Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1309 (2002)[1]

Freedom of religion and religious minorities in France

Parliamentary Assembly

1. On 30 May 2000 a private member's bill to reinforce the prevention and suppression of sect-like groups was tabled in the French Parliament. Act No. 2001-504 on the reinforcement of the prevention and suppression of sects which infringe on human rights and fundamental freedoms became law on 12 June 2001.

2. The Parliamentary Assembly recalls its Recommendation 1412 (1999) on the illegal activities of sects, in which it concluded that it was unnecessary to define what constituted a sect, but that it was essential to ensure that the activities of groups, whatever religious, esoteric or spiritual description they adopted, were in keeping with the principles of democratic societies and, in particular, the provisions of Article 9 of the European Convention on Human Rights (ECHR).

3. In this text the Assembly also called on the governments of member states "to use the normal procedures of criminal and civil law against illegal practices carried out in the name of groups of a religious, esoteric or spiritual nature".

4. Although a member state is perfectly at liberty to take any measures it deems necessary to protect its public order, the authorised restrictions on the freedoms guaranteed by Articles 9 (freedom of thought, conscience and religion), 10 (freedom of expression) and 11 (freedom of assembly and association) of the ECHR are subject to specific conditions.

5. After examination of this French law, the Assembly cannot but conclude that ultimately, should the case arise, it will be for the European Court of Human Rights, and it alone, to say whether or not this law is compatible with the ECHR.

6. The Assembly invites the French Government to reconsider this law and to clarify the definition of the terms "offence" and "offender".

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 18 November 2002 (see Doc. 9612, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Akçali).