

Ministerial to Advance Religious Freedom or Belief

Side Event 18 November 2020

Organizers: CAP Conscience et Liberté

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FRANCE: The law meant to tackle 'separatism issues' should not target religion

Oral presentation by Willy Fautré, *Human Rights Without Frontiers*

The resurgence in attacks by radical Islamists in France, home to Europe's largest Muslim population, has rekindled fierce debates about Islam, secularism, and discrimination. The deplorable assassinations in October 2020 of Samuel Paty, a teacher, and three Catholics in the Basilica of Nice have accelerated the political will of the authorities to adopt a law meant to tackle some of the root causes of Islamist terrorism.

These two events followed the publication of a public opinion survey carried out in August 2020 by the well-known institute *Ipsos*. One key finding of this survey was that 57% of young Muslims in France were placing the shariah above the Law of the Republic despite having been educated in the schools of the Republic. As is the norm in France, when there is an intractable problem, a new law is seen, correctly or not, as the solution.

Law to target one religion, Islam, or several religious groups?

The proposed law announced in October by the President of the Republic and the Minister of the Interior was often titled 'law on separatisms', in the plural, while other times it is in the singular form. This was not a mistake, an inaccuracy or a hesitation about spelling or grammar. It reflected the current uncertainty of whether to take the risk of identifying the problem as a religious one and to exclusively target one religion: Islam.

According to the French authorities, a specific group of Muslims are said to separate themselves from the historical majority of society and from its values in

a dangerous manner, for example by rejecting scientific truths such as the evolution theory or by contesting the Holocaust.

To avoid the accusation of Islamophobia and concerns about religious discrimination, the government planned to include other religious groups, especially ones labelled ‘*sectes*’, to instrumentalize them as an alibi of its good faith. All the while, authorities would continue ignoring some very closed Jewish communities. The inherent flaw with this approach is that the security threat is considered religious in nature, which it is not.

In the last few hours, the French authorities have made the draft law and its new title public. It has changed entirely and is now the “Draft Law Strengthening Republican Principles”. Its scope is much wider than what had been announced, but it still targets separatism. The Council of State has begun examining it.

The enemy is not a religion, it is a political ideology

The source of the problem that France is attempting to solve is a political ideology: radical Islamism. Radical Islamism’s objective is to impose a theocratic governance in Muslim minds whether they are in Muslim majority countries or not. This is accomplished by instilling its ideology in Muslim families, parents, and children, even before school education.

The enemy to combat is not a religion or some religions and their disciples, but a political project. If the French authorities persist in singling out an entire religious community as a threat, they will make the work of radical Islamism all the easier.

Therefore, the law should not target Islam as a religion, but should instead tackle political Islamism, in particular Salafism and its organisations such as the Muslim Brotherhood and its satellite associations.

The fight against radical Islamism should only be waged where it is active and solely against individuals who preach or publicly support it, including on social media.

A false diagnostic leads to a false solution

The objective of the draft law is to implement Chapter V (articles 25-36) of the 9th December 1905 [Law On the Separation Between Churches and State](#) which is titled *Police des cultes* and intends ‘to protect places of worship from the spreading of ideas and statements as well as from acts hostile to the laws of the Republic’.

In line with this objective, about 50 suspicious mosques have been closed since the appointment of Gerald Darmanin as Minister of the Interior in July 2020. However, closing ‘suspicious’ mosques is not a solution and is in fact counterproductive. Such a restrictive measure angers the Muslims who are deprived of their right to collective worship, which is a violation of the international standards on freedom of religion or belief. It’s not ‘mosques’ that disseminate extremist ideas, but rather the individuals in leadership roles in some mosques who instrumentalise religious teachings for political purposes. Certain imams and preachers, who have been identified by the authorities for a very long time, behave as political militants instead of providing faith-building to their communities. The draft law must combat them, not the religious community they belong to.

The draft law sets the fight against radical Islamism at the religious level when it should only be carried out at the ideological and political one instead. Other religious or spiritual communities and other categories of believers have nothing to do with this political militant activism and should not be targeted. The problem to be solved is political, not religious.

Some collateral damage of this false solution

The draft law also includes obligatory school education being introduced earlier, at the age of three, to facilitate children’s socialisation and integration into French society. Although it is laudable, prohibiting home education as a strategy against Islamism would not make sense. To date there has not been a case where a child who was educated at home then became an Islamist or a terrorist.

In these difficult times, it is senseless to upset families of believers across all faiths, including Catholics, by measures intended to fulfil objectives that are political and not religious. In fact, many Muslim families in France have suffered from the experience of one of their children running away from home to fight in Syria. Those parents are not responsible for the decision of their minor or young adult children. Most of the time, they never taught them this political Islamism, but they are the victims of it.

What comes next?

The French government’s plan is to present the draft law to the Council of Ministers after it has been finalized on the basis of the remarks of the Council of State. The choice of the date of 9 December 2020 will coincide with the anniversary of the 9 December 1905 Law which regulates the relations between state and religions in France.

It is clear that Islam as a religion is the primary target of the law, but it is not the only one. Indeed, several vague concepts in the draft law such as ‘behaviours threatening human dignity’ and ‘psychological pressures’ may open the door to many abuses in the implementation of the law on other religious groups as well.

Moreover, an article of this law provides that if any member of a group is considered to have acted in violation of a point of the law, it will allow the ban of the whole association by the Council of Ministers.

It is to be hoped that the Council of State will keep in mind the guidelines of the OSCE/ ODIHR about freedom of religion or belief and the Venice Commission recommendations and will contest these questionable provisions.