

Preface

This report is based on information gathered for the IHF Report *Human Rights in the OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America, Report 2001*. The report focuses on human rights developments in the OSCE region in 2000. Therefore, this report covers the issue of religious tolerance in selected OSCE countries in the year 2000 only.

The **International Helsinki Federation for Human Rights (IHF)** is a non-governmental organization that seeks to promote compliance with the human rights provisions of the Helsinki Final Act and its Follow-up Documents. In addition to supporting and providing liaison among 40 Helsinki Committees and cooperating organizations, the IHF has direct links with human rights activists in countries where no Helsinki Committees exist. It criticises human rights abuses regardless of the political system of the State in which these abuses occur. It has consultative status with the United Nations and the Council of Europe.

The IHF represents member and co-operating committees in Albania, Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Kosovo, Kyrgyzstan, Latvia, Lithuania, Macedonia, Moldova, Montenegro, the Netherlands, Norway, Poland, Romania, Russia, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Ukraine, United Kingdom, and the United States. Other cooperating organizations include the European Roma Rights Center (Budapest), and Human Rights Without Frontiers (Belgium).

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Ontario and deducting the money it spends on Ontario separate schools from transfer payments and tax points to Ontario. The Government of Ontario should then be left to decide how they want to respect the obligation not to discriminate, whether by maintaining funding of all separate schools or by funding no separate schools.

FRANCE

In June 2000, the IHF wrote an open letter to Alain Vivien, President of the Mission Interministérielle de lutte contre les sects (MILS), in response to an accusation that the IHF was “infiltrated by trans-national sects,” and in particular by the Church of Scientology (*Le Figaro*, 13 June 2000). The IHF reminded Vivien that religious freedom is among those rights set forth in the diverse documents to which France has committed itself as a member of the OSCE, the Council of Europe and the United Nations. While condemning the legislation that the MILS contributed to developing, the IHF noted that the legislation proposed by Vivien was not compatible with the notion of religious pluralism in a democratic society.¹⁶

Anti-Semitism and Racism

The annual National Consultative Commission on Human Rights (NCCHR) report on racism and xenophobia, released in March 2000, noted an increase in the number of attacks against Jews after a steady downward trend since 1992, although the number of anti-Semitic threats continued to decline. In 1999 there were 9 reported attacks and 52 reported threats, compared with 1 and 73 respectively in 1998. The attacks recorded in 1999 occurred throughout the country and included three assaults, three acts of vandalism, and three attempts to set fire to synagogues.

- In October 2000, the door of a synagogue was doused with gasoline and set on fire in southern France in the latest in a series of anti-Jewish attacks across the country. The flames were quickly contained and damage to the synagogue in La Seyne-sur-Mer in the Var region was minimal. The incident brought the number of anti-Semitic incidents to 22 since the start of October. The attacks were believed to have been linked to the crisis in the Middle East. French President Jacques Chirac condemned the anti-Semitic attacks, saying “these manifestations of intolerance [...] undermine in an inadmissible way the values and traditions” of France.¹⁷

Racism toward the Muslim/Arab community was also latent in France. Occasional attacks against their members were reported in 2000.

Sect Issue¹⁸

On 15 June 2000, the Government approved a draft law entitled “Proposition de loi tendant à renforcer la prévention et la répression à l’encontre des groupements à caractère sectaire”. The draft law passed the National Assembly in 2000, and in an amended and even stricter form the Senate in May 2001. On 30 May 2001, the National Assembly adopted the bill for the second time, with only one dissenting vote. The bill was publicly opposed by the president of the French Protestant Federation and the president of the Conference of Bishops in France.

¹⁶ IHF, “Open Letter to Alain Vivien about Religious Freedom in France,” 25 June 2000, at www.ihf-hr.org/appeals/000615.htm

¹⁷ Human Rights Without Frontiers, “Arson at Synagogue in France,” 16 October 2000.

¹⁸ Unless otherwise noted, this section was compiled on the basis of press releases and statements made by Human Rights Without Frontiers, www.hrwf.net/English/france2000.html

On 29 May, the IHF issued a statement pointing to the April declaration of the Parliamentary Assembly of the Council of Europe that had requested the French Senate to delay any further debate and only vote on the draft law after the Council of Europe rapporteur had submitted its report to the Parliamentary Assembly regarding concerns about the law's potential to create religious discrimination in France and the possibility that the law would violate international and European human rights standards. Similarly to that declaration, the IHF asked the National Assembly to postpone the voting until the Council of Europe examination of the law is concluded.¹⁹

The draft law is said to be created in order to provide a tool to deal with criminal acts committed by members of questionable religious groups and to protect individuals from abuse by such groups.

A number of religious denominations and civil rights associations have expressed concern about the draft anti-sect law. While the State has the obligation to protect its citizens against abuses by members of any groups or associations, this should not be done through creating discrimination, which is the case with the proposed law. Such abuses should be dealt with under the Criminal Code and other legislation and not through adopting a separate law targeted at religious minority groups. Such a law would pave the way for potential abuses by authorities, amounting to violations of freedom of religion and association, including through the disbandment of peaceful religious minority groups.

In March 2000, a Paris Correctional Court ordered National Assembly Deputy Jacques Guyard, the president of the 1999 Parliamentary Commission of Inquiries Against Sects and a drafter of the 1996 National Assembly report on so-called "sects," to pay approximately 90,000 francs (U.S.\$ 16,500) in damages to three groups that were named in the June 1999 parliamentary report. These three groups -the Federation of Steiner Schools, the New Brotherly Economy, and "le Mercure Federal" (an Anthroposophical medical association) - had charged Guyard with slander for labelling the groups as "sects" in a June 1999 television interview when the inquiry commission was making its second report public, a report dealing with sects and their finances. Guyard was invited to appear on the current affairs programme "Le journal de 13 heures" on France 2. In the program, he described Anthroposophy, *inter alia*, as an organization that misappropriated money, exercised total control over its adherents and even pointed to its "worrying medical aspect."

The court found that Guyard had made accusations against these groups when existing evidence did not warrant a serious inquiry into their activities. Guyard appealed the decision. The court also criticized the fact that the leaders of the Anthroposophical Movement were not given a forum by the commission to defend themselves. According to the court, none of the documents produced as evidence related to accusations of mental manipulation, financial pressures, misappropriation of funds and dangerous medical practices were of "convincing value."

Jehovah's Witnesses

France's highest administrative court, the Council of State, ruled in June 2000 that Jehovah's Witnesses qualify as a religion under French law. The case involved exempting Jehovah's Witnesses from property taxes levied against their houses of worship.²⁰

In France recognition of a religion is given through tax exemptions rather than through a registration process. The Council of State ruled that the two local associations of Jehovah's Witnesses of the cities of Riom and Clamecy are religious in nature according to the criteria established under French law for

¹⁹ IHF, "France: Expertise de l'Assemblée parlementaire du Conseil de l'Europe pertinente à l'examen en seconde lecture de la proposition de loi antisectes," 29 May 2001.

²⁰ Human Rights Without Frontiers, "Highest Administrative Court Rules that Jehovah's Witnesses are a Religion," 23 June, 2000.

religious organizations, which is more restrictive than the legislation for other non-profit organizations. In these cases, the Council of State determined that the activities of the associations of Jehovah's Witnesses are solely religious and that they do not breach public policy or public order.

"The Family"

In 2000, a French judge closed the case against 21 members of "The Family", a controversial religious group formerly known as the Children of God. Judge Philippe Assonion declared that there was no evidence to bring the twenty-one to trial on charges of inciting children to sexual immorality. Charges were brought against the 21 nationals of France, England, Belgium, Denmark, Holland, Spain, Canada and the USA following armed police raids in June 1993 on the group's communities in southern France. Authorities took 80 children into custody for up to two months before returning them to their parents. Twenty-one adult members were arrested and released within 48 hours, and over the coming months all juridical control was lifted. After five years of investigation, the prosecutor concluded that there was "no proof, photos or medical evidence" to substantiate the charges, and recommended the case be closed without being brought to trial. Judge Assonion of the Tribunal de Grande Instance of Aix-En-Provence accepted this recommendation, closing the proceedings in January 1999. This decision was upheld on 24 February with the judge rejecting an appeal by UNADFI (Association for the Defence of the Family and the Individual) and a private individual unconnected with "The Family".²¹

GEORGIA

In 2000, mobs attacked religious minority group members in various locations. Jehovah's Witnesses were particularly singled out as targets. Police officers not only failed to bring to justice the perpetrators, but also in several instances actually charged the victims with crimes such as hooliganism, a criminal offence in Georgia. Moreover, in some cases, police officers were involved in the attacks.

In August 2000, Deputy Speaker of Parliament, Giga Tsereteli, reportedly announced that the Parliament would create a special group charged with drafting a law on religion. According to Tsereteli, the bill will be based on the constitutionally guaranteed principle of freedom of belief but would "regulate" the activities of religious organizations that engage in "anti-national activity and infringe human rights."²²

Jehovah's Witnesses²³

At the initiative of MP Guram Sharadze, the Tbilisi Regional Court revoked the legal status of Jehovah's Witnesses in Georgia on 26 June. On appeal, the Supreme Court was to decide whether to cancel or uphold the registration, but the decision was adjourned until January 2001.

Most attacks against Jehovah's Witnesses were reported from the Gldani district, in a suburb of Tbilisi, where a Georgian Orthodox priest known as Father Basili formed a group named the Gldani Orthodox Diocese. The group was apparently not formally recognised by the Georgian Orthodox Church, and its members espoused ultra-nationalist views, and were especially virulent in their intolerance of non-Orthodox faiths. By the end of August, the group was responsible for at least eight attacks against Jehovah's Witnesses and members of other faiths. The group stalked Jehovah's Witnesses and assaulted them verbally and physically.

²¹ Human Rights Without Frontiers, "French Judge Upholds Acquittal of 21 Religious Group Members," 24 February 2000.

²² RFE/RL Newline, 17 August 2000.

²³ Unless otherwise noted, based on Human Rights Watch/Europe and Central Asia Division, "Georgia Lets Attacks on Religious Believers Go Unpunished," press release and open letter to President Shevardnadze, 6 September 2000.