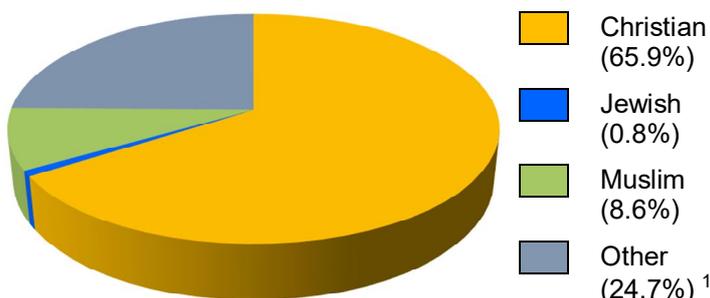


FRANCE



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| Area: 543,965 km ² | Population²: 63.5 million | Political system: Democracy | Major Language(s): French |
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Legal framework on freedom of religion and actual application

The 4th October 1958 Constitution of France establishes the country as a secular State: “Article 1: France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs.” Articles 1 and 2 of the French Law of 1905 provide a description of what a “secular Republic” means in France: “Article 1: The Republic ensures the liberty of conscience. It guarantees the free exercise of religion, under restrictions prescribed by the interest in public order. Article 2: The Republic does not recognise, remunerate, or subsidise any religious denomination.”

In France, the State is the owner of most of the places of worship and other religious buildings. This dates back to the 1905 Law on the Separation of the Churches and State passed by the Chamber of Deputies on 9th December 1905. The law was based on three principles: the neutrality of the State, the freedom of religious exercise, and public powers related to the Church. This law is seen as the backbone of the French principle of laïcité. It led to the expulsion of many religious orders and the closing of most Catholic schools. Most Church buildings were declared property of the State but were made available to the Church for religious activities.

According to this law, the government may not directly help religious groups by funding the construction of new mosques, churches, synagogues or temples. That said, the government may provide loan guarantees or lease property to groups at advantageous rates. It also exempts places of worship from property taxes.

There are three French territories where the 1905 Separation Law does not apply: Alsace-Lorraine which was part of the German Empire during the passage of the 1905 law, French Guyana which was governed under the colonial laws, and the French Overseas Departments and Territories.

Public schools are secular. By law, the government subsidises private (mainly Catholic) schools. In 98 percent of private schools, the government pays the teachers’ salaries provided the school accepts all children regardless of their religious affiliation.

Law on conspicuous religious signs

In March 2004, the French Parliament adopted a law that prohibits public schools students from wearing clothing or insignia that “conspicuously manifest a religious affiliation”. The law was approved by an overwhelming majority of 494-36 in the National Assembly, 276-20 in the Senate, and was strongly supported by public opinion throughout France.

Law on the full-body veil

On 11th October 2010, Nicolas Sarkozy, then President of France, promulgated the law “prohibiting the concealment of the face in the public space”. This law made wearing the niqab (which shows only the eyes) or the burqa (full-face veil) punishable by up to a 150 EUR fine.

The law prohibits covering one’s face in public places, including public transportation, government buildings, and other public spaces such as restaurants and cinemas. If the police encounter someone in a public space wearing a face covering such as a mask or burqa, they are legally required to ask the individual to remove it to verify their identity.

Individuals who coerce a woman to cover her face by threat, violence, force, or abuse of power or authority, are subject to a fine of 30,000 EUR and can receive a sentence of up to one year in prison. The fine and sentence are doubled if the victim is a minor.

Laws on Sects

In America, Europe and Asia, a series of violent atrocities in the 1990s, including suicide and murder, apparently linked to sects, prompted countries in Europe, notably France, to take steps aimed at protecting citizens. On 29th June 1995, the National Assembly unanimously adopted a resolution creating an inquiry commission “to study the sect phenomenon.” On 9th May 1996, an Inter-ministerial Observatory on Sects was created by decree. From 1996 to 1998, training and awareness programmes for the police, State prosecutors, judges and teachers were initiated to reinforce the control of sects by government agencies and the state. On 7th October 1998, the President and the Prime Minister signed a decree creating the *Mission Inter-ministérielle de lutte contre les sectes* (MILS – Inter-ministerial Mission to Combat Sects). On 1st December 1998, the Ministry of Justice sent to the staff of the public prosecutor’s office a circular to ask prosecutors and judges to work with anti-sect associations such as the UNADFI and the CCMM “to combat attacks on persons or private property committed by groups of a sectarian nature.” On 15th December 1998, the authorities set up a Parliamentary Commission of Inquiry into the finances, property and fiscal standing of sects. On 30th May 2001, all-parliamentary groups of the National Assembly unanimously adopted the controversial About-Picard Law which strengthened the legislative arsenal used to repress the activities of minority religious groups and their members. On 28th November 2002, a presidential decree was adopted to replace the controversial MILS with the MIVILUDES (Inter-ministerial Mission for Monitoring and Combatting Cultic Deviances). More laws and decrees targeting allegedly harmful cults have been adopted since then.

Incidents

Related to Islam

Terrorism in the name of religion

In Paris, on the night of 13th November 2015, gunmen and suicide bombers targeted a concert hall, a major stadium, restaurants and bars, leaving 130 people dead and hundreds wounded. According to Paris chief prosecutor Francois Molins, the near-simultaneous attacks were carried out by “three co-ordinated teams”,³ and the following day Daesh (ISIS) claimed responsibility.⁴ Two weeks later, France’s Interior Minister Bernard Cazeneuve said police had arrested 232 people and shut down three mosques under emergency laws passed in the wake of Paris attacks.⁵ He said police had carried out 2,235 raids across the country. During the operations, police seized 334 weapons, including 24 military-grade weapons. In response to the Paris attacks, Anouar Kbibech, president of the French Council for the Muslim Religion (CFCM), said he would create a permit to preach for imams in a bid to root out extremists and promote a “tolerant and open Islam”, as well as a new religious body to fight back against jihadist propaganda.⁶

The state of emergency was prolonged until July after the 2016 UEFA European Championship had taken place in France.

Days after the football tournament, there were two further Islamist attacks which took place just outside the period under review but whose relevance is undisputed. On 14th July, Mohammed Laouhaiej drove a truck through the crowds in Nice as thousands of people watched the fireworks to celebrate Bastille Day, a national holiday in France. By the time police shot Laouhaiej at the wheel of the vehicle, 84 people had been killed and 400 injured. Although no particular group admitted carrying out the attack, French Prime Minister Manuel Valls told *France 2 television* that Lahouaiej was a “terrorist without doubt linked to radical Islamism in one way or another”.⁷

On 26th July, two 19-year-olds in Saint-Étienne-du-Rouvray, Normandy, slit the throat of Father Jacques Hamel, 85, as he was celebrating morning Mass, and seriously injured another member of the congregation. The two attackers were shot dead by police outside the church. Daesh (ISIS) said two of its “soldiers” had carried out the attack, and both were known to French security services, having been turned back after attempting to join Daesh in Syria.⁸

Ban on religious attire

On 1st September 2015, the Ministry of the Interior announced that in the last four years 1,546 offences had been reported by the police: about 234 women in 2011, 332 in 2012, 383 in 2013 and 397 in 2014. In the first nine months of 2015, 200 offenders were reported.

The fine of 150 EUR itself has proven not very dissuasive. Rachid Nekkaz, an opportunistic Algerian real estate businessman, has set up a fund to pay fines for women who wear Islamic veils or the burqa in public “in whatever country in the world that bans women from doing so”.⁹ He has committed to paying most of them. On 9th October 2015, he told the AFP that he had just paid “his” 973rd fine and had thereby helped 683 women: most of them were recidivists and two-thirds were converted French women.

On 1st July 2014, the European Court of Human Rights upheld a ban by France on wearing the Muslim full-face veil – the niqab.¹⁰ A case had been brought by a 24-year-old French woman, who argued that the ban on wearing the veil in public violated her freedom of religion and expression.

Wearing conspicuous religious symbols

At the end of April 2015, a 15-year-old French Muslim girl in Charleville-Mezieres was banned from her class twice for wearing a skirt that was too long and therefore supposedly a conspicuous display of religion.¹¹ The student already apparently removed her headscarf before entering the school, in accordance with French law. But her long skirt was deemed a “provocation” and potential act of protest.

Related to Christianity

In the first five months of 2016, the website christianophobie.fr¹² recorded 233 acts of Christianophobia perpetrated in 47 departements.¹³

In April 2016, more than 100 websites of Catholic churches and congregations were hacked by Tunisian cyber-jihadists who call themselves the Fallaga Team.¹⁴ They claimed responsibility for their operation on their Facebook page.

On 15th May 2016, the altar at the Church of St. Madeleine-de-l'Île in Martigues, about 800km south of Paris, fell victim to criminal arson. That day in the same region, an unknown person desecrated the tabernacle of the church at Jonquières, which contained the consecrated hosts.

In 2015, many cases of violence against Catholic places of worship, buildings and cemeteries were recorded by the Observatory on Intolerance and Discrimination Against Christians.¹⁵ A few examples:

January 2015: Unknown perpetrators forced open the tabernacle door in the Church of Notre-Dame-des-Marais in Montluel and stole a chalice and consecrated hosts. The following Sunday morning Mass had to be moved to the neighbouring town of Dagneux and the church remained closed for five days.

February 2015: The French news channel BFMTV reported statistics about the profanation of cemeteries in 2014. It reported 206 cases concerning Christians, six cases in Jewish cemeteries and four cases in Muslim sites.

March 2015: At the Church of Saint-Elisabeth in Paris unknown perpetrators committed acts of vandalism and sacrilege on a work of art behind the choir at the foot of the cross.

April 2015: French police arrested an Algerian Muslim man suspected of planning an attack on ‘one or two churches’ near Paris. According to the Paris prosecutor, documents linked to al-Qaeda and Daesh were found at his apartment and a contact in Syria had advised him to target churches.

May 2015: A judge in the small town of Ploermal ordered that a statue of Pope St John Paul II be removed because of the “ostentatious character” of the monument.

June 2015: In the name of laïcité, the RATP (Paris transport agency) required the withdrawal of the phrase “in favour of Christians of the Middle East” from posters announcing a concert of the group “Les Prêtres” (The Priests) in the metro. The RATP stated “the principle of neutrality of the public service in the context of an armed conflict abroad” as the reason behind this removal from the 250 posters. The “Coordination des chrétiens d’orient » (CHREDO) lodged a complaint to be allowed to use the terms “in favour of Christians of the Middle East” arguing that Christians in the Middle East were victims of the conflict and not perpetrators of it. On 12th June, Alain Vidalies met a CHREDO

delegation, asserting his support for the Christians in the Middle East and recognizing that they are victims. After this meeting the RATP president, Ms Borne, admitted there had been an error of appreciation and the complaint was withdrawn. However, in the same month, the RATP accepted a publicity poster of the telephone company Lebara Mobile wishing its clients a “Happy Ramadan” in French and in Arabic.

August 2015: Local policemen found that 40 graves had been desecrated in a cemetery in the town of Labry, in north-east France. Thirty-five funeral ornaments, mostly crucifixes and plaques, were displaced, and four were broken.

September 2015: The destruction of 43 graves was discovered in the small French village of Montjavoult. Swastikas were spray-painted on six of them and crosses were broken off and left on the ground.

October 2015: A statue of the Virgin Mary was decapitated in Aisne. It had been erected only two months earlier.

December 2015: Christmas cribs were vandalised in Aix-en-Issart, Chaville, Villejuif and Lapoutroie. Cases of arsons were also reported in Giraumont and Maseveaux.

Related to Judaism

Despite the fact that most French people have favourable attitudes towards Jews, acts of anti-Semitic violence, property destruction and hate speech are increasing. Apart from a dwindling old extreme-right anti-Semitism, a new form has emerged. These new sources come from French citizens of Muslim culture, from immigrants from the Middle East and North Africa, and from French-born jihadists returning home after fighting in Syria.

Reported anti-Semitic crimes in France have more than doubled between 2014 and 2015, according to a report by Human Rights First.¹⁶

In January 2016, a 15-year-old Turkish citizen of Kurdish origin stabbed a Jewish teacher in the shoulder in the southern French city of Marseille. He told police he had attacked the other man in the name of Daesh.

In January 2015, an accomplice of the perpetrators of the Charlie Hebdo shooting attacked a kosher market in a Jewish area of Paris. He killed four hostages. They were struck down in a cold-blooded and merciless manner because they were Jews.

In December 2014, armed assailants broke into a suburban Paris residence of a Jewish couple, raped the woman and robbed them. During the robbery, one of the assailants said “Tell us where you hide the money. You Jews have money.”

In 2015, approximately 8000 French Jews migrated to Israel, making France the highest source of immigrants to Israel, and many more have migrated to the UK and Canada.

Some other cult issues

No religious or belief community of the French sect/cult list was sentenced on criminal charges in 2015-2016 but the state agency MIVILUDES was found guilty of defamation against the French Society for the Defence of Tradition, Family and Property (TFP) by the Court of Appeals in Paris on 2nd July 2015. In a separate trial, on 20th November 2015, the Paris Court of Appeal ordered the anti-sect movement UNADFI to pay 21,000 EUR to the Church of Scientology and its members for having abused the legal process by acting as plaintiff against the Church in a trial that took place in 2009 for the first instance and in 2011 for the appeal.

Prospects for freedom of religion

The principle of *laïcité* (separation between state and religion) in France is a fundamental value which is fully supported by all political parties and public opinion. Throughout the 20th century, the Catholic Church, the Protestant Churches and Judaism have progressively managed to integrate their religious practices within this constitutional and legal framework imposed by the 1905 Law. Islam, which is mainly imported into the country through migration from its former colonies, has yet to blend into the culture of secularism and it can be expected that tensions between the State and some parts of the Muslim community will persist in the near future, especially in the current global geo-political context.

French governments have always tried to promote religious harmony and have been committed not to leave hate speech and hate crimes unpunished. However, they are now confronted with new challenges because of increasing acts of intolerance and social hostility that do not spare any religious group.

The ongoing frequency and cruelty of the attacks in French territory by radical Islamist extremists are bound to have consequences on the daily life of French society and especially in matters related to religious harmony.

¹ http://www.thearda.com/internationalData/countries/country_83_1.asp; The French government does not keep official statistics on religious affiliation.

² <http://www.bbc.com/news/world-europe-17298730>

³ BBC News, 'Paris attacks: What happened on the night', 9th December 2015 <http://www.bbc.co.uk/news/world-europe-34818994>

⁴ Rukmini Callimachi, 'ISIS Claims Responsibility, Calling Paris Attacks 'First of the Storm'', The New York Times, 14th November 2015 <http://www.bbc.co.uk/news/world-europe-34818994>

⁵ France 24 - <http://f24.my/1OzinpY>

⁶ AFP 'French Muslim body to create 'licence to preach' for imams', 24th November 2015 Yahoo News (24.11.2015) - <https://goo.gl/hAh22B>

⁷ <http://www.bbc.com/news/world-europe-36808020>

⁸ <http://www.bbc.co.uk/news/world-europe-36900761>

⁹ France 24, 'French businessman 'to pay all burqa fines'', News 24, 19th August 2016

<http://www.france24.com/en/20110819-french-businessman-pay-all-burqa-fines-belgium-rachid-nekkaz/>

¹⁰ See court decision at <http://www.strasbourgconsortium.org/portal.case.php?pagelD=10#caseId=864>

¹¹ <http://www.bfmtv.com/societe/une-collegienne-exclue-a-cause-de-sa-jupe-trop-longue-881835.html>

¹² www.Christianophobie.fr

¹³ Carte de France des actes christianophobes <http://www.christianophobie.fr/la-carte-de-france-des-actes-christianophobes#.V2AMyDFf3uh>

¹⁴ See <http://www.la-croix.com/Urbi-et-Orbi/France/Des-sites-catholiques-pirates-par-des-cyberdjihadistes-tunisiens-2016-04-19-1200754518>

¹⁵ http://www.intoleranceagainstchristians.eu/fileadmin/user_upload/reports/Report_2015_Release_June_2016.pdf

¹⁶ <http://www.humanrightsfirst.org/resource/breaking-cycle-violence-countering-antisemitism-and-extremism-france>