implement the rights of these minorities.

For years, France has had a policy of stigmatization and negative stereotyping of minorities of religion or belief it has labeled as “sects” or, more recently as “sectarian movements”. This derogatory classification corresponds to the improper assessment of religion or beliefs and the consideration that some of them, new or minority ones not belonging to traditional Churches or Institutions, are “deviant” and constitute “sectarian drifts”.

In furtherance of this policy, the Inter-ministerial Mission of Vigilance and Fight against Sectarian Drifts (MIVILUDES), placed directly under the Prime Minister in France, has pushed through a whole series of measures, in particular in the area of education and children which seriously jeopardize the right of parents to educate their children in conformity with their own religious beliefs, a right protected under Article 2 of the Protocol to the European Convention on Human Rights which provides:

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

One of these measures has been the new Circular enacted on 22 March 2012 (Circular N° 2012-051) by the French Ministry of National Education addressed to education authorities of primary and high schools entitled “Prevention and Fight against Sectarian Risks”.¹

¹ See: http://www.education.gouv.fr/pid25535/bulletin_officiel.html?cid_bo=59725

Contrary to the preceding Circulars² 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. And a “sectarian risk” is so defined by the Circular:

“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”.

But any family brings up its children according to its own beliefs, be them religious, philosophical, moral, etc. And following the Circular definition any views could be said to be imposed on a child by his parents, and could be said to be undue because they are exclusive of any other beliefs. This is precisely what the right to educate a child in conformity with one’s own beliefs is all about.

However, per the Circular, National Education personnel (teachers, Principals, etc.) have the duty to spot any child and family suspected of “sectarian drifts” due to the parents’ adherence to certain religious beliefs or worldviews, and denounce them 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.

In parallel, MIVILUDES and the French Ministry of Education launched during the last years a campaign against “sects” in schools. Posters have been hung to alarm parents about the possibility that their children would be put under undue influence and the subject has been included in the curriculum of civic education courses during which the teachers have been giving very derogatory information about minority movements targeted as “sects”.

This has led to systematic stigmatization and painful situations where children of members of religious or belief minorities have been under pressure to criticize or recant their parents’ faith.

With the start of the new school year in September 2013, another step has been taken with the introduction of a new subject entitled “secular morals” in the curriculums, and on 9 September 2013, the release of the Charter of Secularism to be posted in all primary and high public schools in France.

² Circulars of 14 May 1999 and 26 December 2011.

On 2 September, in an interview to the “Journal du Dimanche”, the Minister of Education announced that the mission of the subject on “secular morals” is the emancipation of pupils. He explained that in order to give them freedom of choice, the State has to be able to “snatch them out of any and all determinism”, including family influence.

The Charter of Secularism provides that:

6. Secularism gives the pupils the conditions to forge their personality, exert their free will and learn about citizenship. **It protects them from any proselytizing and pressure** which would prevent them from making their own choices.

And:

12. The teachings are secular. In order to ensure to pupils the most objective openness to the diversity of worldviews as well as to the scope and precision of knowledge, **no subject is a priori excluded from scientific and educational questioning**. No pupil can give a religious or political conviction as a reason for challenging a teacher’s right to deal with a subject in the curriculum. (underlining as in the original text)

This infers that teachers can speak about any religion and submit it to scientific questioning, and pupils who belong to the concerned faith are not allowed to counter the teacher’s views and express their beliefs.

This constitutes an outright violation of the pupils’ and their parents’ rights to freedom of religion or belief.

It is also an extremist interpretation of French secularism. Secularism is supposed to mean separation of State and religion and respect for all religious communities and beliefs per the French Constitution. It implies neutrality of the State and its public agents towards religions, in that the State should not favour or disfavour any religious movement.

However, the new interpretation of secularism by the French authorities extends it to the private sphere and imposes obligations to private persons, users of public services, unduly restricting their right to express their religious beliefs. This interference by the State cannot be justified and is not allowed under international human rights law.

Indeed the Charter also provides:

14. In public schools, the living rules in the various spaces, as detailed in the internal rules, respect secularism. The wearing of signs or clothes by which pupils conspicuously manifest a religious affiliation is prohibited.

The wearing of a cross around one's neck is therefore prohibited if the cross is not hidden by clothes. Also the Muslim veil or Sikh keski (small turban) are also prohibited as part of the interpretation of secularism extended to private individuals.

As concerns the obligation of neutrality of the State agents, the Charter on Secularism does not even provide for an obligation of the Education personnel to respect the religious beliefs of the pupils. The only obligation binding on the personnel is a "duty of strict neutrality" defined as "[the national education agents] must not manifest their political or religious opinions in the exercise of their functions". But the problem is not about their personal beliefs, but their respect of the pupils' and their parents' beliefs.

All religious beliefs are actually targeted by this extreme and intolerant conception of Secularism. Back in 2008, at the time of the publication of his book "The French Revolution is not completed", the Minister of Education, Vincent Peillon, stated: "We will never be able to build a country of freedom with the Catholic religion. As we cannot either adapt Protestantism to France like in other democracies, we have to invent a Republican religion. This Republican religion, which must accompany the material revolution, but which is a spiritual revolution, is Secularism."

Consequently, the French Minister of Education has launched a campaign to indoctrinate children against religions to, in his words, "snatch" them away from their parents' beliefs.

This constitutes 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.

In MIVILUDES Annual Report 2009 already, under the heading "Assimilation of the sole beliefs of the movement", the President of MIVILUDES 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.³

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?"⁴

Therefore, in cases of family conflicts, MIVILUDES does not give equal rights to parents who are believers and recommends an encroachment of the parent's rights presenting it as a "solution" to protect the child from parents' beliefs, in violation of all the international human rights instruments France has committed to.

³ http://www.miviludes.gouv.fr/IMG/pdf/rapport2009_mise_en_ligne.pdf, p. 128-129

⁴ http://www.miviludes.gouv.fr/IMG/pdf/rapport2009_mise_en_ligne.pdf, p. 214

What the French authorities refer to as “sectarian subjection” or “determinism” which allegedly undermines the “freedom of choice” of children is actually the right of parents to educate their children in conformity with their own beliefs.

A new law enacted on 8 July 2013 on the “orientation and programming for the re-foundation of the School of the Republic” introduced a new Article L312-15 in the Code of Education providing that “the moral and civic curriculum courses aim in particular at bringing the pupils to become responsible and free citizens, to build their sense of critic and to adopt a thoughtful behavior. These courses include, at all stages of the curriculum, a training in the values of the Republic, in the knowledge and respect of the rights of the child protected by the law or an international instrument and in the comprehension of concrete situations which violate them.”

Religious education will no doubt be included in these violations since the Minister considers that it undermines the child’s freedom of choice.

This biased misinterpretation of the international Convention on the Rights of the Child (hereafter the Convention) by the French authorities is designed at indoctrinating children against religions, including their parents’ one, under the cover of Secularism.

As a matter of fact, the Convention says exactly the opposite to the French interpretation. Article 14 which protects freedom of religion or belief provides:

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. **States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.** [emphasis added]
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

The Committee on the Rights of the Child, which enforces the provisions of the Convention, in its Concluding Observations on France in 2009, pinpointed the 2004 law prohibiting the wearing of religious symbols at school and endorsed the findings of the Human Rights Committee noting that respect for a public culture of secularism would not seem to require forbidding wearing such common religious symbols (CCPR/C/FRA/CO/4, para. 23). And the Committee on the Rights of the Child recommended that “the guarantees of article 14 of the Convention concerning the right of the child to freedom of thought, conscience and religion, including the right to manifest one’s religion in public as well as private, be upheld and that particular attention be paid to avoid discrimination on the grounds of thought, conscience or religion.” (§46)

It also reiterated its recommendation that France reviews its position with respect to children belonging to minority groups and in particular its reservation made to Article 30 of the Convention on the Rights of the Child.

This article provides that a child belonging to an ethnic, religious or linguistic minority “shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess or practice his or her own religion, or to use his or her own language”.

France has declined in a Declaration to the Convention to apply Article 30 arguing that Article 2 of the French Constitution prohibited its application as it provides that “France is a republic, indivisible, secular, democratic and social. It shall ensure the equality of all citizens before the law without distinction of origin, race or religion.”⁵ It concluded that the Constitution therefore excluded recognition of groups with their specificities and has kept refusing to recognize religious minorities.

On 1st November 2012, at its 106th session, the UN Human Rights Committee ruled that France’s ban on the wearing of “conspicuous” religious symbols in schools – introduced by the 2004 law – violated a Sikh student’s right to manifest his religion. The Committee found that France had “not furnished compelling evidence that by wearing his keski [Bikramjit] would have posed a threat to the rights and freedoms of other pupils or to order at the school”. In the Committee’s view, France had not shown “how the sacrifice of those persons’ rights is either necessary or proportionate to the benefits achieved”. It concluded that the expulsion of the Sikh student from the French education system constituted a violation of Article 18 of the International Covenant on Civil and Political Rights.

Far from complying with its international human rights commitments and the recommendations of the various international human rights bodies, France has now escalated its policy of extreme and intolerant “secularism” by launching a campaign to “snatch” the pupils away from their family religious beliefs.

CAP respectfully requires that the OSCE intervenes with the French government so that such policy and measures cease and freedom of religion or belief is restored in France.

⁵ The old Article 2 which has now been included in Article 1 of the Constitution.