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## **Human Rights Without Frontiers Int'l**

***Newsletter "Intolerance and Discrimination Based on Religion or Belief"***

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### **FRANCE**

**Europe takes action to protect freedom of religion**

**8 October 2012**

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**Editor in chief: Willy Fautré  
Member of the International Consortium  
on Law and Religious Studies (ICLRS)**

**[Website: http://www.hrwf.net](http://www.hrwf.net)**

**<http://www.willyfautre.org>**

**Email: [international.secretariat.brussels@hrwf.net](mailto:international.secretariat.brussels@hrwf.net)**



## **FRANCE**

# **Europe takes action to protect freedom of religion**

***The launching, tomorrow in Paris, of a new observatory of cultural and religious pluralism testifies that there is a growing concern in Europe about defending religious freedom.***

***Motivated from the beginning by solidarity with Eastern Christians, this mobilization could lead to genuine new policies.***

***Inspired by historic practices of the U.S. State Department, it will nonetheless have its own unique character.***

### ***Is religious freedom facing a growing threat?***

La Croix (03.10.2012) - A perceived growing threat to freedom of religion in the world is one of the reasons for the renewed attention on the subject. The Pharos Observatory "of Cultural and Religious Pluralism", established today in Paris, is devoted to monitoring, according to its website, "more and more frequent and more and more serious attacks on freedom of conscience, on freedom of expression, and freedom of religion around the world." The "Arab Spring" particularly creates growing unease most notably concerning the place of Islam in the new constitutions.

In contrast, it should not be forgotten that the communist countries of the past of the old eastern block-as well as Cuba, Vietnam, or China today-were well known for repression of religions, but did not illicit the same type of concern. This can be explained by "strategic" reasons, as a resolution of the 27 foreign ministers of the Council of Europe acknowledges in June of 2009. P. Henri Madelin, Jesuit, author of a report on the subject for the Foundation for Political Innovation, stressed, "The most secular of the western powers recognize that religion plays an important role in international relations and that to neglect this factor is to limit their foreign policy options." The creation by Bernard Kouchner, in June 2009, of an agency on religions at the heart of the Direction of the Prospective of the Ministry of Foreign Affairs is revealing in this respect.

### ***What is religious freedom?***

Article 18 of the Universal Declaration of the Rights of Man (DUDH) indicates, "Every person has the right to freedom of thought; this right implies the freedom to change religion or belief as well as the freedom to practice his religion or his belief alone or with others, privately or in public, by teaching, practices, worship, and ritual." If certain countries-like France-are tempted to protect only the individual dimension of religious freedom, others-like Algeria-limit themselves to the toleration of its communal dimension-the celebration of mass for example-but categorically refuse to admit an individual the right to believe or not believe.

As with all liberties, freedom of religion is restricted by the needs of "public order", such as those which led France to forbid protests against the film "L'Innocence des musulmans" (Innocence of the Muslims). The relation between freedom of religion and the freedom of expression-protected by article 19 of the DUDH-is however complex.

Since the first caricatures of the prophet Mohammed in 1999, the countries of the Organization of the Islamic Conference (OIC) have attempted to pass a resolution in the UN against "the denigration" or "the defamation" of religions. The push for such a resolution has recently reappeared with increased attention. But both the European Union and France in particular, distinguish between the criticism of religions and the incitement of religious hate, which is punishable by sanctions, and therefore oppose this resolution.

### ***What is the best way to protect religious freedom?***

In the United States, where religious freedom is at the heart of the first amendment of the Constitution, the effort to protect it has a long history and covers movements that Europe considers to be intolerant. In 1998, Congress enacted a law, the "International Religious Freedom Act" which, since that time, has placed the promotion of religious freedom at the heart of American international policy. In fact, the State Department created a special office and charged it with compiling a much discussed annual report, remarkable for its list of "countries of greatest concern." Father P. Madelin notes, "When the American president visits a country, he always carries a list of persons imprisoned for religious reasons."

On the Old Continent, the concern is more recent. "France, in particular, has traditionally been more concerned with freedom of conscience, while freedom of religion was regarded as an Anglo-Saxon concept", notes Valentine Zuber, lecturer at the École Pratique des Hautes Études (Practical School of Higher Studies) and author of a thesis on religious tolerance. In addition, until recently, the Council of Europe has played its role in defending the "right of freedom of thought, of conscience and religion" in its member countries, by means of the European Court of Human Rights. But rarely have these countries integrated these freedoms into their foreign policies. This situation is changing, under the pressure, notably, of numerous observatories which have appeared in the last few years. One diplomat observed, "The exodus of Iraqi Christians in the first decade of the 21st century and even more the two attacks in late 2010-on the Syriac Catholic cathedral in Baghdad and on a Coptic church in Alexandria-have pushed the chanceries to more action." Immediately after these events, the European Parliament adopted a resolution "on the situation of Christians in the context of freedom of religion". The 27 foreign ministers, in their turn, voted on a text, but not without attaching differences among the countries-notably Poland and Italy-which desired to be explicitly acknowledged as Christian, and those countries-Great Britain and the Nordic countries-which feared encouraging a "clash of civilizations"...

More and more, and the request emanates from Christians from the East themselves, the defenders of religious freedom realize that limiting their fight to the realm of religion alone is not sufficient, especially since, as Johanna Touzel, spokesperson for the Commission of Bishops of the European Community (Comece), notes "religious persecutions always have a political dimension".

### ***What can France do?***

Because of its "special mission" regarding Christians in the East, France has taken the lead in this effort, according to a diplomat from the Quai d'Orsay (The French Ministry of Foreign Affairs). With others-Austria, the Netherlands, Italy, Germany-France ensures that the new "guidelines" of the European Union in the field of human rights, discussed over several months, emphasize freedom of "religion and belief". The same diplomat explains, "The idea is not to copy the American punitive model but to devote the means necessary to obtain results over several years. We could propose a constructive engagement with countries which wish to cooperate with us in the protection of their religious minorities." The president of the Republic, François Hollande, should, in addition, send a message of support to the Pharos Observatory in

order to "reaffirm, in the general framework of the rights of man, his own commitment to freedom of religion and belief."

The researcher, Valentine Zuber, for whom the promotion of religious freedom must also "take place in France, warns, "The Quai d'Orsay, particularly since the arrival of Joseph Maïla at the agency on religions in the Direction of the Prospective of the Ministry of Foreign Affairs, has had an original voice on these subjects. But other more restrictive concepts are expressed in France and may find more than an echo in public opinion."

## **Observatories**

### ***In North America***

*United States:* The American Department of State has published a report each year since 1998 on "the state of freedom of religion in the world". The Conference of Catholic Bishops in the United States announced in September 2011 the creation of a Committee for Freedom of Religion, under the direction of Monsignor William Edward Lori, Bishop of Baltimore.

*Canada:* The Ministry of Foreign Affairs created in January a Bureau of the Freedom of Religion.

### ***In Europe***

*The Office of Democratic Institutions and Human Rights (ODIHR)* of the Organization for Security and Cooperation in Europe (OSCE) publishes an annual report "on crimes inspired by hate" in its member countries.

*The Observatory of Intolerance and Discriminations Against Christians*, founded in November 2011 in Austria by the Council of Episcopal Conferences of Europe (CCEE), publishes a statistical report once a year.

*The Observatory of Religious Freedom* was created in June 2012 in Italy by a joint initiative of the Italian Ministry of Foreign Affairs and the City of Rome. It was entrusted to the Catholic lawyer Massimo Introvigne and has for a mission the assignment "to control and prevent attacks on religious freedom in the world".

*The Pharos Observatory of Cultural and Religious Pluralism*, created by the initiative of diverse individuals, religious or not, is endowed with a grant from the French Ministry of Foreign Affairs, but is independent of the ministry. It puts on its trilingual internet site case studies, country by country.

***Translation French-English by Human Rights Without Frontiers***