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18 months for woman who assaulted police after being told to remove niqab

A 27-year-old woman has been sentenced to 18 months in prison following an incident in a police station after her arrest for refusing to take off her niqab.

Breitbart.com (22.12.2015) - <http://bit.ly/1Sbsv9E> - Stephanie Djato was arrested on 31 May 2012 at a bus stop in the Brussels borough of Jette. She had been asked to remove her niqab — a cloth face covering that forms part of the hijab worn by some Muslim women — in accordance with Belgian law, but refused.

Ms. Djato resisted arrest but was eventually taken to a police station. On the way there she continued to put up resistance, and head-butted one of the female police officers.

On arrival at the police station she continued acting aggressively, and as the situation deteriorated further still two women police officers were injured and Ms. Djato was taken to hospital.

Dutch newspaper, Het Laatste Nieuws, reports the court today found Ms. Djato solely responsible for the fracas, handing down a prison sentence of 18 months and a 900 euros fine. She was also ordered to pay compensation to the police officers she attacked, with most going to the one who sustained the headbutt.

The Belgian law that effectively bans the niqab was passed by Parliament in late April 2010. In fact it bans "attire and clothing masking the face in such a way that it impairs them to be recognisable". The penalty breaching the law is rather less serious than the sentence handed out to Ms. Djato for her violent reaction.

The law exists explicitly for security reasons and makes no direct reference to the niqab. Nevertheless it prompted anger from the Islamist community in Belgium and beyond, especially following Ms. Djato's arrest.

Shariah4Belgium, a Muslim fundamentalist group that has since been banned, called for protests in her support which then descended into riots that rumbled on for several days. In addition two police officers were stabbed in a Brussels Metro Station by a French Islamist who travelled from Paris in order to launch the attack in protest against Belgian government policy towards Muslims.

Ms. Djato did not attend her trial, but the court has now ordered her immediate arrest.

Religion and ethics classes at the heart of fierce political debates

A decision of the Constitutional Court questioning the legality of the way religious and ethics classes are organised in francophone public schools has opened a Pandora's Box in the political arena in Belgium. Starting with the issue of opting out from such classes, the public and political debate has raised a number of other sensitive questions opposing various actors of civil society: secularist and anti-religious forces, political parties, teachers, parents... Below is a translation of the press release published by Human Rights Without Frontiers on 20th May and sent to the media, political parties and civil society in Belgium.

HRWF (26.05.2015) - Solutions exist for permitting students to opt out of religion classes or "non-confessional" ethics classes in the French community's educational system at no additional cost in such a way that it would be in compliance with the Constitutional Court's 12 March 2015 judgement, say teachers interviewed by Human Rights Without Frontiers in Brussels.

The decision of the Constitutional Court and its Implications

The court finds that "the French Community allows ethics classes to be ideologically oriented and the teachers to adhere to a particular philosophical system. This implies that the French Community does not guarantee that the courses of religion and non-confessional ethics, which are offered with parental permission, disseminate information or knowledge that is 'objective, critical and pluralistic' in conformity with the case law of the European Court of Human Rights on which the Constitutional Court depends.

"In order to ensure the right of parents that their children do not experience conflict between religious or ethical education given by the school and the religious or philosophical beliefs of parents, students should be allowed to opt out from attending religion or ethics classes.

"Moreover, in order to protect their right not to disclose their religious or philosophical beliefs, which are above all intimately personal for each person, the approach for obtaining this exemption must not impose upon the parents the obligation to reveal their own religious or philosophical convictions."

The Flemish community exemption

Since 1972, the Flemish Community has been faced with the same problem. That year, Papa Sluijs, whose daughter Saskia followed secondary education in Mechelen, had addressed the Minister of Education at the time to obtain an exemption. He said, "I believe that the ethics course given to my daughter is philosophically oriented, since it professes to be free thought. This is an orientation that does not correspond to my beliefs any more than that given in religion classes." The Minister granted him dispensation, but the accrediting commission refused to give him his diploma. Mr Sluijs went to the State Council, which ruled in his favour 14 May 1985.

The question of exemption was finally settled on 8 July 1992 by the Education Department of the Ministry of the Flemish Community. A circular was issued on the basis of the judgements of State Council 35 442 of 10 July 1990 and 35 834 of 13 November 1990 to bring its policies in line with the European Convention on Human Rights. The solution chosen was: "Each school shall ensure that opting out students use that time for the study of their own religion, philosophy or ethical values. Inspection of the Community for philosophical or religious courses will monitor the implementation of these provisions." More specifically, the students go to study hall and take control of their own philosophical or religious training with the material of their choice.

A possible exemption for the French Community

In the French Community it is possible to put in place a course of two hours that could be called "Philosophical and ethical questioning," an activity already in practice that would be unfortunate and even harmful to lose. As for religion and ethics classes, these could help expand the offerings of elective courses that are already proposed according to the level: additional activities, computer sciences, Latin, etc. Families that do not want to register their children for a state-recognised religion or ethics course based on free thought, either because of conflicting convictions or for any other personal or private reason, could nonetheless guide their children to follow another elective course without having to divulge their convictions. The Belgian Constitution would then be respected as well as the decision of the Constitutional Court.

The long-awaited explosion of the constitutional time-bomb has been followed for weeks by thundering political declarations widely relayed in the media. It is now time to give way to calm reflection on the matters at hand and the search for good practices.

En prison pour leur religion ou leurs convictions

20 pays emprisonnent leurs citoyens pour l'exercice de leur religion ou de leurs convictions, d'après le rapport annuel de Human Rights Without Frontiers

HRWF (19.03.2015) - Vingt états membres de l'ONU ont emprisonné leurs citoyens pour avoir voulu pleinement jouir de leur droit de vivre selon leur religion ou leurs diverses convictions tel qu'il est garanti par l'article 18 de la Déclaration Universelle (*), selon le rapport annuel de *Human Rights Without Frontiers International*. La **Chine, l'Iran** et la **Corée du Nord** détiennent le record du nombre de croyants emprisonnés pour l'exercice de leur religion ou leurs croyances.

Des membres d'au moins **15 minorités religieuses** ont été la cible de ce type de répression de la part de leur état au cours de l'année dernière.

Le rapport annuel de *Human Rights Without Frontiers International* passe en revue le cadre constitutionnel et législatif ainsi que l'arsenal pénal des 20 pays épinglés et donne des cas concrets très bien documentés des diverses formes de répression qui frappent les croyants et les non-croyants de ces pays : peine de mort, châtements corporels et peines de prison.

Le rapport couvre les cas d'emprisonnement sur base de lois nationales interdisant ou restreignant le droit à la liberté de religion ou de croyance, comme dans le cas de Meriem Ibrahim au Soudan. Administrativement considérée comme musulmane d'après la loi soudanaise, elle fut l'an dernier emprisonnée et condamnée à mort pour s'être déclarée chrétienne.. Dans d'autres cas, les lois ont été manipulées dans leur application pour répondre à une volonté politique de limiter les activités des croyants et des non-croyants, de faire taire les défenseurs de la liberté de religion ou de conviction, de dissuader d'autres personnes d'exercer cette liberté, voire même de réduire ou d'éliminer des minorités religieuses ou de convictions. En Iran, par exemple, des membres de minorités religieuses sont systématiquement emprisonnés pour « atteintes à la sécurité nationale » ou pour tentatives de renversement du gouvernement, alors que tout simplement ils se réunissaient pacifiquement pour un office religieux.

Willy Fautre, directeur de *Human Rights Without Frontiers International* a précisé à propos de cette répression multi-forme et poursuivant ces divers objectifs : 'Le but de ce rapport est d'identifier, de nommer et de mettre en pleine lumière les états qui

criminalisent certaines activités relatives à la liberté de religion ou de croyance, et emprisonnent les personnes qui souhaitent jouir pleinement de cette liberté garantie par la Déclaration Universelle.'

Le rapport recommande à l'intention des institutions de l'Union Européenne et de ses états membres des politiques concrètes fondées sur les relations spécifiques que l'UE entretient avec chacun des pays épinglés afin d'y promouvoir la liberté de religion ou de conviction.

Le rapport est disponible en anglais à: <http://hrwf.eu/forb-intro/forb-annual-reports/>

() L'article 18 garantit à chacun « la liberté de pensée, de conscience et de religion », y compris le droit de changer de religion ou de conviction ainsi que de devenir athée ou de le rester. Le droit à l'objection de conscience au service militaire est également pleinement protégé par la Déclaration.*

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Lessons in religion no longer obligatory in Belgium

Flanders Today (13.03.2015) - <http://www.flanderstoday.eu/education/lessons-religion-no-longer-obligatory-belgium> - Belgium's Constitutional Court has ruled that children should not be required to follow religion or morals lessons in the country's primary and secondary schools. Parents can now simply request that their children not receive such lessons.

A year ago, a Brussels couple took the issue of obligatory lessons in religion to the Constitutional Court. The obligation constituted a violation of religious freedom in schools, the couple claimed. The Constitutional Court has supported their claim.

Previously, primary and secondary pupils had to choose which religion to study from the list of recognised religions: Catholic, Orthodox, Protestant, Anglican, Jewish or Islam. Students could also choose a morals lesson instead of one of the religions.

In Flanders, parents are already allowed to request that their children not follow religious or morals studies but must provide a detailed explanation as to why. Children who do not follow the lessons carry out self-study.

The Constitutional Court's ruling also has consequences for Flemish education, however, as it states that parents' obligation to explain the reason behind their decision conflicts with the European Convention on Human Rights.

Flemish education minister Hilde Crevits said that she will examine the verdict to determine how it affects the region's current system. In Wallonia, political party MR has suggested abolishing religious studies altogether and replacing them with philosophy or lessons on the cultural history of religion.
