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City Council of Strasbourg rejects the IHRA definition of antisemitism

By YOSSI LEMPKOWICZ

European Jewish Press (06.04.2021) - <https://bit.ly/3wNkWyW> - France's Chief Rabbi Haim Korsia "deeply" regretted the decision of the City Council of Strasbourg, France, to vote against adopting the International Holocaust

Remembrance Alliance (IHRA) working definition of antisemitism, despite a surge of antisemitic incidents in the city over the last year.

At a meeting of the City Council on 22 March, the left-wing Green Europe Ecology Party (EELV), refused to endorse the IHRA working definition, which was adopted by France in 2019 at President Emmanuel Macron's initiative.

According to Strasbourg councillor Jean Werlen, the Council's objection to the IHRA definition stemmed from its inclusion of examples outlining how the demonization of Israel and Zionism can be antisemitic.

"First, there is a Strasbourg tradition of never importing foreign conflicts into local religious communities. Second, it is out of the question to deny citizens the right to criticise a state, even a foreign one. We must condemn antisemitism, but we must be able to criticise a state and this definition prohibits any criticism of the policy of the State of Israel," he declared.

The IHRA working definition of antisemitism clearly states that "criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic," while also recognising that manifestations of antisemitism "might include the targeting of the state of Israel, conceived as a Jewish collectivity. The definition has been adopted by dozens of governments and municipalities around the world, including Paris.

One Strasbourg Councillor who voted in favor of adopting the definition declared himself "dismayed" by the decision, emphasising that Strasbourg had been plagued by antisemitic outrages during the last year.

"The city of Strasbourg needs this definition because in recent months there have been several notorious antisemitic acts," said Pierre Jakubowicz, who is a member of the opposition Les Republicains party.

Among the incidents cited by Jakubowicz was an assault last August on a young Jewish graffiti artist who was jostled and showered with antisemitic abuse before the assailant grabbed one of his paint canisters and sprayed offensive slogans on the ground, including "forbidden to Jews" and "bitch."

He also recalled the scandal in January involving two drivers working for food delivery service Deliveroo in Strasbourg, who refused to serve Jewish customers.

He suggested that the real reason for the council's rejection of the IHRA definition was "the fact that some members of the city council majority openly support boycott campaigns against Israel."

Chief Rabbi Haim Korsia said "the European capital has knowingly decided to show neither heart nor common sense." Strasbourg is one of the two seats of the European Parliament.

Daniel Saada, Israel's Chargé d'Affaires in France, sent an open letter to Strasbourg Mayor Jeanne Barseghian in which he expressed his "deep concern".

"39 voices, including yours, Madam Mayor, have sent a message of moral bankruptcy, at a time when the urgency is to mobilize all democrats, a signal of renunciation while the manifestations of the revival of anti-Semitism in all its forms are multiplying every day," he wrote.

In an other letter to the Mayor, Shimon Samuels, International Director of the Simon Wiesenthal Center deplored that Strasbourg "is the only city to reject IHRA antisemitism definition on "anti-Zionist" grounds.

"Madame Mayor Jeanne Barseghian, In representing the Green Party (EELV), you must be sensitive to the environment. You would thus be aware of the Natzweiler-Struthof camp nearby, where in 1943, a gas chamber was built for 80 Jewish prisoners at the request of Strasbourg's University Institute of Anatomy. Their skeletons were to be used to prove "Jewish racial inferiority." This example of antisemitism should be sufficient evidence of historic environmental poisoning."

On Tuesday, 350 academics from around the world signed a letter of support of the IHRA definition. More than 15 Jewish groups from around the world will post the letter.

<https://adoptihra.com/supporting-ihra/>

Photo European Jewish Press :

"The city of Strasbourg needs this definition because in recent months there have been several notorious antisemitic acts," said Pierre Jakubowicz, a City Councillor who voted in favor of adopting the definition.

The persecution of Christians who were Muslims

See full report at <https://bit.ly/3uE8eRb>

ECLJ (30.03.2021) - <https://bit.ly/3fZtgp5> - After several weeks of investigation, the ECLJ is releasing this Tuesday, March 30, 2021, [a report](#) and [a reportage](#) on the persecution suffered by people from a Muslim background in France following a conversion to Christianity.

This investigation highlights the fact that an overwhelming majority of people leaving Islam to join Christianity undergo family and community persecutions. Whether the convert be male or female, young or old, single or married, the infringement of religious freedom is evident in all cases. These Christians are prevented from living their faith freely, they have to live in secrecy and in fear, often leading a double life.

Conversion, implying apostasy from Islam, is systematically perceived by the whole Muslim community as a form of treason, justifying reprisals. This persecution of converts takes various forms and graduated intensities. These forms of persecution, listed by the ECLJ in [its report](#), were determined following interviews with converts and association leaders. The most common forms of persecution are contempt, verbal or physical aggression, threats, and even harassment and rejection by the community to urge them to return to Islam.

This persecution is more important for women and girls, because of the dishonour and opprobrium they would inflict to their families. In fact, none of them wished to appear with their face and real name in our [video report](#), for fear of this "social death" or of a violent reaction from their family and their community. Although living in France, a significant proportion of the converted women are threatened with being forcibly married, sent to their parents' country of origin or sequestered as long as they do not return to Islam. In infrequent but increasingly rare cases, converts are lynched or even killed by Islamists. Faced with the threats that are very present in the Islamized suburbs and on social networks, moving or running away is often the only solution for the convert to escape the violence.

The leaders of French associations involved with ex-Muslims unfortunately note that most state and Christian authorities do not assume their responsibilities to help and welcome converts.

At present, France does not effectively guarantee the fundamental freedom to choose one's religion. According to the ECLJ, the proposed law against separatism is an opportunity to better guarantee religious freedom by strengthening the penalties for those who seek to obstruct a conversion. The Charter of Principles for Islam in France in its article 3, paragraph 2 condemns such actions. It is therefore high time to act to make known the persecution of these ex-Muslim converts, to improve their reception and to really fight against community withdrawal and the development of Islamism.

Photo : eclj.org

Muslims, Christians critic of the french law on "Separatism"

Some amendments passed by the Senate raise serious religious liberty issues. France's top Christian leaders officially join Muslims in criticizing the draft law.

by Massimo Introvigne

Bitter Winter (05.04.2021) - <https://bit.ly/3wpAoku> -The amendment battle about the French draft law on "separatism," which would reform after more than 100 years the French legislation on religion, has moved from [the Commission on Laws](#) to the Senate floor.

The good news is that some of the worst amendments we discussed [in a previous article](#) have been either rejected or withdrawn. The Senate has rejected [Amendment 178](#) by Senator Valérie Boyer, which tried to reintroduce the possibility of a swift administrative dissolution of associations, including religious associations, that violate

“human dignity,” “freedom of conscience,” or use techniques of “psychological pressures,” after a similar provision, included in the original draft and obviously aimed at groups labelled as “cults” (*sectes*), had been eliminated by the government following the criticism by the Council of State.

Amendment 280 by Senator Jean-Yves Roux, which [wanted to introduce a new crime](#) of “cultic behavior” (*comportement sectaire*), has been withdrawn by his author.

However, the paradoxical Amendment 182, also by Senator Boyer, [has been amended](#) to include the signature of another 15 senators who support the proposal. Amendment 182 aims at creating the crime of “publicly declaring apostasy a crime.” This refers to a declaration that is *not* accompanied by a violence or incitement to violence (which would result in a 7-year imprisonment and a fine of Euro 70,000). When there is no incitement to violence, just a statement declaring apostasy “a crime” the penalty would be 5-year imprisonment and a Euro 50,000 fine. Ostensibly written against Muslims, who certainly regard apostasy as a crime, in fact the amendment would be immediately applicable against Roman Catholics, whose Code of Canon Law, canon 1364, clearly defines apostasy from the Catholic Church a crime (*delictum*), and would endanger several other religions. This amendment has not yet been voted.

Some other amendments passed by the Senate have been widely criticized by the French media.

[Amendment 146](#), which has been passed, forbids minors to wear religious symbols in public spaces, streets included. Symbols that “imply that women are inferior to men” are also forbidden. Obviously, this is a new episode in the decade-old French crusade against Islamic scarves, but a feminist may argue that skirts, and certainly the long skirts used by girls from some Evangelical communities, imply that “women are inferior to men.” And the ban on wearing Christian crosses, Jewish kippahs, or Sikh turbans seems hardly justified by the law’s stated aim of preventing “radicalization” and terrorism.

It is not only about minors. [Amendment 236](#), which has also been passed, compels public swimming pools to “respect the principle of *laïcité*.” To a non-French, this may seem strange: why swimming pools and not soccer fields or movie theaters? But the amendment explains that it targets the “burkini,” a fashionable modesty swimsuit for Muslim women, covering the whole body and the head. The amendment, now passed, is just another proof of how French legislators want to target one religion, Islam, but cannot create obviously unconstitutional laws explicitly discriminating the Muslims, and end up creating texts that would bother others as well. Orthodox Jewish women also use modesty swimsuits similar to the burkini, and it would seem bizarre, if a woman for whatever reason finds a similar swimsuit comfortable, to dispatch to the swimming pool a theologian accompanied by a police officer investigating whether she wears it for practical, moral, or religious reasons.

[Amendment 286](#) and [150](#) have also been approved, and require mothers (and fathers) who accompany children for a school outdoor trip or other extracurricular activities as volunteers to “behave according to the principle of *laïcité*.” This again means that a Sikh father cannot wear a turban (meaning he cannot accompany his children, since his religion prevents him from taking the turban off), and a Muslim mother should take away her scarf.

Other similar amendments will be discussed this week. The fact that amendments are passed by the Senate does not mean they will be part of the final text of the law. After approval by the Senate, the draft law will go to a mixed committee (composed by senators and members of the Assembly, in equal numbers). If they will come to a consensus, the legislative process will be concluded. If not, the text will go back to the Assembly, then to the Senate, and finally to the Assembly again, which will have the last word.

We hope that in this process also the new Article 8 bis A, introduced by the Senate's Commission on Laws, and allowing religious associations to be dissolved by an administrative order when some of their members are accused of illegal or "immoral" activities, can be eliminated.

Meanwhile, the three highest Christian authorities in France, Archbishop Éric de Moulins-Beaufort, president of the French Conference of Catholic Bishops, Pastor François Clavairolly, president of the French Protestant Federation, and Metropolitan Emmanuel Adamakis, head of the French Orthodox Church (Ecumenical Patriarchate), have signed [a joint declaration](#) whose title already says it all, "Christians United Against the Law on Separatism." French Christian leaders state that the draft law, if passed, would make the situation of religious communities worse, not better, with respect to the existing law of 1905 on religious associations, would deny the legitimate right of those who want to live differently from the majority to organize themselves "separately," which is not a crime, and will return to the model of a strict control of all religions by the state dating back to Napoleon's time, and more suspicious and hostile to religion than the system introduced in 1905.

The Christian leaders have identified where the problem lies. Apart from what seems the obvious unconstitutionality of some articles, and their violation of basic principles of the European Convention on Human Rights, the law, through the various amendments, look more and more at religion as a "problem," rather than as a resource, for French society. Looking at religion as an enemy rarely promotes religious freedom and human rights.

Photo : Public enemy: an amendment has been passed that makes "burqini" illegal in French public swimming pools (credits).

French Law on "Separatism": Amendment Battles in the Senate

Positive and negative changes have been introduced, and some passed, at the Commission on Laws stage. The text will go to the Senate's floor on March 30.

By Massimo Introvigne

Bitter Winter (29.03.2021) - <https://bit.ly/31uDdCD> - Until one month ago, articles on the draft French law against "separatism," rechristened "Law for the respect of Republican principles," were being published by mainline international media almost daily. With some colleagues, I had published a first "White Paper" emphasizing problems for religious liberty in the original text, and a second one suggesting that the law may offer a positive opportunity to go beyond the restrictive definition of "religion" prevailing in French case law.

Eventually, the objections by French and international scholars, after the French State Council had made similar remarks, were heard by the government, which amended the text by eliminating the most controversial provisions. The law was then approved in first reading by the National Assembly and sent to the Senate, where it has been discussed by the Commission on Laws. It will go to the Senate floor on March 30, and the discussion is scheduled to continue until April 8.

After approval by the Senate, the draft law will go to a mixed committee (composed by senators and members of the Assembly, in equal numbers). If they will come to a consensus, the legislative process will be concluded. If not, the text will go back to the Assembly, then to the Senate, and finally to the Assembly again, which will have the last word. At each stage of this "navette," amendments may be introduced. Most of those to be examined in the Senate's discussion have already been filed.

The fact that international media, confronted with this long and complicated process, have somewhat lost patience and now rarely mention the French law, is not a positive development. International criticism, even if routinely rejected by some French politicians as an undue interference, probably played a role in having some positive amendments passed. For instance, the Commission of Laws eliminated the almost total ban on homeschooling, a provision often mentioned in the draft law's international criticism.

However, an amendment passed by the same Commission of Laws is cause for concern. In the text approved by Commission there is a new Article 8 bis A, which reads: "Article 3 of the law of July 1, 1901 relating to the association contract is amended as follows: 1. The first occurrence of the word 'or' is replaced by the sign: `,'; 2. After the word 'object,' the words 'or having an activity' are inserted." This is typical legislative jargon hardly understood by laypersons, but it hides a danger for freedom of association. Although the provision refers to the law of 1901, it also affects religious associations incorporated under the law of 1905. And at any rate, for reasons we explained in the second White Paper, a number of religious groups, however, decide to incorporate under the law of 1901.

Article 3 of the law of 1901 declares void *ex tunc* the incorporation of an association whose "purpose" is against the laws or morality. This nullity leads to a quasi-automatic dissolution. The amendment bans association that have "a purpose or activities" that are illegal or contrary to morality. The effect will be that associations occasionally accused of illegal or "immoral" activities, even if these are not part of their "purposes," could be dissolved. Considering the climate of hostility to religious minorities, particularly those labeled as "cults," prevailing in France, it would not be difficult to accuse unpopular religious group of (more or less occasional) illegal or "immoral" activities. The amendment also raises issues of constitutionality. Perhaps a counter-amendment will get rid of it.

Some really bad amendments will also be discussed in the Senate. Socialist Senator Jean-Yves Roux through Amendment 280 wants to introduce a new crime of "cultic behavior" (*comportement sectaire*), defined as "pursuing activities with the aim of undermining the fundamental principles of the Republic of freedom, equality, fraternity, and dignity of the human person, the symbols of the Republic within the meaning of the article 2 of the Constitution, or to call into question the secular character of the Republic." The new crime will be punished with one year in jail and a fine of Euro 15,000.

Roux explains that the amendment targets "extremism" and "separatism," normally code words for radical Islam, but he says it does so by "working on the cults." The text is so vague, and so obviously contrary to the principles underlined by the State Council in its opinion, that its chances of being passed should be minimal.

Amendment 178 by Senator Valérie Boyer, from the conservative The Republican party, is more dangerous. She tries to reintroduce the possibility of a swift administrative dissolution of associations, including religious associations, that violate "human dignity," "freedom of conscience," or use techniques of "psychological pressures." This is standard anti-cult jargon, and these provisions were part of the original draft law before being eliminated by the government following the opinion of the State Council.

The same Valérie Boyer introduced another dangerous Amendment, 182, which aims at creating the crime of "publicly declaring apostasy a crime." This refers to a declaration that is not accompanied by a violence or incitement to violence (which would result in a 7-year imprisonment and a fine of Euro 70,000). When there is no incitement to violence, just a statement declaring apostasy "a crime" the penalty would be 5-year imprisonment and a Euro 50,000 fine.

This is indeed the most dangerous amendment of them all. It runs a risk of becoming popular because it ostensibly targets Islam, and those Islamic radical schools calling for apostates to be beheaded. It has perhaps been influenced by recent controversies about the Jehovah's Witnesses. However, Senator Boyer perhaps does not realize that the crime of "publicly declaring apostasy a crime" is committed daily by Roman Catholic professors who teach canon law in France, or distribute copies of the Code of Canon Law.

Canon 1364 clearly defines apostasy from the Catholic Church a crime (delictum). The crime of apostasy is dealt with by Canon criminal law. This declaration that apostasy is a crime is made very publicly, and even included in the Vatican's official Web site. This is paradoxical, considering that Senator Boyer "publicly declares" her Catholicism, and is concerned about the anti-religious attacks to the freedom of Catholics in France. It seems she does not know her own Church, and there are similar provisions on apostasy in many other religions, making Amendment 182 a serious danger for religious liberty.

We would still like to believe that the Senate may use the discussion to broaden the definition of religion with respect to the present French case law, as we suggested in the second White Paper. However, there are amendments that go in the opposite direction.

Amendment 138 by Senator Nathalie Delattre, from the social-liberal Radical Movement, wants to define the religious association of the 1905 law as those that "have as their object the celebration of ceremonies organized for the accomplishment, by persons united by the same religious belief, of certain rites or practices." Amendment 357 by Senator Sébastien Meurant of The Republicans, also wants to define religious associations as those devoted to "the celebration of ceremonies organized for the accomplishment, by persons united by the same religious belief, certain rites or practices."

This is consistent with French case law, and follows literally an old opinion by the State Council dated October 24, 1997. However, this old case law is now at odds with the religious pluralism of the 21st century, which includes groups recognized by a vast majority of scholars as religious whose main aim is not "the celebration of ceremonies," with Buddhist groups promoting individual meditation rather than collective rites as one obvious example. Amendments 138 and 357 will crystallize the existing situation, which follows an outdated model based on Christian churches. The historical opportunity of using the new law to introduce a more modern concept of religion will be once again missed.

French minister warns of 'foreign meddling' in Strasbourg mosque funding row

RFi (24.03.2021) - <https://bit.ly/2PAGxcK> - The construction of a mosque in Strasbourg has led to a row with the French Interior Minister, who accuses the Strasbourg municipal authorities of using public money to fund foreign meddling on French soil.

The planned Eyyub Sultan mosque in the eastern French city has found itself in the government's crosshairs because it is backed by a controversial Turkish Muslim group.

In most of France, under the country's strict rules separating state and religion, the government is not allowed to help fund religious practice. However for historical reasons, the rules are different in the Strasbourg region.

On Monday, municipal officials in Strasbourg, which is run by Green mayor Jeanne Barseghian, approved a grant of 2.5 million euros to the Milli Gorus Islamic Confederation, (MGIC), a pan-European movement for the Turkish diaspora.

But the MGIC is one of three Muslim confederations in France that have refused to sign a new anti-extremism charter championed by President Emmanuel Macron.

Macron wants the groups to commit in writing to renouncing "political Islam" and to respecting French law, in a bid to combat radical Islam, which he sees as a threat to the country's secular system.

Separately, the government has also drafted legislation which would force religious groups to declare major foreign funding and would give the state increased powers to shut down speech judged to spread hate or violence.

'Meddling' on French soil

Speaking on French television station BFMTV on Tuesday, Interior Minister Gérald Darmanin expressed the government's view that the MGIC's refusal to sign the charter meant it could no longer be counted as a group representing Islam in France.

He went on to criticise the local authority saying the ministry believed that it "should not be financing foreign meddling on our soil."

Darmanin said he had asked the government's top representative in the Strasbourg region to file an administrative court complaint to stop the subsidy.

Strasbourg Mayor Jeanne Barseghian has said the mosque project has been in the works since 2017, before she was elected. But she insisted the funds are contingent on Milli Gorus presenting both a solid financing plan and "a reaffirmation of the values of the Republic."

An MGIC official, Eyup Sahin, told AFP news agency his association was refusing to sign the charter because it had not been allowed fully to participate in its elaboration.

There are longstanding divisions between the different groupings within the French Council of the Muslim Faith.

Prohibition of homeschooling canceled in Commission at the Senate

The Education and Culture Commission of the Senate has canceled the prohibition of homeschooling based on philosophical or religious convictions.

By Patricia Duval, lawyer, for *Human Rights Without Frontiers* (duval.patricia@gmail.com)

HRWF (22.03.2021) - The Bill on "reinforcing abidance with the Principles of the Republic", which intends to eliminate the root causes of extremist Islamism in France, contained a general prohibition of homeschooling with special and limited exemptions, e.g. based on the child's health. It specifically provided that no authorization could be granted for philosophical or religious reasons.

Not only did this provision miss its target as none of the Islamist terrorists could be traced to have followed a homeschooling cursus (which is not usually accessible to poor families with immigrant background) but it also ran contrary to the international human rights commitments of France, such as the European Convention on Human Rights and the International Convention on the Rights of the Child.

The prohibition of the choice of homeschooling for philosophical or religious reasons was actually part of the French policy to counter the alleged undue influence of family or community on the children's religious beliefs.

Since the enactment of the 2004 law prohibiting the wearing of conspicuous religious signs in the public schools, France has followed a dangerous trend of unduly restricting the sphere of freedom of religion or belief. Secularism ("Laïcité") shifted from imposing religious neutrality to State agents, delivering a public service, i.e. the teachers, to being binding also on public service users, namely pupils at school.

This was followed by the adoption of a Charter of Secularism in 2013 posted in all public schools, to which the pupils had to commit. According to the Charter, Secularism protected them "from any proselytizing and pressure which would prevent them from making their own choices" in order to raise their critical mind through "scientific and educational questioning".

In an interview given to the media at the time, the Minister of Education Vincent Peillon explained that in order to give the pupils freedom of choice, the State had to be able to "snatch them out of any and all determinism", which included family religious background.

Prohibiting family homeschooling based on religious motives is in line with this derailing of the State's understanding of its role, which shifted from being neutral in religious matters to somehow "deprogramming" the children of their religious background.

It cannot be the State's role to go against the parents' choices in matters of religious education. The State has not only a duty of neutrality but also a duty to ensure that parents can educate their children in accordance with their own beliefs.

Article 2 of the 1st Protocol to the European Convention on Human Rights provides:

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

In an article published in Le Figaro on February 9, 2021, the Catholic Families Association (AFC) re-asserted very clearly that **"No, children do not first belong to the Republic"**.

AFC President stated that the bill on "reinforcing abidance with the Principles of the Republic" negates the primacy of the educational role of the parents, in spite of the fact that it is a fundamental right protected by the international treaties France has committed to. The interview provided:

"We have seen for several years a questioning of the parents' primary role as educators to the benefit of the State which tends more and more to orient the child's education. Even though we are well aware of the urgency of combating fanaticism and extinguishing the hotbeds of terrorism, we should avoid that all the parents suffer from collateral damages of this policy.

Some years ago, didn't a Minister of Education state to be willing to snatch the children from their "family determinism", to rely on the youth to make the society evolve and that the children belonged to the Republic and not to the families? The denial of Homeschooling is clearly an infringement of freedom of education which is a right of the families."

"Children belong first to the Republic, before belonging to their parents" was underlying the plan submitted in 1793 by Robespierre, the French Revolution dictator. Those revolutionaries wanted the children to be raised by the State and not by their parents. This time is long past and may we be protected from dictatorship.

The prohibition of homeschooling had nothing to do in the draft Law on reinforcing abidance with the Principles of the Republic. It was rightly erased by the Senate Commission on 16 March on the basis of Freedom of Education, a principle with constitutional value.

Let's hope that it does not get reintroduced during the debates at the Senate which start on March 30th or at the National Assembly when it goes for second review there.

L'interdiction de l'instruction en famille annulée par une Commission du Sénat

La commission de l'Éducation et de la Culture de la Haute assemblée a annulé l'interdiction de l'instruction à domicile motivée par des convictions philosophiques ou religieuses.

Patricia Duval, avocate, pour Human Rights Without Frontiers (duval.patricia@gmail.com)

HRWF (22.03.2021) – Le projet de loi confortant le respect des principes de la République, qui vise à éliminer les racines de l'extrémisme islamiste en France, contenait une interdiction générale de l'instruction en famille avec la possibilité d'octroi d'autorisations spécifiques et limitées, par exemple pour des raisons liées à la santé de l'enfant. Il prévoyait expressément qu'aucune autorisation ne pourrait être délivrée pour des raisons philosophiques ou religieuses.

Ces dispositions non seulement manquaient leur cible car aucun lien n'a pu être établi entre les auteurs d'actes terroristes et un quelconque cursus d'instruction à la maison (qu'en règle générale les familles pauvres issues de l'immigration ne peuvent se permettre) mais elles étaient également contraires aux engagements internationaux de

la France en matière de droits de l'homme, tels que la Convention européenne des droits de l'homme et la Convention internationale des droits de l'enfant.

L'interdiction du choix de l'instruction à la maison pour des raisons philosophiques ou religieuses était en réalité partie intégrante de la politique française visant à contrecarrer l'influence supposément induite de la famille ou de la communauté sur les croyances religieuses des enfants.

Depuis l'adoption de la loi de 2004 sur le port des signes religieux ostentatoires dans les écoles publiques, la France a suivi une pente dangereuse en restreignant indûment la sphère de la liberté de conscience ou de religion. La Laïcité est passée d'une obligation de neutralité incombant aux agents de l'Etat, dispensant un service public, à savoir les enseignants, à une obligation s'imposant aux usagers du service public, à savoir les élèves des écoles.

Cette évolution a été suivie par l'adoption d'une Charte de la Laïcité en 2013 qui a été affichée dans toutes les écoles et à laquelle les élèves devaient prêter allégeance. Aux termes de la Charte, la laïcité « les protège de tout prosélytisme et de toute pression qui les empêcheraient de faire leurs propres choix » afin de forger leur esprit critique au moyen de « questionnement scientifique et pédagogique ».

Dans une interview relayée dans les médias à l'époque, le Ministre de l'éducation Vincent Peillon expliquait qu'afin de lui donner la liberté de choix, l'Etat devait être capable « d'arracher l'élève à tous les déterminismes », y compris le déterminisme familial en matière religieuse.

L'interdiction de l'instruction en famille motivée par des raisons religieuses est en droite ligne avec cette dérive de la conception de l'Etat de son propre rôle, qui est passée d'être neutre dans les questions religieuses à en quelque sorte « déprogrammer » les enfants de leur contexte familial religieux.

Il ne peut être le rôle de l'Etat de s'opposer aux choix des parents en matière d'éducation religieuse. L'Etat a non seulement une obligation de neutralité mais également le devoir de s'assurer que les parents peuvent éduquer leurs enfants conformément à leurs propres croyances.

L'article 2 du protocole additionnel à la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales prévoit :

Nul ne peut se voir refuser le droit à l'instruction. L'État, dans l'exercice des fonctions qu'il assumera dans le domaine de l'éducation et de l'enseignement, respectera le droit des parents d'assurer cette éducation et cet enseignement conformément à leurs convictions religieuses et philosophiques.

Dans un article publié dans Le Figaro le 9 février 2021, la présidente des associations familiales catholiques (AFC) affirmait très clairement « **Non, les enfants n'appartiennent pas d'abord à la République** ».

Elle a ensuite déclaré que le projet de loi « confortant le respect des principes de la République » remettait en cause la primauté éducative des parents, alors qu'il s'agit d'un droit fondamental, garanti par les engagements internationaux de la France. Elle a en particulier expliqué :

Nous assistons depuis plusieurs années à une remise en cause de la place des parents en tant que premiers éducateurs au profit d'un État qui veut de plus en plus orienter l'éducation des enfants. Même si nous sommes bien conscients de

l'urgence de combattre le fanatisme et d'éteindre les foyers du terrorisme, il ne faudrait pas non plus que l'ensemble des parents essuient des dommages collatéraux de cette politique.

Il y a quelques années, un ministre de l'Éducation ne déclarait-il pas vouloir arracher les enfants aux «*déterminismes familiaux*» et s'appuyer sur la jeunesse pour faire évoluer la société et que les enfants appartenaient à la République et non aux familles? La remise en cause de l'Enseignement en Famille est clairement une atteinte à la liberté d'éducation qui est un droit des familles.

« Les enfants appartiennent à la République avant d'appartenir à leurs parents », cette déclaration sous-tendait le plan soumis en 1793 par Robespierre, le dictateur issu de la révolution française. Ces révolutionnaires voulaient que les enfants soient d'abord éduqués par l'État, et non par les parents.

Cette époque est depuis longtemps révolue et puissions-nous être protégés de la dictature.

L'interdiction de l'instruction en famille n'avait rien à faire dans le projet de loi confortant le respect des principes de la République. Elle a été à juste titre retirée le 16 mars par la Commission du Sénat, en invoquant la liberté d'enseignement, reconnue comme principe à valeur constitutionnelle.

Espérons qu'elle ne soit pas réintroduite durant les débats au Sénat qui commenceront le 30 mars ou à l'Assemblée lorsque le projet de loi y retournera.

Anti-Cultism in France: Old/New Risks for Religious Liberty?

The COVID pandemic, QAnon, and debates on "separatism" have revitalized the French anti-cult structure MIVILUDES. Folk statistics may lead to bad choices.

By Massimo Introvigne

Bitter Winter (19.03.2021) - <https://bit.ly/30I1eFS> - France has a tradition of governmental activism against "cults" (called *sectes* in French). Groups labeled as "cults" tend to organize themselves somewhat differently with respect to mainline society, which the French tradition of *laïcité* perceives as part of "separatism," i.e., a "separation" from the general consensus around what French call "Republican values." The new law against "separatism" originally included provisions targeting "cults" in addition to Islamic radicalism, although these provisions, of dubious constitutionality, were later eliminated by the government.

However, the national debates on the law against separatism have been one of the factors leading to a revitalization of the MIVILUDES, the Interministerial Mission of Vigilance and Combat against Cultic Deviances, created by the French government in 2002 as a successor of MILS (Interministerial Mission of Fight Against Cults). French media noticed a decline of MIVILUDES since 2015, as more resources were devoted to the fight against radical Islam. When in 2019 the MIVILUDES was reorganized as a part of the Interministerial Committee to Prevent Delinquency and Radicalization (CIPDR), anti-cultists lamented that the MIVILUDES was about to disappear.

Now, however, the MIVILUDES has been revamped and reinforced. The discussion about "separatism" has been a factor, together with concerns about the activities in France of

"cults" promoting alternative medicines during the COVID-19 pandemic, and of "political cults" such as QAnon in the wake of the American Presidential elections of 2020. A role has been played by the fact that Ms. Marlène Schiappa, a politician who has decided to jump on the anti-cult bandwagon for her own reasons, since July 2020 serves as Minister Delegate in charge of Citizenship, attached to the Minister of the Interior, i.e., in the position dealing inter alia with "cults."

The MIVILUDES, together with several police bodies, has recently published both what seems to be its new yearly report on "cults," and a note "provided as requested by Ms. Schiappa" on "the new trends of cultic deviances." Although the second documents was presented as a summary of the first, this is not really the case. The "new trends" note includes names, and discusses incidents, that are not mentioned in the report.

The report admits that the first French approach, leading to the publication in 1996 a list of "cults" that immediately became very controversial, was wrong. Groups were included in the list "not on the basis of objective criteria, but on the level of social acceptance at that particular time." This is a very important admission, because the MIVILUDES is recognizing here that the scholars who criticized the list—who were criminalized as "cult apologists"—were right, and authorities were wrong, and that religious movements were "stigmatized" and harassed just because they were unpopular.

Recognizing the mistake, the report explains, led to focus not on "cults" but on "cultic deviances," a new notion "unknown to the fields of religion, sociology, and law" created ad hoc by the French government. Apart from the emphasis presenting "cultic deviances" as almost the greatest French invention since the champagne and the camembert, what is claimed here is both important and alarming. "The State, the report says, has thus transformed the presence of cults, a social fact, into a question of public order, in which the criterion of dangerousness takes precedence. For the State, cultic deviances are considered to be dangerous not because they threaten traditional religious boundaries, but because they challenge standards the State has established in strategic areas. The problem comes from the possibility that a group of believers may form a closed community in which education, health care, nutrition, and social life are organized according to patterns that are beyond the control of the State."

Perhaps one needs to read twice to understand what is really claimed here, i.e., that the French State does not tolerate "separatism" in broad "strategic areas" that include "social life" and "nutrition." You should either "organize according to patterns under the control of the State" or be called a "closed community" and a "cult." Whether this widespread "control of the State" is compatible with a democratic concept of individual and religious liberty is a different question.

However, even by applying this expansive notion of "cultic deviances," it seems that it is not a major problem in France. Scholars know that moral panics about the "cults" are usually promoted through folk statistics. Commenting the MIVILUDES documents, French media have reported that "cultic" fasting is a serious problem in France. Yet, the MIVILUDES reports that it has found just three cases of "extreme practices" connected with food in twelve months.

We also read that MIVILUDES in one year found 500 cases of problems involving minors. Ms. Schiappa translated it in a press release introducing the MIVILUDES documents into "90,000 minors in danger," an excellent example of the use of folk statistics to artificially create social alarm. The report states that MIVILUDES and the police working on "cults"

do not have reliable statistics, yet Ms. Schiappa understands inflated numbers are very much liked by journalists.

Interestingly, we read that around some 3,000 cases of “cultic deviances” noticed by the MIVILUDES, only 16 have been forwarded to prosecutors under Article 40 of the Criminal Proceedings Code, which makes it mandatory for a public servant who becomes aware of a crime to denounce it to a prosecutor. In other words, in 2,984 cases out of 3,000 the MIVILUDES itself recognized there was no crime to be prosecuted. And we do not know how many of the 16 cases forwarded to prosecutors were in fact prosecuted and led to convictions.

To its credit, MIVILUDES is now repudiating the strategy of the 1990s that led to the publication of lists of “cults,” and causes years of suffering to the members of the groups so labeled and “stigmatized.” But as long as accusation of “cultic deviances” are liberally applied to cases where, as the MIVILUDES itself admits, there is no crime in more than 99% of the incidents it has considered, an attitude of general suspicion against all groups perceived as “different” or “alternatives” will be perpetuated. And this is a problem for religious liberty and democracy.

The Calvary of Plorec-sur-Arguenon will not be destroyed

A court ordered its destruction in the name of French laïcité. Local authorities found a solution. An emblematic story.

by PierLuigi Zoccatelli



A winter image of the Calvary of Plorec-sur-Arguenon (from Facebook).

Bitter Winter (10.03.2021) - <https://bit.ly/3c0oIBY> - On January 5, 2021, *Bitter Winter* reported that in the French village of Plorec-sur-Arguenon, Brittany, a court had ordered the destruction of the local Calvary (i.e., the monumental crucifix reminding the passers-by of the crucifixion of Jesus Christ, a common monument in Northern France). It was a typical application of the French principle of *laïcité*, very much in the news in these days because of the debates on the new law on "separatist" religion.

Laïcité forbids to erect religious monuments on public land. But when the Calvary was erected, in 1946, the relevant land was private. It was acquired by the Department of Côtes-d'Armor when the Calvary was already there.

The secular humanist Federation of Free Thought (Fédération nationale de la libre pensée) filed a suit with the Administrative Court of Rennes, which on November 18, 2020 found in its favor and ordered the destruction of the Calvary as its remaining on public land violated the principle of *laïcité*.

It did not really help the cause of the Calvary that a small political party called Debout la France (France Arise) politicized the issue and tried to gain visibility by demonstrating (COVID-19 notwithstanding) in Plorec-sur-Arguenon.

However, cooler tempers happily prevailed, and the desire of local villagers to preserve a historical landmark was considered by the Department's authorities, together with the need to comply with the decision by the Administrative Court of Rennes.

By a unanimous vote, the Council of the Department voted the sale of the plot of land where the Calvary stands to the Association pour la Conservation du Patrimoine de Plorec-sur-Arguenon, i.e., to the group of private citizens that in 2017 had restored the Calvary at its own expenses.

All is well that ends well, and *Bitter Winter* is pleased to have helped by making the issue known outside France. It remains that local politicians exhibited more common sense than an administrative court, and the latter confirmed that too often, when in doubt, the principle of *laïcité* is interpreted against religion in France.

PierLuigi Zoccatelli

PierLuigi Zoccatelli teaches Sociology of Religions at [Pontifical Salesian University](#), Torino, Italy, and is deputy director of [CESNUR](#), the Center for Studies on New Religions. He is the author of several books and articles in the field of new religious movements and Western esotericism, and co-author of the widely reviewed [Encyclopedia of Religions in Italy](#).

Only 25% "cultic deviations" are related to religious beliefs, according to the MIVILUDES

By Willy Fautré, Human Rights Without Frontiers

HRWF (15.03.2021) - In its latest report titled ["Lutte contre les dérives sectaires"](#) (Fight against cultic deviations), the MIVILUDES (Interministerial Mission of Vigilance and

Combat against Cultic Deviances) acknowledges that in 2020 only 25% “cultic deviations” are related to religious beliefs, according to its own definition of this homemade concept which has no legal equivalent in the world. The remaining 75% concern other sectors of society.

An analysis of some statistics

“Cult deviances”: The MIVILUDES’ statistics about the notifications of “cultic deviations” unrelated to religious beliefs:

- health and well-being: 40%
- youth: 23%
- imminent security issues: 20%
- economic activities, labor, employment or professional training: 17%

Interestingly as well, the report mentions that 3,008 notifications of “cultic deviances” have been received, 686 (almost 30%) have been considered serious but only 16 (0.5%) have been forwarded to prosecutors under Article 40 of the Criminal Proceedings Code, which makes it mandatory for a public servant who becomes aware of a crime to denounce it to a prosecutor. In other words, the MIVILUDES itself recognized there was no crime to be prosecuted in 99.5% of the cases. It is not said in the report if the 16 cases forwarded to the judiciary were really prosecuted and if any led to a conviction. Such information is important and also needs to be made public.

Minors at risks: Concerning the alleged exposition of minors to alleged “cultic deviations”, the MIVILUDES’ report mentions 500 referral files. However, the figure of 90,000 minors at risks – an undefined term - was published by Marlène Schiappa, Minister Delegate in charge of Citizenship, attached to the Minister of the Interior, i.e., in the position dealing inter alia with “cults,” in a [press release](#) dated 24 February 2021. This figure is probably related to the Report of the Inquiry Commission of the National Assembly (2006) which then put the figure at 100,000 but the MIVILUDES says in its report that it cannot confirm it. Another figure has also circulated in documents of the [Senate](#). In fact, all these statistics are not based on any scientific study.

Change of paradigm: hope for the future?

For more than two decades, scholars in religious studies and human rights defenders have strongly criticized France’s “cult-hunting policy” as infringing on international standards on freedom of religion or belief. The MIVILUDES has now decided to take into consideration UN and OSCE standards and reports as well as the jurisprudence of the European Court. It has opted for a new policy: to replace “the fight against cults” by “the fight against cultic deviances.”

Will this change of paradigm lead to a different policy and good practices? This remains to be seen.

Dr Massimo Introvigne, Former OSCE Representative on combating racism, xenophobia and discrimination, with a special focus on discrimination against Christians and members of other religions”, has scrutinized the MIVILUDES’ report in a paper titled [“Anti-cultism in France: Old/ New Risks for Religious Liberty?”](#) published in Bitter Winter on 13 March 2021. Among many other things, he stresses:

“The report admits that the first French approach, leading to the publication in 1996 of a list of “cults” that immediately became very controversial, was wrong. (...)

Recognizing the mistake, the report explains, led to focus not on 'cults' but on 'cultic deviances,' a new notion "unknown to the fields of religion, sociology, and law" created ad hoc by the French government. (...)

To its credit, MIVILUDES is now repudiating the strategy of the 1990s that led to the publication of lists of 'cults,' and caused years of suffering to the members of the groups so labeled and 'stigmatized.' But as long as accusation of 'cultic deviances' are liberally applied to cases where, as the MIVILUDES itself admits, there is no crime in more than 99% of the incidents it has considered, an attitude of general suspicion against all groups perceived as 'different' or 'alternatives' will be perpetuated. And this is a problem for religious liberty and democracy."

In addition, the change of paradigm will not have any influence on the understanding of the issue in public opinion as the word "cult" (*secte* in French) has always been exclusively related to religious or spiritual groups with a negative connotation. This feeling will remain unchanged with the word cultic (*sectaire* in French) associated to another negative word "deviation" (*dérive* in French). For the media consumer, any information about "cultic deviations" will be understood as exclusively related to a religious cult, and not otherwise.

In conclusion, criminal activities, whatever they are, need to be detected in due time and prosecuted but transparency in the use of tax-payers' money is also necessary if one wants it to be efficiently used.

The MIVILUDES' official budget of last year was about [500,000 EUR](#) but researchers have been unable to check how this money is used. They were told that it was included in the budget of the Prime Minister. More transparency is also to be introduced in this regard.

25% seulement des "dérives sectaires" sont de nature religieuse, selon la MIVILUDES

By Willy Fautré, Human Rights Without Frontiers

HRWF (15.03.2021) – Dans son dernier rapport intitulé "[Lutte contre les dérives sectaires](#)", la MIVILUDES (Mission interministérielle de vigilance et de lutte contre les dérives sectaires) reconnaît qu'en 2020, seulement 25% des "dérives sectaires" étaient de nature religieuse, d'après sa propre définition de ce concept fait maison qui n'a pas d'équivalent légal dans le monde. Les 75% restants concernent d'autres secteurs de la société.

Analyse de quelques statistiques

"Dérives sectaires: Statistiques de la MIVILUDES concernant les signalements de "dérives sectaires" n'ayant aucun rapport avec la religion:

- Santé et bien-être: 40%
- Jeunesse: 23%
- Enjeux de sécurité immédiate: 20%
- Affaires économiques, travail, emploi ou formation professionnelle: 17%

A ce propos, il est intéressant de souligner les points suivants: le rapport fait état de 3008 signalements de "dérives sectaires", dont 686 considérés comme sérieux (presque

30%) mais 16 seulement (0,5%) ont été adressés aux autorités judiciaires. L'obligation de saisir le parquet s'impose en vertu de l'Article 40 du code de procédure pénale quand un agent public a connaissance d'une infraction.

En d'autres termes, la MIVILUDES elle-même a reconnu qu'il n'y avait eu aucune infraction dans 99,5% des cas. Le rapport ne mentionne pas si les 16 cas adressés aux procureurs ont vraiment fait l'objet de poursuites et si certains ont abouti à une condamnation. Ce genre d'information est important et se doit d'être porté à la connaissance du public.

Mineurs d'âge à risques: Concernant des mineurs d'âge exposés à de prétendues "dérives sectaires", le rapport de la MIVILUDES signale 500 saisines. Toutefois, le nombre de 90 000 mineurs à risques – un terme non défini – a été publié par Marlène Schiappa, ministre déléguée auprès du ministre de l'Intérieur en charge notamment des "sectes", dans un [communiqué de presse](#) daté du 24 février 2021. Ce chiffre fait probablement écho au rapport de la commission d'enquête de l'assemblée nationale (2006), qui avançait alors le chiffre de 100 000, mais la MIVILUDES dit dans son rapport qu'elle ne peut le confirmer. Un autre chiffre très différent a également circulé dans des documents du [sénat](#). En fait, toutes ces statistiques ne sont basées sur aucune étude scientifique.

Changement de paradigme: Espoir pour l'avenir?

Pendant plus de deux décennies, des experts en matière d'études religieuses et des défenseurs des droits humains ont fortement critiqué la politique de "chasse aux sectes" pratiquée par la France pour enfreindre les normes internationales relatives à la liberté de religion ou de conviction. La MIVILUDES a maintenant décidé de prendre en compte les standards et les rapports de l'ONU et de l'OSCE ainsi que la jurisprudence de la Cour européenne. Elle a opté pour une nouvelle politique: remplacer "la lutte contre les sectes" par "la lutte contre les dérives sectaires".

Ce changement de paradigme conduira-t-il à une politique différente et de bonnes pratiques?

Le Dr Massimo Introvigne, ancien "Représentant de l'OSCE dans la lutte contre le racisme, la xénophobie et la discrimination, en particulier la discrimination à l'égard des chrétiens et des membres d'autres religions", a minutieusement examiné le rapport de la MIVILUDES dans un article intitulé "[Anti-cultism in France: Old/ New Risks for Religious Liberty?](#)" (Anti-cultisme en France: anciens et nouveaux risques pour la liberté religieuse?) publié dans Bitter Winter le 13 mars 2021. Entre autres choses, il souligne:

"Le rapport admet que la première approche de la France conduisant à la publication en 1996 d'une liste de 'sectes', très rapidement controversée, était une erreur. (...)

La reconnaissance de cette erreur, explique le rapport, a conduit à l'abandon de la notion de 'secte' au profit de la notion de 'dérives sectaires', un nouveau concept 'étranger aux domaines de la religion, la sociologie et le droit', une création ad hoc par le gouvernement français. (...)

A son crédit, la MIVILUDES répudie désormais la stratégie des années 1990 qui a conduit à la publication de listes de 'sectes' et causé des années de souffrance à des membres de groupes ainsi nommés et stigmatisés. Mais aussi longtemps que l'accusation de 'dérives sectaires' sera appliquée à des cas où, comme la MIVILUDES l'admet elle-même, il n'y a pas d'infraction dans 99% des incidents

étudiés, une attitude de suspicion générale à l'encontre de tous les groupes perçus comme 'différents' ou 'alternatifs' se perpétuera. Et cela est un problème pour la liberté religieuse et la démocratie."

En outre, le changement de paradigme n'aura aucune influence sur la compréhension de la thématique dans l'opinion publique puisque le mot *secte* a toujours été exclusivement associé à des groupes religieux ou spirituels avec une connotation négative. Ce sentiment restera inchangé avec le mot *sectaire* accolé à un autre terme négatif, *dérive*. Pour le consommateur de médias, toute info relative aux "dérives sectaires" sera comprise comme uniquement liée à une secte religieuse, et pas autrement.

En conclusion, les activités criminelles, quelles qu'elles soient, doivent être détectées en temps utile et poursuivies mais la transparence à propos de l'utilisation de l'argent des contribuables est également une nécessité si l'on veut qu'il soit employé efficacement.

Le budget officiel de la MIVILUDES de l'année dernière s'élevait à environ [500,000 EUR](#) mais des chercheurs ont été incapables de vérifier les détails de son utilisation. Il leur a été répondu qu'il était inclus dans le budget du premier ministre auquel la MIVILUDES était alors rattachée. Davantage de transparence doit également être introduit à cet égard.

Iranian converts have to prove their faith to obtain asylum

A significant proportion of Iranians seeking asylum in France say they are persecuted because of their conversion to Christianity

By Anne-Bénédicte Hoffner

La Croix International (17.02.2021) - <https://bit.ly/2N7kObE> - When Ali (not his real name) went to the French Office for the Protection of Refugees and Stateless Persons (OFPRA) for his interview, he knew that he would be questioned about his personal history, particularly about his conversion to Christianity in Iran.

He was asked to name a scripture passage that was important to him. He chose the Passion of Jesus Christ.

"How did this passage resonate with you?" the protection officer asked.

"What attracted me most is that a human being, even at the moment of being tortured, asks people for forgiveness, even though he is here because of their faults. (...) That's what made me begin to love Jesus and this gesture," Ali said.

The interviewer was not convinced. He informed Ali a few days later that his request for asylum had been rejected.

"When asked to describe the personal journey that led him to convert to Catholicism, the person described a family environment marked by a rigorous practice of Islam and his words remained impersonal, invoking only the notion of forgiveness," wrote the OFPRA agent.

"The agency cannot consider him to be at risk of persecution upon return to Iran, as the sincerity of his approach was not considered to be established," the official said.

Assessing the sincerity of a convert's faith

Every year, just over 100,000 foreigners seek France's protection because of the threats they face in their home countries.

A handful are Iranians -- around 350 in 2020, a little more in previous years -- and among them, many say they have converted to Christianity.

Though he does not keep statistics about the "motive", the director of OFPRA, Julien Boucher, observes that "for two decades" the issue of conversion has often appeared in the files of Iranians, most of the time within a Protestant Church.

Boucher says that, because religious persecutions "touch on the intimate", this is the reason why "the examination is very specific".

"We are fully aware of this. It is not a question of judging the sincerity of the applicant's faith, but of assessing the validity of the alleged fears," he points out.

Threats are very real for those the Iranian regime considers to be "apostates". But how can the true danger of such threats be verified without actually trying to assess the sincerity of the asylum seeker's conversion?

An obstacle course for Iranian asylum-seekers who have converted to Christianity

Father Jean-Marie Humeau assists the Iranian Catholic community. On his desk are seven files of Iranian converts whose requests have been rejected by OFPRA.

"In all seven cases, OFPRA asked spiritual questions to see whether or not the conversion is genuine and to challenge the risk of persecution. This raises questions," the priest argues.

Arshad, 36, is currently in France awaiting the decision of OFPRA. He's familiar with the obstacle course for Iranian converts.

He was arrested in Tehran while he was reading the Gospel with friends and subjected to several weeks of interrogation and psychological torture in prison before finally being released on bail.

After he returned home, he started receiving anonymous threats over the telephone. Pressure was put on those close to him, he lost his job and, finally, he did what many people do -- he fled to another country.

"The difficulty of the French interrogations is famous," he says.

OFPRA asked one of his friends "the name of the twelve apostles", another to say "what the Trinity means to him".

"I understand that they are trying to verify whether the danger is real, but that they decide that our faith is not 'complete' seems really strange to me," Arshad says.

For the National Association of Border Assistance for Foreigners (Anafé), these "intrusive" questions are even more incomprehensible when applicants are in waiting areas, such as ports, train stations or airports.

They are summoned to explain themselves in a few hours, face-to-face or over the phone, sometimes not even knowing whom, exactly, they are speaking with.

"The protection officer asked the man many questions about the Christian religion, its rituals, its saints and its beliefs, and expected him to give precise answers," said an Anafé employee who witnessed an Iranian couple being interviewed in 2017 at Paris Charles de Gaulle Airport.

The man had to indicate how often he went to Mass, although going to religious services is illegal for Iranians who do not belong to recognized churches.

He was even asked "the date of Christmas, without taking into account the fact that Iranians do not have the same calendar".

Ordinariate for Catholics of the Eastern Churches offer to help

"While it is only supposed to verify the credibility of the request, OFPRA often launches into a substantive examination, under conditions that do not allow it," says Anafé's director, Laure Palun.

"And it is not even certain that those who have been Christians for a long time know how to answer these questions," she notes.

But OFPRA's director, Julien Boucher, denies that.

"Under no circumstances do we ask protection officers to give a kind of knowledge test," he insists.

He claims his organization takes its lead from the good practices of the United Nations High Commissioner for Refugees (UNHCR).

Agents limit themselves to asking questions concerning the person's "path of conversion", the "circumstances" of the conversion, the new religious practice and, finally, the persecutions suffered or feared.

"Something the claimant says may, in turn, prompt further questions from the instructor," Boucher explains.

The role of the interpreters -- in the vast majority of Iranian and Shia Muslim cases -- is also regularly questioned.

Do they know the Christian terms used? Do they risk distorting certain words because of their own bias against or disapproval of conversion?

OFPRA's director points out that interpreters are bound by a "strict code of ethics" and have received "awareness-raising and (other) training". In addition, "the recording of all interviews" are "available in case of a dispute".

The Ordinariate for Catholics of the Eastern Churches in France is trying to help improve the handling of these complex cases and has offered assistance, again based on UNHCR recommendations.

"Refugee status determinations based on religion could also benefit from the assistance of independent experts with particularized knowledge of the country, region and context of the particular claim and/or the use of corroborating testimony from other adherents of the same faith," UNHCR guidelines state.

But OFPRA's management, so far, has declined the Ordinariate's offer to help.

"Our information, documentation and research division already mobilizes many external resources to refine our knowledge of countries of origin," says Boucher, OFPRA's director.

"As for testimonials, we take them into consideration, but assess their probative value," he adds.

Photo : The family during Mass in a Catholic church in Tehran. (Photo by ATTA KENARE/AFP)

Minister of Interior apologise for "unfortunate" remarks against evangelicals

French evangelicals denounced that his comments « offended many evangelicals in France and several European countries ». Minister promised that « this bad experience will not happen again ».

Evangelical Focus (16.02.2021)- <https://bit.ly/3u9NjGk> - **The President and the General Director of the National Council of Evangelicals in France (CNEF), had a meeting with the Interior Minister's adviser for religious affairs on 9 February, to discuss Gérald Darmanin's latest remarks about evangelicals in France.**

The Interior Minister had said in an interview with TV broadcaster *C News*, that **"evangelicals are a very important problem [...]** obviously not a problem of the same nature than the Islamism that makes terrorist attacks and deaths".

After the meeting, the CNEF pointed out in a statement that "in the context of the examination of the draft law to strengthen secularism and the republican principles, **inappropriate comments by ministers and elected representatives** have offended many evangelical Protestants in France and in several European countries".

The evangelical entity "questioned the Ministry of the Interior and, at the same time, we wanted to resist any victimizing temptation and any media outbidding", because such actions "would not necessarily conform to the model of Christ".

"The expressions used had been unfortunate"

According to the CNEF, during the meeting, the Interior Minister's adviser for religious affairs **"acknowledged that the expressions used had been unfortunate.** They could possibly concern very specific cases but not evangelicals in general".

He also promised that “**this bad experience will not happen again**” and stressed that “Darmanin's speech during the CNEF's 10th anniversary remained totally relevant”. In autumn, the Interior Minister had joined the online event of the evangelical body.

Back then, the Minister stated, among other things, that “being a believer often makes it possible to be a good citizen” and thanked the CNEF for the “relationship of trust” they have with the government.

Photo : The Minister of Interior of France, Gérald Darmanin. / Twitter Gérald Darmanin.

'French Muslims will suffer' under separatism rules, critics say

Civil rights groups, academics and experts raise alarm ahead of key vote on controversial bill.



France is home to Europe's largest Muslim minority [File: Zohra Bensemra/Reuters]

By [Peter Yeung](#)

Al Jazeera (11.02.2021) - <https://bit.ly/3pjRBqX> - On October 2 last year, French President Emmanuel Macron announced a law against what he called “Islamist separatism” aimed at tackling “radical” movements in the country.

He described Islam as a religion “in crisis” globally, as he sought to boost support for measures intended to regulate how the faith is practised in France.

Critics say the proposed law further stigmatises France's 5.7 million-strong Muslim community – not only those individuals it supposedly targets – and forms part of a wider crackdown on civil liberties.

On February 4, the French lower house backed the bill. An anticipated vote by parliamentarians is expected to take place next week.

The National Assembly is now sorting through 1,860 proposed amendments to the controversial bill, including an extension of the hijab ban on university students and a ban on religious symbols worn by parents on school trips.

The legislation, officially named the draft bill on "Respect for the Principles of the Republic", has been the subject of fierce debate in civil society and among politicians.

"I don't see how this will help to stop the terrorism," said Oudie Elhamamouchi, a lawyer for the Collective Against Islamophobia in France (CCIF) civil rights group.

"This law above all has a political rather than legal motive. It's stigmatising Muslims."

CCIF itself was forced to relocate after the French government accused the group of harbouring "radical" links and ordered its closure during the crackdown on suspected "separatism". Rights groups condemned the move against CCIF, saying it added to a climate of Islamophobia.

If the law is passed, according to Elhamamouchi, the government will be legitimising the xenophobic arguments made by France's [resurgent](#) far-right groups.

"It will fan the flames of the right," he said. "We will have crossed a line, and it will be an attack on public freedom. It is simply unjust. The law has set a very worrying discourse and French Muslims will suffer."

'Macron's gamble'

Measures agreed for the separatism law to date include sanctions for online hate speech, tighter controls on homeschooling, limits on donations to religious groups from abroad, and a requirement for all associations in France receiving public funding to sign a contract pledging to respect Republican values.

The latter, which will allow associations to be abolished more easily, was opposed by France's League of Human Rights.

Jean-Luc Mélenchon, head of the left-wing *La France Insoumise* party, raised his concerns during the opening debates on the separatism law.

"We do not build France against those who compose it," he said. "This text is useless, it is dangerous."

French political analysts said the government's efforts to quickly push through the bill in the middle of the pandemic were made with an eye on next year's presidential elections.

"This is Macron's gamble," said Philippe Marliere, a professor of political science at the United Kingdom's University College London. "To focus on the sort of issues – the so-called terrorist threat posed by extremists – Macron is of the view that this will send a message to the public that it will curb the influence of the far right."

The threat of the far right was highlighted last month when a poll by French newspaper Le Parisien put National Rally leader Marine Le Pen and Macron almost neck and neck in the popularity stakes, at 48 percent and 52 percent respectively.

Marliere said that echoing the far right's nationalist rhetoric could embolden the Islamophobic tendencies of activist groups like Generation Identity, an anti-immigrant movement known to patrol France's borders.

"It's a very dangerous game he's playing," Marliere said. "It will only strengthen Le Pen and legitimise her ideas. History shows if you go along with the far right, the only party that benefits is the far right."

'Muslims are being targeted'

The changes are also seen by critics as part of a wider shift in government policy to crack down on social freedoms, including recent efforts to ban the filming of police with the Global Security Bill.

France was downgraded this month from a "full democracy" to a "flawed democracy" in The Economist's Global Democracy Index.

"Contrary to what the government says it's not [about] to reinforce the 1905 law on secularism," said Sarah Mazouz, a researcher at the National Center for Scientific Research and author of the book, Race. "But it is [going] to introduce harder controls on a lot more domains of society."

The freedom of the press has been threatened, said Mazouz, and there have been attempts to restrict university research due to the supposed "Islamogauchism" on campuses – a derogatory term coined by France's right wing in reference to the alleged political alliance between leftists and hardline Muslims.

"Clearly, Muslims are being targeted with this law," Mazouz said. "It's leading to a blurring between Islam and radical Islamism, between Muslims and violent Islamists. It's reactivating the anxiety over French Muslims."

At the time of publishing, France's interior ministry had not responded to Al Jazeera's request for comment.

The separatism law, which contains about 50 articles, is at the same time seen by experts as a substantial transformation of France's secularist principle of laicite, which was first legally established in 1901 and then in relation to religious association in 1905.

"It's changed the French system of laicite," said Philippe Portier, a historian and sociologist of secularism at Sciences Po University Paris. "Today it's been substituted and it's a radical transformation."

Portier said that the original secularist law established in 1905 was intended to ensure freedom of religion for individuals, but that these new proposals are no longer in line with that concept.

"In fact, the original regime of laicite was one of liberty, but it has become a regime of control," he said.

Portier explained that under this law, for example, if you work for a private bus company that will serve the Olympic Games to be held in France in 2024, you must sign a contract to respect French Republican values because it is linked to the state.

"This simply didn't exist before," he said. "It's very concerning."

How taxes may be misused to persecute spiritual minorities

Interestingly enough, tax-based crackdown on spiritual movements started in France and Taiwan in the same year, 1996.

by Christine Mirre

Bitter Winter (06.02.2021) - <https://bit.ly/2YU2m8o> - As human rights and religious liberty activists, we have the experience in France of how fiscal weapons are used to attack spiritual groups. This French policy has strong similarities with the case of Tai Ji Men in Taiwan.

In 1996, the then Taiwanese government launched a crackdown on groups labelled as "xie jiao" or "cults," which, according to most scholars who have studied the incident, was politically motivated. The crackdown also involved Tai Ji Men, although it had not taken political sides.

In France, in the same year 1996 a Parliamentary Commission of Inquiry established a blacklist of spiritual groups classified as "cults" (in French, *sectes*). 172 groups were thus criminalized, and a policy of repression was instituted against these spiritual movements.

Following this Parliamentary Commission of Inquiry, the Ministry of Justice published a circular in which it highlighted the tools that magistrates should use against associations qualified as "cults" by the Commission. In number 4 of the circular, we can read: "Breaches of the general tax code, and in particular tax fraud (article 1741 of the CGI)." In the same year, the Ministry of Interior also published a circular to highlight possible accusations involving the crime of tax evasion as a weapon to fight against "cults."

In the years that followed, it was the Jehovah's Witnesses in 1997, the Religious Association of the Pyramid Temple in 1995, the Association of the Knights of the Golden Lotus (connected with the same movement, the Aumist Religion of the Mandarom, of the Association of the Pyramid Temple) in 1995, and the Evangelical Pentecostal Church of Besançon in 1996, which were attacked by the French tax services.

All these associations were declared "fraudulent" by the tax services, and condemned to heavy tax adjustments, up to several million euros in the case of the Jehovah's Witnesses.

All these spiritual groups, after having exhausted all legal remedies in France, went to defend their cases before the European Court of Human Rights, where they were all successful. The European Court found against France in all these cases, for violation of Article 9 (Right to Freedom of Thought, Conscience and Religion) of the European Convention on Human Rights.

The Case of The Jehovah's Witnesses

I will focus here on the most representative case, the one of the Jehovah's Witnesses. The French Association of Jehovah's Witnesses asked that the tax exemption applicable to gifts and legacies to local or national associations established for the purpose of organizing and managing religious worship, and authorized religious congregations, continued to be applied to them after 1993, as it had happened for every year before that date.

The authorities claimed that the French Association of Jehovah's Witnesses had not submitted the declaration requested by the tax authorities, and it was subjected to an automatic taxation procedure in respect of hand-to-hand gifts which it had received. The tax administration claimed that the hand-to-hand gifts "[had been] disclosed to the tax authorities in the course of the accounting audits to which it [had been] subjected".

The term "disclosed" is a key word in the French administrative language dealing with taxes. It implies that the "disclosure" was a voluntary move by the Association, which for the authorities meant that it had accepted to be taxed on the money it had received. In fact, this was not the case. The audit was not requested by the French Association of Jehovah's Witnesses, but was imposed on them by the tax administration and could not be refused. Moreover, there is no legal obligation to disclose hand-to-hand gifts to the tax administration. There was a clear manipulation of the administrative terminology to corner the French Association of Jehovah's Witnesses and, as it appeared afterwards, to kill them financially. This shows another similarity with the Tai Ji Men case.

In May 1998, the Association was notified of a supplementary tax bill, for the equivalent of about 45 million euros. The Association stressed that the taxes claimed concerned "gifts," by 250,000 persons over four years.

Decision of the European Court of Human Rights

After having exhausted all legal means in France, in 2005 the Association decided to appeal to the European Court of Human Rights.

In its judgment of 30 June 2011, the European Court found a violation of Article 9 (Right to Freedom of Religion), noting that the supplementary tax bill "had concerned the entirety of the manual gifts received by the Association, although they represented the main source of its funding. Its operating resources having thus been cut, it had no longer been able to guarantee to its followers the free exercise of their religion in practical terms."

By a judgment of 5 July 2011, the Court held that France had to cancel the supplemental tax bill, and reimburse the 4,590,295 euros for the taxes unduly claimed by the tax administration that the Association of Jehovah's Witnesses had paid under coercion, plus 55,000 euros for costs and expenses. The judgment was issued in French only.

The European Court rendered similar decisions in favor of the three other associations labeled as "cults," and attacked by the French tax services.

Conclusion

Unfortunately, we can notice that the same strategy has been used in France and Taiwan to harass spiritual groups that disturbed States or bureaucrats for various reasons.

Unable to find any fault or crime, the States deflected their own tax regulations in order to undermine peaceful movements such as the Jehovah's Witnesses and others in France, and Tai Ji Men in Taiwan.

The French cases decided by the European Court of Human Rights, however, may be a reason of hope for Tai Ji Men *dizi*. They show that, despite the fact that it is a long and difficult fight, it can be won.*

*A paper presented at the international webinar "Education, Conscience, and Tax Justice: Reflecting on the Tai Ji Men Tax Case in Taiwan," January 24, 2021.

New French law on religion goes to the Parliament— Minister offends "Evangelicals"

A member of the government claims that "Evangelical branches from the US" require a "certificate of virginity" from women before marriage.

By Massimo Introvigne

Bitter Winter (28.01.2021) - <https://bit.ly/3chDz6j> - 31 NGOs and religious bodies, including the European Baptist Federation and the entities representing the Sikhs in France and other countries, and several individual scholars and human rights activists, have written a letter to French MPs and senators expressing their opinion on the French anti-separatism law, renamed the law for "Consolidating the Respect of the Principles of the Republic." Its discussion is now moving to the House, where it should be concluded by February 15. The law will then pass to the Senate for review.

Bitter Winter has covered [the progress of the draft law](#), presented as targeting Islamic radicalism but in fact reforming the existing French laws with respect to all religions, and expressed concerns for religious liberty. These concerns were shared [by the French Council of State](#), and led to [an amended text](#) proposed by the government. A [White Paper](#), of which I was a co-author, also suggested that the law may offer the welcome opportunity to introduce a broader notion of "religion," with respect to the one still prevailing in French case law and based on the model of Jewish and Christian denominations.

The letter sent to the MPs and senators comes after hearings in the French Parliament, where representatives of several religions expressed their concern about the law, which can create a climate of general suspicion against religion and increase the State control on all religious groups. Freedom of religion, the letter says, cannot be sacrificed to achieve security.

"That is, the text states, why we urge you to make sure that the law fulfills its stated purpose: combat terrorism and violence and groups which engage in such activities or advocate the use of violence and hatred. For this you will also have to make sure the law does not create more restrictions and suspicion for the vast majority of religious groups of any nature and creed that are peaceful and not engaged in such activities."

On the other hand, the letter adds, “we believe that the discussed bill is an opportunity to modernize the law and adapt it to France’s existing religious diversity. Any provision that will increase freedom of religion or belief, and will also increase non-discrimination between beliefs and belief communities, will also increase security. France has here an opportunity to reach the highest standards in terms of freedom of religion or belief and become one of the countries that would be the most aligned with international standards as set by OSCE, the UN and the Council of Europe. It’s up to you to take this opportunity and transform the concerns of believers and human rights advocates into legitimate progress.”

“This bill, the letter concludes, is a major issue for France, and for the fate of all believers of France, and it is also an issue for the world, as the outcome of your work will be watched and evaluated internationally. Will the law target religions, and increase restrictions on freedom of religion or belief, or will it correctly target terrorists and violent components of the French society? We definitely hope it will be the second option, and we trust that you will hear that call.”

The letter should be understood by considering the background of some 1,800 amendments to the draft law, which were submitted to the Special Commission preparing the text for the debate in the Parliament. Some aimed at re-introducing the provision the government had eliminated following the suggestions of the State Council, and some explicitly targeted groups labeled as “cults” (*sectes*) and independent Evangelical churches. Happily, the worst amendments were all rejected, but they can be filed again in the Parliament.

The discussion was also complicated by the attempt of certain politicians to use the law to increase the budget of the MIVILUDES, the controversial French institution combating “cults,” and to crack down on independent Evangelical churches. The Minister Delegate in Charge of Citizenship, Marlène Schiappa, who is known for her radical anti-cult attitude, managed to [offend the Evangelical community, which asked for an apology](#), when, while discussing the “certificates of virginity” delivered to girls before marriage and used in certain fundamentalist Muslim groups, which will become illegal under the new law, stated that they are used by “Evangelical branches from the United States,” and that the MIVILUDES will be asked to prepare a report on “cults coming from the United States.”

Anti-Protestantism, anti-Americanism, and anti-cultism are very much part of a certain French political culture. They are based on a stereotyped understanding of complicated religious issues, based on information supplied by anti-cult movements and relayed by the media, which sometimes results in bizarre allegations. Evangelicals do not use “certificates of virginity,” but perhaps a certificate of religious literacy should be requested for politicians who want to comment publicly about religion.

Photo: Palais de Bourbon, home of the French National Assembly (House). Credits

Three Muslim groups in France snub anti-extremism charter

Three of eight federations belonging to France's main council of Muslims have refused to sign a document renouncing political Islam and religious intolerance

By Mélinée Le Priol

La Croix Int'l (22.01.2021) - Three Muslim federations in France have refused to sign an anti-extremism charter, revealing a division between them and five other Islamic groups that are signatories to the document.

French President Emmanuel Macron has pushed the "republican charter" in the wake of a spate of Islamist terrorist attacks in the country.

He first urged the eight-member French Council of the Muslim Faith (CFCM) last November to set up a National Council of Imams to vet preachers who come from outside the country.

Ratification of a charter to combat Islamic extremism was expected to follow.

But the rector of the Grand Mosque of Paris, Chems-Eddine Hafiz, withdrew his support at the end of December because of disagreements over the text.

He then rejoined in mid-January after modifications were made. Now three members in the CFCM are refusing to sign the new version, even though the French government on January 18 hailed the charter as a "foundational act".

Two of the dissenting federations -- the Committee for Coordination of Turkish Muslims in France (CCMTF) and the Milli Gorus Islamic Confederation (CMIG) -- are linked to Turkey.

The third group, Faith and Practice, is the French branch of Tablighi, a spiritualist missionary movement from India.

The Grand Mosque of Reunion Island, which is considered a ninth member of the CFCM, has also withdrawn from the charter.

But the three federations that are opposing the new text say they do want to withdraw from the fledgling National Council of Imams, according to a joint statement on January 20.

The three are calling for amendments to the ten-article text, which notably affirms freedom of conscience and equality between men and women.

The dissenting groups say they approve of the spirit of the charter, but not its contents.

"We believe that certain passages and formulations of the submitted text are likely to weaken the bonds of trust between the Muslims of France and the Nation," they said in their statement.

They denounced the charter's "accusatory and marginalizing tone".

In fact, several imams have told La Croix they cannot support a text they see as "insulting".

"As French citizens, we are already bound to respect republican values!" said one.

Political Islam

There can be little doubt that the refusal of these federations to sign the charter relates to two particularly sensitive points. One is the rejection of foreign interference, and the other is what is qualified therein as "political Islam".

The Tablighi movement, for example, is explicitly mentioned as one of those political currents.

The other two federations, which are much more influential within the CFCM, are suspected of being diplomatic instruments for Turkey on European soil.

For instance, the CCMTF is integrated into the French branch of the Turkish Ministry of Religious Affairs (or Diyanet) and "supports the conservative nationalist and Muslim policies of Turkish President Erdogan", explained Samim Akgönül, director of the Turkish Studies Department at the University of Strasbourg.

"Some of its members are French citizens, but the Turkish government pays its imams and finances its premises," Akgönül told La Croix.

Milli Görüş is also close to Ankara since the current regime stems from this very conservative and nationalistic religious movement founded in 1969.

"This federation receives indirect Turkish funding from state funds and has developed schools and groups of political activists in France," Akgönül pointed out.

He said it is likely that the two federations' refusal to sign the charter came directly from Ankara.

"We are not going to decide their fate today"

The president of the CFCM, Mohammed Moussaoui, criticized the three federations for issuing communiqué he labeled as "accusatory and unconstructive".

"I would have liked these statements to be clarified in writing in the form of amendments and transmitted to the CFCM," he said on January 21.

Gérard Larcher, the Republican president of France's Senate, said three federations will have to "face the consequences" of their actions and "think well about what it means not to sign this commitment". "We are still giving them 15 days. We are not going to decide their fate today, it will be up to the executive (to decide)," he told Franceinfo after being questioned whether the government will move to ban the federations.

Hakim El Karoui, who has been pleading for years for more transparency in the financing of the Muslim faith, said there was "contradiction" to try to fight against foreign interference and political Islam "with federations financed by foreign countries (i.e. Turkey, Algeria and Morocco) and some close to political Islam".

He told La Croix that a reform of the authority is necessary "by bringing in representatives of independent mosques, imams and women".

Read more at: <https://international.la-croix.com/news/world/three-muslim-groups-in-france-snob-anti-extremism-charter/13669>

French Muslim groups at odds over Macron's anti-extremism charter



Students attend a Koran study class in central France in October 2020. © Philippe Desmazes, AFP

France 24 (21.01.2021) - The head of France's main Muslim organisation on Thursday slammed a "unilateral" move by three Islamic groups not to sign up to an anti-extremism charter championed by President Emmanuel Macron.

[Macron](#) wants French [Muslim](#) groups [to sign up to the charter](#) as he seeks to secure [France's secular system](#) in the wake of a spate of attacks blamed on Islamist radicals in 2020.

But the Committee for Coordination of Turkish Muslims in France (CCMTF) and the Milli Gorus Islamic Confederation (CMIG) -- both catering to citizens of Turkish origin -- as well as the Faith and Practice movement, announced late Wednesday that they would not be signing up to the charter.

"Through these repetitive actions, the groups... all risk being held responsible for this situation of division," said Mohamed Moussaoui, the president of the French Council of the Muslim Faith (CFCM), the umbrella grouping for France's Muslim groups.

This refusal "is not likely to provide reassurance... on the state of the representative bodies of the Muslim religion", he added.

A source close to the issue, who asked not to be named, said the three groups refusing to sign the charter were particularly concerned about the definition of foreign interference in religion and the definition of political Islam.

The row comes at a time of severe diplomatic tensions between France and [Turkey](#), whose President [Recep Tayyip Erdogan](#) has repeatedly lambasted Macron's bid to crack down on radical Islam in the country.

The Milli Gorus, a pan-European movement for the Turkish diaspora, is seen as inspired by the ideas of late prime minister Necmettin Erbakan, regarded as the father of political Islam in Turkey and Erdogan's mentor.

"We believe that certain passages and formulations in the text submitted are likely to weaken the bonds of trust between the Muslims of France and the nation," the three groups said in a statement.

"Furthermore, some statements are prejudicial to the honour of Muslims, with an accusatory and marginalising tone."

'Important clarification'

Five out of nine groups who make up the CFCM, a body set up almost 20 years ago to enable dialogue between the government and the Muslim community, have signed up to the charter after weeks of sometimes acrimonious debates.

But the failure of the CFCM to so far show a totally united front risks robbing the initiative of the consensus within the Muslim community that it is supposed to highlight.

A government source however insisted that the groups' refusal would not weaken the process, adding that "the masks are coming off".

"An important clarification is being made," the source said.

The charter rejects "instrumentalising" [Islam](#) for political ends and affirms equality between men and women, while denouncing practices such as female circumcisions, forced marriages or "virginity certificates" for brides.

Macron railed against the promotion of "political Islam" in France in November last year after a teacher was beheaded outside his school.

He had shown pupils cartoons of the prophet Mohammed as part of a free-speech lesson.

The attack prompted a crackdown against extremist mosques and Islamist associations, along with a vigorous defence of French secularism. (AFP)

A White Paper on the bill confirming respect for the principles of the Republic

Experts question the 1905 Law and make proposals

HRWF/ Bitter Winter (11.01.2021) - While the bill Consolidating Respect for the Principles of the Republic (former bill *on separatism*) is currently being examined by a special committee of the French National Assembly, three renowned experts have just published a white paper entitled ***Laïcité, How to Preserve it.***

To do this, the authors undertook a meticulous research in the history of secularism, examined the parliamentary debates of 1905, case law and doctrine, while contextualizing everything in order to fully understand what this law had first of all changed after almost a centenary of the Napoleonic Concordat, and how "case law on the subject has struggled to evolve while the French religious landscape has changed considerably since the promulgation of the law of 1905."

For the authors, "The government, by wishing to strongly encourage associations of law 1901 (mainly Muslim, but not only) to join the regime of religious associations of law 1905, crosses an additional level in the state control of religions (...) Unfortunately, it's a safe bet that this harmonization of constraints, whatever the mode of exercise freely chosen, will not be enough to cause a real change of paradigm and to encourage associations under the 1901 law to join the regime of the 1905 law." They join in this the fears of representatives of religions heard on January 4 by the special committee responsible for examining the bill.

The authors, the jurist Frédéric Jérôme Pansier, author of more than 50 reference works in the field of law, the sociologist of religions Massimo Introvigne, author of more than 70 books and Willy Fautre, President of the NGO Human Rights Without Frontiers International, advocate in this forty-page document an approach that preserves the spirit of the 1905 law, while modernizing it to adapt it to the current religious reality in France.

The document ends with a final conclusion: "in order for the reform to achieve its goals, it is necessary to ensure that the spirit of freedom of the law of 1905 is preserved, and that the great majority of religions which do not represent a terrorist threat, do not provoke hatred or violence, can not only have access to the advantages of the status of religious association, but also that this access is facilitated, encouraged and attractive."

The White Paper is available at <https://hrwf.eu/forb/our-advocacy-papers/>

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Livre blanc sur le projet de Loi confortant le respect des principes de la République

Des experts interrogent la Loi de 1905 et font des propositions

HRWF/ Bitter Winter (11.01.2021) - Alors que le projet de *Loi confortant le respect des principes de la République* (ex-projet de loi sur les séparatismes) est actuellement examiné par une commission spéciale de l'Assemblée Nationale, trois experts de renom viennent de publier un livre blanc intitulé **La Laïcité, Comment la Préserver**.

Pour ce faire, les auteurs ont entrepris une recherche minutieuse dans l'histoire de la laïcité, ont épluché les débats parlementaires de 1905, la jurisprudence et la doctrine, en contextualisant le tout afin de bien comprendre ce que cette loi avait tout d'abord changé après un quasi-centenaire de Concordat napoléonien, et comment « la jurisprudence sur le sujet a peiné à évoluer tandis que le paysage religieux français s'est transformé considérablement depuis la promulgation de la loi de 1905 ».

Pour les auteurs, « Le gouvernement, en souhaitant inciter fortement les associations de loi 1901 (principalement musulmanes, mais pas seulement) à rejoindre le régime des associations culturelles de loi 1905, franchit un palier supplémentaire dans le contrôle étatique des cultes (...) Malheureusement, il y a fort à parier que cette harmonisation des contraintes, quel que soit le mode d'exercice librement choisi, ne suffira pas à provoquer un réel changement de paradigme et à inciter les associations loi 1901 à rejoindre le régime de la loi 1905 ». Ils rejoignent en cela les craintes des représentants des cultes auditionnés le 4 janvier par la commission spéciale chargée d'examiner le projet de loi.

Les auteurs, le juriste Frédéric Jérôme Pansier, auteur de plus de 50 ouvrages-référence dans le domaine du droit, le sociologue des religions Massimo Introvigne, auteur de plus de 70 livres et Willy Fautré, Président de l'ONG Human Rights Without Frontiers International, préconisent dans ce document d'une quarantaine de pages une approche qui préserve l'esprit de la loi de 1905, tout en la modernisant pour l'adapter à la réalité religieuse actuelle de la France.

Le document se termine par une conclusion sans appel : « pour arriver à ce que la réforme puisse atteindre ses buts, il faut s'assurer que l'esprit de liberté de la loi de 1905 soit préservé, et que la grande majorité des cultes qui ne représentent pas de menace terroriste, ne provoquent pas à la haine ou à la violence, puissent non seulement avoir accès aux avantages du statut d'association culturelle, mais aussi que cet accès soit facilité, encouragé et attractif. »

Le livre blanc est accessible à l'adresse suivante : <https://hrwf.eu/forb/our-advocacy-papers/>

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French archbishop, others protest draft law against religious extremism

Archbishop Eric de Moulins-Beaufort says repressive legislation will bring control measures.

UCA News (06.01.2021) – <https://bit.ly/2MPL4Xp> – The head of the French bishops' conference testified to a special commission of the National Assembly that while he understands the need to strengthen national security, a proposed law designed to rein in extremist militancy would place religions and religious believers under particular surveillance.

Archbishop Eric de Moulins-Beaufort of Reims, conference president, told the commission on Jan. 4 that "the disadvantages of repressive legislation lie in the control measures they bring."

"Some may be legitimate. But we can reasonably ask why they should especially apply to religious groups, and not to other associations or elements," he said in remarks about the proposed law on separatism, which would impose new security and administrative curbs on churches and religious associations.

The legislation, introduced in December, would "strengthen respect for the principles of the republic" by compelling religious associations to comply with France's 1905 law on church-state separation and empowering regional governors to compile fuller data on religious groups.

The legislation proposes tightening rules on social media, including information "aimed at exposing a person to immediate risk of an attack on his life, or his physical or psychological security," and would speed court action against religiously motivated "threats, violence and intimidation against public service agents."

Among financial transparency rules, it would require foreign donations of more than \$12,300 to be officially registered by religious associations.

The law aims to curb "provocation of acts of terrorism, discrimination, hatred or violence" and would require official authorization for religious homeschooling, tighten rules against forced marriages and outlaw the issuing of "virginity certificates" for Muslim brides.

France's Muslim leaders were to submit opinions about the proposed law to the National Assembly commission on Jan. 6.

In his testimony, Archbishop de Moulins-Beaufort said the new financial rules would not affect Catholic parishes and dioceses, who "survived principally from faithful donations," but emphasized that other sectors of society, not just religion, should be subject to the same scrutiny.

"Our church can only express concern at such pressure, and ask why religions and religious believers are now to be kept under particular surveillance," he said.

Firmer measures have long been anticipated to contain Islamist militancy in France, where 12 people were massacred in January 2015 at the satirical magazine Charlie

Hebdo, and 90 were killed and 200 injured in coordinated attacks in Paris the following November.

In July 2016, a 75-year-old Catholic priest, Father Jacques Hamel, was murdered by Islamists during Mass at his Normandy church. In October, history teacher Samuel Paty was beheaded outside his school in Conflans-Sainte-Honorine.

Protestant and Orthodox leaders also testified about the proposed law on Jan. 4 and criticized its blanket control and surveillance clauses. A leader of France's Jewish minority, Joël Mergui, warned it would "compromise the religious freedom of those who are not creating any problem."

"The enemy today is terrorism and radical Islam, not all religions -- I cannot accept that we become collateral damage," Mergui told the commission.
