

## **Institute on Religion and Public Policy Report: Religious Freedom in France**

### **Executive Summary**

(1.) In France, the freedom to practice religion and protection against discrimination based on religion is written in its constitution. However, France is facing a grave immigration problem from North Africa and the Middle East that is challenging the tolerance level of France's traditional homogeneous society. Many of these immigrants immigrating to France are Muslims. There is a relatively large amount of violent acts that are targeted at the rising level of Muslims and established Jewish community in the country. In addition to suffering societal backlash to their developing and established communities, Jews and Muslims must also violate their religious beliefs in order to comply with the new Headscarf Law. Needless to say, both religious minorities, in addition to other religions, are thus subject to violations of their religious freedom on a daily basis.

### **Institute on Religion and Public Policy**

(2.) Nominated for the 2007 Nobel Prize in Peace, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute regularly participates as an NGO in OSCE human dimension sessions. The Institute works globally with government policymakers, religious leaders, business executives, academics, international and regional organizations, non-governmental organizations and others in order to develop, protect, and promote fundamental rights - especially the right of religious freedom - and contribute to the intellectual and moral foundation of the fundamental right of religious freedom. The Institute encourages and assists in the effective and cooperative advancement of religious freedom and democracy throughout the world.

### **Introduction to the Legal Status**

(3.) The French constitution provides for religious freedom. The 1905 law establishes the separation of church and state. This legislation furthered the protection of individuals from discrimination based on religion. The French government does not publicly support any religion, although, it does provide subsidies for religious activities such as liturgical services and religious education programs to registered and recognized religions. Religious organizations in France are not required to register; however, if they do register as "associations cultuelles," which means associations of worship, then they are exempt from taxes. There is very little conflict between religious organizations. The government generally respects freedom of religion in practice and the freedom to practice any religion. However, some religious groups and human rights groups are concerned about legislation passed in 2001 and 2004 that provided for the dissolution of groups under certain circumstances and banned the wearing of conspicuous religious symbols by

public school employees and students. In 2008, the Ministry of Interior announced that it will be reexamining the 1905 law to make it more accommodating and provide more freedom for all religions in France. The Institute supports the reexamination of the law and encourages the French government to ensure that the 1905 law accommodates the rights of all religions.

### **Instances of Official Discrimination**

(4.) The law of 12 June 2001, known as the About-Picard law, allows for the imposition of restrictions on religious groups in France which are unprecedented in Europe and which include: a) specifically drafting the law in order to be applied to minority religions only; b) the creation of a new offence of fraudulent "abuse of [a person's] ignorance or vulnerability" designed to apply only to disaffected members of targeted religious groups; c) allowing groups which make it their very business to "fight" minority religions a formal role in the proceedings in which these measures can be imposed; and d) a provision providing for the dissolution of associations of targeted religious groups when they or one of their leaders has been convicted of certain crimes. Taken together, these matters make the law incompatible with basic principles of the rule of law. The About-Picard law has been criticized by human rights groups. In addition, on 18 November 2002, the Parliamentary Assembly of the Council of Europe adopted Resolution 1309 (2002) on the About-Picard law, calling on the French government to "reconsider the law". The law is discriminatory and should be revised or repealed.

(5) The 2005 *Guide for Public Agents on Sectarian Deviations* notes that each year the National School for Magistrates (Ecole Nationale de la Magistrature) organizes a one-week seminar on sects for prosecutors, judges, police officers, and government officials from the youth and sports ministry, national education, judicial protection of youth, general direction of competition and consumer offices. Up to 140 trainees take part in this course. The anti-sect magistrate at the Ministry of Justice runs these seminars together with an official at the Labor Ministry. In addition, the anti-sect Magistrate also gives these seminars on sects to prosecutors and judges within the appeal courts. Along with a February 1996 Ministry of Justice Circular to public prosecutors urging them to "fight" sects, these seminars and awareness programs improperly prejudice attendees against targeted faiths by providing biased stereotypes and unscientific information, and thus clearly violate human rights standards.

(6.) The 2004 Headscarf Law banned all conspicuous religious symbols in public schools for employees and students. These symbols include the Muslim headscarf, Jewish skullcap, Sikh turban, and large Christian crosses. The law intended to create neutrality and religious tolerance in public schools. However, all that it has created is controversy, intolerance, and civil unrest. By banning these symbols of various religions, it has limited the freedom to express one's religion. Contrary to the reasoning behind this law, it does not promote religious tolerance and it violates some of the basic religious principles. The law in effect creates conditions in which minority groups are required to surrender their distinctive characteristics, basic fundamental beliefs, and tenets for the sake of assimilating into the "French" culture. The Institute agrees with the findings of

the UN Rapporteur on Religious Freedom in her 2006 Report on France (E/CN.4/2006/5/Add.4) that this law “denies the rights of those minors who have freely chosen to wear a religious symbol to school as part of their religious belief” and that “the implementation of the law by educational institutions has led, in a number of cases, to abuses that provoked humiliation, in particular amongst young Muslim women.” Under these circumstances, this law needs to be reconsidered.

(7.) On December 14, 2007, a French court upheld the ban on turbans law in public school by expelling Bikramjit Singh, Jasvir Singh, and Ranjit Singh from the Louise-Michel High School of Bobigny. The judge ruled that the under-turbans that they wore were not discreet, and the court concluded in the interest of secularism in public schools the ban should be kept in place. The Headscarf Law, while it is consistent with the principle of separation of church and state, violates the personal rights and freedoms of individuals. In January 20, 2005, 48 students were expelled; most of those barred from attending classes were Muslim girls who refused to take off their headscarves but three Sikh boys were also ordered out of the classroom as well for wearing turbans. Although lawmakers attempted to give a secular flavor to the law by including a prohibition against wearing large Christian crosses, this was largely a symbolic gesture. The average French Christian rarely wears such large crosses as part of his or her attire anyway; and the law still permits small, inconspicuous religious signs such as typical cross necklaces.

(8) The inter-ministerial Mission to monitor and combat sectarian abuse (Mission interministérielle de vigilance et de lutte contre les dérives sectaires), known as MIVILUDES, has contributed to the stigmatization of targeted religious faiths in France. This organization needs to be completely reformed to ensure that it is neutral and objective on religious matters and promotes religious freedom for all. Moreover, the Institute supports the current administration’s plan to transfer government information gathering regarding religions from the Renseignement Generaux (**RG**) to a responsible academic center, the system currently employed in the United Kingdom. Use of an academic observatory manned by experts on religion and sociology would help to ensure neutral and objective information gathering on all religious groups, which in turn should enhance religious tolerance and understanding.

### **Sectarian Instances of Discrimination and Violence**

(9.) The French government strives to limit the amount of religiously motivated violent acts. However, this law only intensified the division between the Muslim population and the rest of France. On September 24, 2006, vandals scrawled swastikas and racist slogans on the walls of two mosques in Rennes, France and set fire to one of them on the day Muslims started celebrating Ramadan. In light of this growing trend of Islamophobia, the French government implemented the Headscarf law.

(10.) Fortunately, the situation in 2006 did improve. According to the National Consultative Commission for Human Rights (NCCHR), there were 344 incidents of racism, often including anti-Islamic acts. This was down from 471 committed in 2005. However there was an increase in violent rhetoric. In 2006, the government recorded 192

threats made against individuals of North African origin, of which 65 were explicitly anti-Islamic. This number increased from 56 of such threats in 2005. On May 10, 2007, a court sentenced two individuals to two years in prison (with eligibility for parole after one year) for profaning 51 Muslim graves and the ossuary in the country's largest military cemetery, Notre-Dame-de-Lorette, a month earlier. On October 23, 2006, vandals profaned the future Mosque of Belfort by leaving a pig's head in a window. Anti-Islamic acts include profanity, vandalism, desecrating graves, and many more.

(11.) It is not only the Muslim populations that are facing discrimination, but a new wave of anti-Semitism in Western Europe is escalating as well. Anti-Semitic acts increased by 6 percent in 2006, and violent incidents rose more sharply, from 99 in 2005 to 134 in 2006. The NCCHR report noted that the number of anti-Semitic threats and insults committed by those of "Arab-Muslim" background increased from 99 in 2005 to 115 in 2006, an increase of 16 percent. The number of threats and insults committed by the extreme right dropped from 150 in 2005 to 98 in 2006, and made up 24 percent of the incidents recorded.

### **Positive Trends**

(12.) French laws regarding the protection of the freedom of religion is evolving. In 2003, a law was passed against crimes of a "racist, anti-Semitic, or xenophobic" nature, and in 2004 legislation further increased punishment for "hate" crimes. The Government regularly applies these laws in prosecuting anti-Semitic crimes. The President of France, Nicolas Sarkozy took an active public role in denouncing and combating anti-Semitism wherever he encountered it, including personally overseeing the dismantlement last year of the website operated by the anti-Semitic group, Tribu KA.<sup>1</sup>

(13.) Interfaith communication is also increasing. In Marseille, last month, a Jewish representative attended the festival of Eid al-Adha, one of Islam's most important holidays, at a local civic center. A few days later, a leading Muslim cleric took part in a commemoration ceremony for the hundreds of local Jews deported to Nazi death camps during World War II.

### **Conclusion**

(14.) The French Constitution protects the freedom of religion, and the French government generally respects this fundamental right in practice as well. However, in order to decrease the amount of anti-Semitic and anti-Islamic vandalism, violent acts, and threats as quickly as possible, the French government turned away from one of its basic human rights, the protection of individual belief and expression. In this post-September 11th era where tensions between the Middle East and the West continue to escalate, it has become more difficult for France to maintain stability within its country. However, it is during these times of difficulties that our principles are tested. While the French

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<sup>1</sup> It was founded by Kémi Séba. The Tribu Ka held regular meetings that banned whites, Jews, and Arabs. The organization sees itself as the defender of African people.

government is improving its laws against acts of hatred, there is still much more that the government can do for its people in protecting their human rights.