June 5, 2002: "U.S. Policy to Promote International Religious Freedom: France and the U.S. Commission on International Religious Freedom."

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United States Commission on International Religious Freedom
The French Center on the United States

Paris, France

June 5, 2002

[UNOFFICIAL TRANSLATION]

French Version

Introduction

On behalf of the United States Commission on International Religious Freedom, I would like to thank the French Center on the United States for inviting me to speak before you this morning and Mr. Guillaume Parmentier for organizing this meeting and this warm welcome. It is also a great pleasure for me to be here personally as I lived and studied in France for a number of years and am always glad to return to this city.

I will begin by discussing a little about U.S. policy to promote international religious freedom and the role of my Commission in the development of that policy; then, the international human rights standards that the Commission applies in fulfilling its mandate; and finally, I will discuss the concerns that the Commission has with respect to the state of religious freedom in France.
After my presentation, I will be happy to answer any questions you may have.

I. U.S. Policy to Promote International Religious Freedom

In 1998, by an almost unanimous vote, the United States Congress passed a law entitled "the International Religious Freedom Act of 1998," or "IRFA." In passing the law, Congress found that religious freedom:

undergirds the very origin and existence of the United States.

Many of our Nation's founders fled religious persecution abroad, cherishing in their hearts and minds the ideals of religious freedom.

This statement could not be more true; in fact, America's founders made the guarantee of the free exercise of religion the first right mentioned in our Constitution's Bill of Rights.

The law also found that religious freedom is "under renewed and, in many cases, increasing assault in many countries around the world" and that "more than one-half of the world's population" lives in countries where the right to religious freedom is in some manner restricted as a result of government action or, in some cases, government inaction. Therefore, one of the main purposes and principles behind IRFA is to make the issue of international religious freedom an integral part of the U.S. foreign policy agenda, in order to help stem the tide of deteriorating global religious freedom. Such a backslide in freedom, when left unchecked, can ultimately result in atrocities on a wide scale - crimes against humanity, genocide, or war crimes - committed in the name of religion or with religious undercurrents: examples such as the Armenian genocide, the slaughter of European Jewry during the Second World War, the recent conflicts in the former Yugoslavia and Sudan's ongoing civil war come to mind.

A second purpose behind IRFA is to use the promotion of respect for religious freedom as an integral part of overall U.S. policy to promote all human rights. To help achieve these goals, IRFA articulates various policies, including:

(1) To condemn violations of religious freedom and to promote . . . the fundamental right to freedom of religion.

[. . .]

(3) To work with foreign governments [such as France] that affirm and protect religious freedom, in order to develop multilateral documents and initiatives to combat violations of religious freedom and promote the right to religious freedom abroad, and

(4) Standing for liberty and standing with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus[...].

To help achieve these policies, IRFA sets forth four primary mechanisms. First, it established the Office on International Religious Freedom within the U.S. State Department. This office is headed by the Ambassador-at-Large for International Religious Freedom. I am pleased to report that Ambassador John Hanford was recently sworn into this position.

Second, the State Department was charged with preparing an annual report that documents the conditions of religious freedom in every country in the world, as well as U.S. policies to promote it.

Third, the President is required to designate those countries that are the most egregious violators of religious freedom as countries of particular concern (CPCs), and generally take action to oppose all violations of religious freedom wherever they occur.

Fourth, the law created the Commission that I have the honor of representing today.

The Commission is an independent, bipartisan, U.S. government entity that is not part of the State Department, the Executive Branch, or Congress. The Commission consists of nine private citizens who are appointed by the President and the leadership of both houses of Congress. For example, I was appointed by the leader of the minority party in the House of Representatives, Congressman Richard Gephardt, a Democrat. Members of the Commission are experts in U.S foreign policy, international law, human rights, and religious affairs. We serve two-year terms, and the terms of the current set of Commissioners, including myself, will expire on May 14, 2003.

In general, the Commission has as its primary responsibilities the ongoing review of the facts and circumstances of violations of religious freedom worldwide and the recommendation of U.S. policies, both in response to progress and in regard to violations of religious freedom. With respect to the latter, IRFA sets forth several options ranging from private diplomatic protests to recommending reduction or termination of foreign assistance or other economic sanctions. In addition, the law also suggests several positive actions that the U.S. government can take - through its foreign assistance programs, educational and cultural exchanges, and other avenues - to encourage foreign governments to show greater respect for religious freedom by, for example, advancing the rule of law, legal reform, education, and building civil society. In other words, the approach is not simply one of sanctions against violators, but of flexibility in choosing a response that is most likely to be effective.

The Commission issues these recommendations throughout the year and also issues an annual report in May. This year, along with the release of the Commission's Annual Report, we released reports with recommendations for U.S. policy on China, Indonesia, North Korea, Sudan, Turkmenistan, and Uzbekistan. Previous reports have covered, inter alia, India, Nigeria, Pakistan, Russia, and Vietnam.

Along with its annual and periodic reports, the Commission undertakes a number of other activities. It has held public hearings, including most recently a hearing on North Korea and one on promoting religious freedom during the campaign against terrorism. The Commission has also testified before Congress on religious freedom issues, met with ambassadors and other foreign officials, and consulted extensively with representatives of religious communities, other non-governmental organizations, academic and policy experts, and U.S. government officials from a number of different agencies. Commissioners and their staff have also traveled to several countries to gather first-hand information on the conditions of religious freedom throughout the world.

You can find out more about the Commission and its work on our Web site, www.uscirf.gov.

II. U.S. Policy Promotes International Standards of the Right to Freedom of Religion

Before turning to the Commission's work with respect to France, I cannot stress strongly enough that American interest in promoting religious freedom in other countries is not an attempt to enforce American values on others. Likewise, it is not an attempt to dictate to others that they should adopt the American system of church-state relations. On the contrary, we seek to hold governments accountable for their own commitments to implement international human rights standards, as concern for religious freedom and other human rights reflect values that are obviously not exclusively American.

The right of religious freedom is recognized by virtually every country around the world and is expressed in a variety of international instruments which France and the United States have both signed. These include the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, as well as the Helsinki Final Act and other documents of the Organization for Security and Cooperation in Europe. The use of the standards contained in these instruments to measure the performance of other governments is explicit in IRFA and in the mandate of my Commission.

The first among these is Article 18 of the Universal Declaration, which provides:

Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

The Declaration was adopted with no negative votes, 48 of the 56 countries then members of the United Nations voting yes, with six of the eight abstaining nations invoking the Declaration as if they had voted for it. One of the primary drafters of the Declaration, as you well know, was René Cassin of France. Mr. Cassin fought for the universality of human rights for much of the 20th century, culminating with his receipt of the Nobel Peace Prize in 1968.

In his Nobel lecture, Mr. Cassin stated that "there must be no question of permitting any diminution of the universality of the [rights contained in the] Declaration," a sentiment loudly echoed in the work of my Commission.

In addition to rights-based instruments, the international community has adopted instruments that focus on the need for religious tolerance. Thus the UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, provides that "it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion or belief and to ensure that the use of religion or belief for ends inconsistent with the charter of the UN . . . is inadmissible."

The principle of tolerance for the rights of others is, of course, a necessary corollary to the peaceful exercise of one's own rights - indeed, one cannot exist without the other. Moreover, it has become apparent since September 11 that religious freedom and religious tolerance are intimately connected to world peace and order. Certainly, tolerance of nonbelievers or those whose faith or lack of it may lead them in directions not approved by the prevailing orthodoxy, is the only way that the rights enshrined in the international instruments may be freely exercised.

Over the years, France and the United States have worked closely together to promote adherence to international human rights norms in countries throughout the world. Obviously, when our two countries work together toward a goal, the chances of success are greatly enhanced. So, of course, we hope to work with you

for peace and world tolerance.

III. The Commission on International Religious Freedom and France

A. French Anti-"Cult" Initiatives

The Commission has heard from several sources that there is a growing atmosphere of intolerance toward new religious movements and other minority religious groups in France. Fueling this atmosphere are several initiatives by the French state:

First is the report of the parliamentary inquiry commission into the activities of cults, the "Guyard report," which was presented to the National Assembly in 1995. The report was never adopted by the Assembly, but appended to it was a list of 173 so-called "cult movements." We fear that the existence of this list, and the failure of the government to adequately clarify its official significance, has resulted in discriminatory action at both the official and private level directed at certain groups on the list.

Second, in 1998, the "Inter-ministerial mission to fight against cults" ("MILS") was created to collect and disseminate official information on "cults" and to coordinate government efforts to oppose such groups. MILS has issued annual reports that examine several religious groups in which the information presented and methodology used raises serious questions about the objectivity of the agency. In its most recent report, MILS asserted that the officials from the U.S. State Department who were responsible for drafting the International Religious Freedom Report on France had fallen under the influence of cult groups, an assertion to which we stridently object, of course.

The third initiative is the "About-Picard Law" that was enacted in May 2001. This law creates the vaguely defined crime of "the abuse of ignorance or of weakness."1 In addition, the law allows for the government to legally dissolve religious associations on account of offenses committed by its leaders, including the new offense created by the law. One sector of society appears to have been targeted on account of the official perception of their religion or belief. We know that as yet, no charges appear to have been brought under the new law, but we fear that it could serve to stigmatize groups perceived as "cults." Moreover, the National Consultative Commission on Human Rights, in its December 10, 1993 statement, asserted that "the liberty of conscience guaranteed by the Declaration of Human Rights ... and the European Convention of Human Rights makes inopportune the adoption of a specific legislation to address the phenomenon of so-called ‘cults,' who risk having this fundamental liberty undermined."

The sum of these official initiatives could be perceived as an undermining of religious liberty all over the world. No one would dispute that the state has a duty to prevent and punish harmful acts, including violence, intimidation, or fraud. Indeed, when we in the United States were confronted with growing concerns over the activities of new religious movements, we also considered a variety of initiatives. However, we soon realized that separate legislation was not desirable and that whatever harm was caused by members of these groups was best handled through existing criminal laws that were neutral and of general application. In that way, individuals would be punished for their actions, but not singled out for the nature of their beliefs or choice of association. The Council of Europe has also recommended against specific legislation in this regard as well.

Of perhaps greater concern to my Commission is the effect that France's anti-cult initiatives are having beyond its borders. What is happening in France is being closely observed, and in some cases imitated, in several countries such as Lithuania, Russia, Hong Kong, Cambodia, China, Haiti, and Chile. French government officials - including those from MILS - have visited several of these countries to promote their anti-cult initiatives. However, these countries, many of which already have a history of religious repression, do not yet have the human rights protection mechanisms found in France and other Western nations. Although France is by no means responsible for religious persecution in these other countries, that does not prevent these countries' attempts to imitate the French initiatives from having disastrous results for disfavored religious groups.

B. Recent Anti-Semitic violence in France

Before closing, I would like to turn to other recent events in France touching on religious tolerance that have drawn significant attention in the United States. As I am sure you all well know, in the last two months there has been a dramatic increase in violence targeting Jews in France, coinciding with an increase in violence in the Middle East. According to the French Ministry of the Interior, there were approximately 360 attacks against Jews or Jewish sites in the first two weeks of April alone. The Commission has been carefully monitoring the violence, both in France and throughout Europe. There have been hundreds of such attacks since September 2000.

During our March visit to France, we were told that attacks on Jews were being treated by the French government as "hooliganism" rather than as acts of anti-Semitism.

We note that the French government officials at the highest levels have begun to address the most recent wave of violence. The Commission also notes recent statements by President Chirac that France will be redoubling its efforts to combat intolerance in French society. We also have taken note of two recent circulars from the Ministry of Justice that proclaim a policy of "zero tolerance" of racist or anti-Semitic attacks.

Like the United States, France is becoming more and more a nation of immigrants. Recent events surrounding the French presidential election have reminded us that all segments of society must be involved in addressing problems that can arise from living as equal citizens in a pluralistic society. As far as minorities are concerned, these problems reach beyond the Jewish community to Arabs, Muslims, and other ethnic minorities as well. There have been continuing reports of harassment and discrimination against members of the Arab and Islamic communities in France. In these circumstances, leaders must identify and condemn acts of intolerance and hatred and hold perpetrators accountable for those acts. Moreover, what is also needed is to better assure the integration of the Islamic community into French society, a difficult problem that I know your government is currently working on.

IV. Conclusion

Let me conclude by saying that events such as this one provide an important opportunity for us to discuss and exchange views on issues closely related to the values that we share, including democracy, freedom, and human rights. I know that the issues that I have raised today have been vigorously discussed here in France, and I hope that interjecting my Commission's point of view is a positive contribution to that discussion. In that spirit, thank you again for the opportunity and I look forward to your questions and further discussion. Now, I will listen to you. Thank you for your attention.

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1 This crime was originally written as "mental manipulation" but this changed during the drafting process because "mental manipulation" was seen as too broad and poorly defined. The subsequent crime, however, is lacking key definitions and would appear to be for the most part the same, only written differently, and therefore equally dangerous."Democratic People's Republic of Korea," p. 168.