



THE EUROPEAN ASSOCIATION OF
JEHOVAH'S WITNESSES



GENERAL INCORPORATED ASSOCIATION
ASIA-PACIFIC ASSOCIATION OF
JEHOVAH'S WITNESSES



AFRICAN ASSOCIATION OF
JEHOVAH'S WITNESSES

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In behalf of
The European Association of Jehovah's Witnesses,
the Asia-Pacific Association of Jehovah's Witnesses
and
the African Association of Jehovah's Witnesses

Contribution for the
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The European Association of Jehovah's Witnesses (EAJW) is a charity registered in the United Kingdom. It provides support to Jehovah's Witnesses facing fundamental human rights violations in various parts of the world.

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SUMMARY OF THE SUBMISSION

This submission to the Human Rights Council (HRC) on France highlights human rights issues and current failures to implement accepted recommendations by France during the previous Universal Periodic Review (UPR) cycle.

Jehovah's Witnesses in France and as a worldwide organization respectfully request the government of France to:

- (1) Ensure that government agencies and state-funded entities cease spreading false and defamatory allegations against Jehovah's Witnesses;
- (2) Remove Jehovah's Witnesses from the list of so called dangerous *secte* and officially disclaim the 1995 and 1999 reports mentioning Jehovah's Witnesses;
- (3) Put an end to religious discrimination and stigmatization of Jehovah's Witnesses by withdrawing unfounded official reports stigmatizing them as a *secte*;
- (4) Abide by its commitment to uphold the fundamental freedoms guaranteed by the Constitution of France, the European Convention on Human Rights (the Convention), and the International Covenant on Civil and Political Rights, for all citizens, including Jehovah's Witnesses.

I. INTRODUCTION

1. Jehovah's Witnesses have been active in France for more than 120 years. The first local religious association was legally registered in 1906. In 1929, a national office was opened in Paris. Close to 300,000 people currently attend their meetings for worship.
2. Nonetheless, over the past three decades, various governmental agencies have consistently and egregiously labelled Jehovah's Witnesses as a *secte* (a seriously pejorative term in French). These agencies¹, principally the MIVILUDES at present, are leading a campaign of harassment and misrepresentation against Jehovah's Witnesses. Parliament established four parliamentary commissions on sectarian aberrations (1995, 1999, 2006 and 2012), all of which referred to Jehovah's Witnesses without following basic principles of evidence.
3. On 22 December 1995, Parliament's anti-*secte* commission released its first report, entitled "*Sectes in France*", which listed 173 so-called *sectes*. Jehovah's Witnesses were the largest group named in the report. On 17 June 1999, Parliament's anti-*secte* commission released its second report, entitled "*Sectes and Money*," which once again included numerous discriminatory, defamatory and false accusations about Jehovah's Witnesses. Jehovah's Witnesses in France contacted State officials, objecting to the inclusion of Jehovah's Witnesses in both anti-*secte* reports. They also filed an application to the European Court of Human Rights (ECHR), challenging the legality of both reports. In a decision dated 6 November 2001, the ECHR held that the reports were protected from challenge by

¹ The Observatoire interministériel sur les sectes (Interministerial Observatory of Sects) was created on 9 May 1996 and was renamed Mission interministérielle de lutte contre les sectes (Interministerial Mission on the Fight Against Sects) in October 1998. In November 2002, by presidential decree, French authorities established the Mission interministérielle de vigilance et de lutte contre les dérives sectaires (Interministerial Mission of Vigilance and Combat Against Sectarian Aberrations), or MIVILUDES.

parliamentary immunity, but went on to observe that such reports have “no legal effect and cannot serve as the basis for any criminal or administrative proceedings.”² Subsequently, in a related 2011 judgment, the ECHR ruled in favour of Jehovah's Witnesses in the context of discriminatory taxation imposed on Jehovah's Witnesses as a result of the anti-*secte* reports, concluding that “Jehovah's Witnesses' free exercise of freedom of religion is protected by Article 9 of the Convention”.³

4. Despite both rulings of the ECHR, and the fact that the anti-*secte* reports “have no legal effect”, such reports continue to be cited by some State officials as justification for religious discrimination and human rights violations against Jehovah's Witnesses. The primary source of that religious discrimination is the State agency MIVILUDES, which has consistently and knowingly maligned Jehovah's Witnesses for more than 20 years, tarnishing their reputation and presenting them as dangerous. This has created a climate of severe religious intolerance and hostility against Jehovah's Witnesses. Official discrimination by national and local authorities has occurred, along with countless instances of hate speech and hate crime.
5. In February 1996, during the National Assembly's debate regarding the report that was published on 22 December 1995, the Minister of the Budget declared: “I would like to thank the rapporteur for praising, in his excellent report, the tax authorities whose actions on several occasions resulted in a certain repression of the activity of *sectes* ... The tax audit can therefore be the first step in a process that profoundly disrupts the *secte* or leads to its dissolution”.
6. The Association les Témoins de Jéhovah (ATJ) (Association of Jehovah's Witnesses) was the subject of a tax audit from November 1995 to January 1999. As a result, the association was ordered to declare hand-to-hand donation for the period from 1993 to 1996. For more than 50 years, ATJ had received gifts without having them subjected to transfer tax. Traditionally, no declarations were required for modest hand-to-hand donations. However, the legislator amended the taxation system by introducing a new article establishing a tax on hand-to-hand donation that were disclosed to the tax authorities. It was accepted that this article applied only to gifts to natural persons and not to legal entities such as associations. The ATJ claimed that this law did not apply in their case and requested the exemption customarily granted to religious associations, unions of religious associations and authorized congregations. However, the Tax Services refused, maintaining that the gratuitous-transfer tax was fixed at the rate of 60 percent and that the surcharge for failure to file a declaration was fixed at 80 percent.
7. Legal action was undertaken by ATJ against the Tax Services. The domestic tribunals systematically dismissed the petitions and adopted a novel interpretation of the tax law involved in this case. For the first time, the tax audit performed by the Tax Services was assimilated as a “disclosure”. This construction created a considerable debate – and a real concern for all associations in France. The amount claimed from ATJ was more than 57.5 million euros (EUR). Payment of this tax would have paralysed the activities of ATJ and effectively driven it to extinction.
8. An application alleging a violation of Article 9 (freedom of religion) of the Convention was submitted to the ECHR, which held on 30 June 2011 that Article 9 protected Jehovah's Witnesses' exercise of freedom of religion. It stated: “Refusing to recognize a religious association, bringing about its dissolution, the use of derogatory language toward a religious

² ECHR, *Fédération Chrétienne des Témoins de Jéhovah de France v. France*, application no. 53430/09, 6 November 2001 (Dec).

³ ECHR, *Association Les Témoins de Jéhovah v. France*, application no. 8916/05, 30 June 2011, paras. 9-10, 50-51.

denomination, are all examples of interference with the right guaranteed by Article 9 of the Convention.” The taxation of hand-to-hand donations in this instance had the effect of cutting off the association's vital resources and therefore preventing its adherents from enjoying the free exercise of their worship in all practical aspects. The ECHR condemned the French government for the violation of the freedom of religion guaranteed by the Convention and awarded reimbursement and costs.

9. It bears emphasizing that this significant judgment was the culmination of more than 16 years litigation by Jehovah's Witnesses in France, seeking to reverse the discriminatory actions of the tax authorities. The ECHR held that such actions were due in large part to the inclusion of Jehovah's Witnesses in the State's 22 December 1995 anti-*secte* report.⁴
10. On 25 February 2021, the French authorities released a report prepared and endorsed by the MIVILUDES, the National Police and the Gendarmerie. The report comments on “sectarian aberrations” and once again pejoratively refers to Jehovah's Witnesses as a *secte*.
11. Furthermore, on 5 April 2021, *Le Monde*, one of the most respected and widely-read national newspapers in France, published an article quoting Mrs. Marlène Schiappa, Minister Delegate in Charge of Citizenship, who is attached to the Minister of the Interior and who has recently reinforced the MIVILUDES. She makes direct reference to Jehovah's Witnesses as one of the major *sectes* still active, along with The Order of the Solar Temple. The latter organization was notorious for a series of violent actions, murders and mass suicides in multiple countries during the 1980's. This slanderous misrepresentation not only affronts the religious feelings of almost 9 million Jehovah's Witnesses worldwide but also casts shame on our confession, which has been present and perfectly integrated into the religious landscape in France for over a century, and stigmatizes tens of thousands of respectable citizens.
12. The EAJW objects in the strongest of terms to the recent and continued misrepresentation of Jehovah's Witnesses by the MIVILUDES. Such actions by the authorities will undeniably continue to generate further discrimination and religious intolerance.
13. These recent developments are all the more shocking because during the past 30 years, the senior French administrative courts, including the Conseil d'État (Supreme Court for Administrative Justice), have systematically reaffirmed and reinforced the religious status of Jehovah's Witnesses in France. Moreover, the ECHR has repeatedly confirmed that Jehovah's Witnesses are a “*known religion*”⁵ with “*an active presence in many countries world-wide, including all European States*”.⁶ The ECHR, in its decision *Association les Témoins de Jéhovah v. France*⁷, condemned the French authorities for violating Article 9 of the Convention, which guarantees freedom of religion or belief. That decision ended a 16-year-long legal battle against targeted discrimination against Jehovah's Witnesses.

⁴ ECHR, *Association Les Témoins de Jéhovah v. France*, application no. 8916/05, 30 June 2011.

⁵ ECHR, *Manoussakis and Others v. Greece*, application no. 18748/91, 26 September 1996, para 40.

⁶ ECHR, *Jehovah's Witnesses of Moscow and Others v. Russia*, application no. 302/02, 10 June 2010, para 155.

⁷ ECHR, *Association Les Témoins de Jéhovah v. France*, application no. 8916/05, 30 June 2011 and 5 July 2012.

II. ISSUES

a. Opposition and Vandalism Against Places of Worship

14. Local authorities have occasionally refused to issue construction permits for Jehovah's Witnesses to build places of worship. Local officials specifically refer to parliamentary lists of *sectes*, and/or to subsequent reports mentioning Jehovah's Witnesses, to justify their refusal.
15. However, since numerous administrative tribunals have condemned such religious discrimination, it has been observed that some municipalities have resorted to arbitrarily delaying the issuing of construction permits on contrived technical or administrative grounds.
16. Although Jehovah's Witnesses have operated modest places of worship in France for more than a century, acts of vandalism against these places of worship effectively began after the Witnesses were included on the Parliamentary Commission's 1995 list of so-called *sectes*. Some buildings been desecrated with graffiti, including swastikas and the word *secte*. In the worse cases, religious buildings have been damaged or completely destroyed.
17. Hundreds of acts of vandalism have been reported over the past 25 years. It is noteworthy that after the release of each report by a parliamentary commission, the incidence of vandalism drastically increased. For example, 20 acts of vandalism were reported for the year 2005. However, over the two following years (2006 and 2007) more than 200 acts of vandalism took place. This coincided with the appointment of the third parliamentarian report on so-called *sectes* and the release of its report in 2006.
18. Local municipal authorities frequently refuse to allow Jehovah's Witnesses to rent a municipal hall to hold a public meeting. These refusals are often justified by a more or less direct reference to the list of *sectes*.
19. Concluding lengthy legal proceedings, the Council of State condemned these discriminatory practices. In a decision dated 30 March 2007, the Council of State ruled that a mayor's refusal to rent a municipal hall solely on the basis of "general considerations relating to the sectarian nature of the association" constituted "a serious and blatantly illegal attack on the freedom of assembly, which is a fundamental freedom".

b. Verbal and Physical Assaults

20. Jehovah's Witnesses are well-known for their public outreach in evangelizing, which has been recognized by the ECHR as a legitimate exercise of the freedoms of religion and expression⁸. However, since the stigmatization of Jehovah's Witnesses as a *secte*, some persons who were peacefully engaging in this activity have been threatened, insulted or physically assaulted. Some Witnesses have suffered severe injuries. Here are some examples from recent years.
21. On 2 January 2020, while two Jehovah's Witnesses were peacefully sharing their beliefs from door-to-door activity, a woman motorist stopped, insulted them, punched them in the face and stole a pouch containing tracts. A complaint was filed with the police.
22. On 7 January 2020, while Jehovah's Witnesses were using a small mobile literature display cart, a man kicked a Witness, punched him in the face and shouted at him "get out of here".

⁸ ECHR, *Kokkinakis v. Greece*, 25 May 1993, § 48, Series A no. 260-A.

23. On 6 February 2020, while two female Jehovah's Witnesses were peacefully sharing their beliefs from door-to-door, a man came out of his home and punched both of them, hurting them and knocking them to the ground.
24. On 9 January 2021, a man who received a friendly letter from one of Jehovah's Witnesses called the writer on his phone, insulted him and threatened him with death.
25. On 17 May 2021, a man left a message in the voicemail of a Kingdom Hall (place of worship of Jehovah's Witnesses) threatening to set the building on fire.
26. In the majority of situations, police officers have promptly and diligently investigated physical assaults, and the authorities have prosecuted such hate crimes. In some instances, however, police officers have shown prejudice or hostility toward Jehovah's Witnesses.

c. Discrimination in the Workplace, Education System and Child Custody

27. Some businesses have dismissed exemplary employees for no reason other than that they are Jehovah's Witnesses. In some instances, co-workers sent anonymous letters to the heads of companies requesting that they fire Witness employees.
28. Lists or reports on so-called *sectes* issued and endorsed by governmental agencies have emboldened some employers, contrary to French law, to ask for details of religious affiliation and to refuse to renew contracts of employment when an employee admits that he/she is one of Jehovah's Witnesses.
29. For example, the following clause, referring to the 1995 governmental list, was inserted in an employment contract dated April 2021:

“3.2.4. – Various duties; The Instructor certifies that he is not a member of an organization belonging to the list of *sectes* published in the 1995 French parliamentary report (n°2468) and in its updates, whether directly or indirectly.”

30. We note and deplore the destructive effects of this list, more than 25 years after it was issued, and despite multiple governmental agencies and tribunals affirming that it has no legal effect.
31. Numerous Jehovah's Witnesses working in the education system have faced severe hostility from school authorities and parents' associations. In some instances, school authorities refused to renew contracts of employment. For example, a regional education board sent the following official letter to one of Jehovah's Witnesses:

“The report by the Parliamentary Inquiry Commission on *sectes*, of 10 June 1999, confirms that Jehovah's Witnesses are on the list of movements recognized as *sectes* ... For this reason, we cannot at present accept your request [to be approved as a maternal assistant]”.

32. The following statement appeared in a tract distributed by a parents' association:

“...[W]e believe that it is our duty to inform you of an important fact which interferes with school life. Your child is to be supervised, this school year, by a member of the “Jehovah's Witnesses,” that is to say, a *secte*. ... That is why we propose that you attend a debate with us on ...”.

33. Children of Jehovah's Witnesses have been mocked and ridiculed in the school environment. Some have even undergone verbal and physical aggression from their schoolmates.
34. For example, one young Jehovah's Witness was attacked by five pupils from his school. After referring to television programmes discussing *sectes* and targeting Jehovah's Witnesses, one of them violently kicked him in the face, causing a double fracture of his lower jaw. The young Witness stated: "I had to undergo surgery and they had to immobilize my jaw with iron wire."
35. Contrary to ECHR decisions, one of which involved France,⁹ some tribunals have refused to grant custody to a parent simply because he/she is one of Jehovah's Witnesses, despite the Witness parent's exemplary life and parenting.
36. Witness couples have been prevented from adopting children because of their religious beliefs.

d. Defamatory Media Reports

37. During 2022 alone, the French mainstream media published some ten unfounded negative or defamatory media reports about Jehovah's Witnesses. Most of those reports were based on disinformation provided by the MIVILUDES. In some cases, negative reports were amplified by the UNADFI organization (Union nationale des Associations de défense des Familles et de l'Individu victimes des Sectes) or its affiliates on their websites or on social media. These incidents include the following examples:
38. On 20 April, 2022, newspapers *La Dépêche* and *Le Courrier de l'Eure* carried identical articles featuring a single real estate transaction between Jehovah's Witnesses and the city of Louviers and a few people who had expressed concerns about the city of Louviers becoming "Jehovah's land". The article mentioned monitoring by the MIVILUDES and concluded with the title of a book written by a former Jehovah's Witness: *Jehovah's Witnesses: A paradise for children's abusers*. Two days later, *La Dépêche* published a web article and added a sentence to the text of the printed article falsely claiming that Jehovah's Witnesses do not denounce child sexual abuse¹⁰.
39. On 10 May 2022, *Europe 1*, a popular French radio service, aired a program featuring the story of a former Witness. The program included demonstrably false information and compared the life of a child raised by Jehovah's Witnesses parents to "slavery"¹¹. This program also appeared on various podcast platforms.

III. IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS

40. Following the previous UPR review cycle in 2018, France supported specific recommendations made by member States.
41. The continuous restrictions on activities of Jehovah's Witnesses by national authorities; the opposition and vandalism of places of worship; the verbal and physical assaults; discrimination in the work place, educational system and child custody; and defamatory

⁹ ECHR, *Palau-Martinez v. France*, application no. 64927/01.

¹⁰ https://actu.fr/normandie/louviers_27375/a-louviers-la-cession-d-un-terrain-communal-aux-temoins-de-jehovah-souleve-les-questions_50310018.html

<https://www.cmm.asso.fr/a-louviers-la-cession-dun-terrain-communal-aux-temoins-de-jehovah-souleve-les-questions/>

¹¹ <https://www.europe1.fr/emissions/dans-les-yeux-dolivier-delacroix/priscille-ancienne-temoin-de-jehovah-cetait-de-lesclavage-4109456>

media reports, contradict the following recommendations that were accepted by France:

42. Turkey recommended that France “continue to impose practices that are compatible with international commitments in the area of human rights”. (A/HRC/28/16/Add.1 para. 145.30)
43. Azerbaijan recommended that France “incorporate international human rights standards on tolerance and non-discrimination into its national education system”. (A/HRC/28/16/Add.1 para. 145.34)
44. Georgia recommended that France “continue the promotion and strengthening of the instruments to combat discrimination”. (A/HRC/28/16/Add.1 para. 145.35)
45. The State of Palestine recommended that France “continue with efforts to improve its legal and institutional frameworks for protection against discrimination, and foster a culture of equality, tolerance and mutual respect by ensuring the same level of protection relating to all grounds of discrimination”. (A/HRC/28/16/Add.1 para. 145.38)
46. Madagascar recommended that France “put in place a strong legislative framework to combat all forms of discriminatory practice”. (A/HRC/28/16/Add.1 para. 145.43)
47. Kenya recommended that France “enhance its efforts to combat racism and religious intolerance”. (A/HRC/28/16/Add.1 para. 145.56)
48. Slovakia recommended that France “intensify efforts to prevent violence and criminal acts motivated by hatred and intolerance and prosecute those responsible for such acts”. (A/HRC/28/16/Add. 1 Para. 145.65)
49. Belarus recommended that France “intensify efforts aimed at preventing violence and crimes committed on the grounds of hatred or intolerance, and bring the perpetrators of those crimes to justice”. (A/HRC/28/16/Add. 1 para. 145.66)
50. The United States of America recommended that France “develop national plans to address all forms of religious discrimination”. (A/HRC/28/16/Add.1 para. 145.71)
51. Norway recommended that France “introduce further measures to address the issue of hate speech, in order to effectively combat discrimination and intolerance, and ensure that an independent mechanism for the review of relevant national action plans is put in place”. (A/HRC/28/16/Add.1 para. 145.80)
52. Tunisia recommended that France “continue efforts to combat all forms of racial discrimination and hate speech directed against certain groups on the basis of race or religion, in order to promote a culture of diversity and tolerance”. (A/HRC/28/16/Add.1 para. 145.81)
53. Cyprus recommended that France “take all necessary measures to ensure the application of the legislative framework established to combat hate speech, particularly on social networks”. (A/HRC/28/16/Add.1 para. 145.85)
54. Morocco recommended that France “continue its efforts in the area of prevention and the fight against hate speech”. (A/HRC/28/16/Add.1 para. 145.87)

IV. CONCLUSION AND RECOMMENDATIONS

55. Jehovah's Witnesses in France and as a worldwide organization express concern for restrictions on activities of Jehovah's Witnesses by national authorities; the opposition and

vandalism of places of worship; the verbal and physical assaults; discrimination in the work place, educational system and child custody; and defamatory media reports. They respectfully request the government of France to take the necessary steps to:

- (1) Ensure that government agencies and state-funded entities cease spreading false and defamatory allegations against Jehovah's Witnesses;
- (2) Remove Jehovah's Witnesses from the list of so called dangerous *secte* and officially disclaim the 1995 and 1999 reports mentioning Jehovah's Witnesses;
- (3) Put an end to religious discrimination and stigmatization of Jehovah's Witnesses by withdrawing unfounded official reports stigmatizing them as a *secte*;
- (4) Abide by its commitment to uphold the fundamental freedoms guaranteed by the Constitution of France, the European Convention on Human Rights and the International Covenant on Civil and Political Rights, for all citizens, including Jehovah's Witnesses.