

FRANCE:

Dr. Abdallah Thomas MILCENT's  
UN Human Rights Committee's  
speech

March 19<sup>th</sup> 2010

Libertés

Excellences, Ladies and Gentlemen,

I am fully aware that coming here to tell you about violations of Muslims' rights living in France can appear inadequate.

It is true that everyday, hundreds, thousands of people are detained, killed, tortured throughout the world, because of their religious, political beliefs, their sexual orientation, or colour of skin.

On the other hand, France, the country of my ancestors, has always claimed to be the champion, not to say the inventor of human rights.

French diplomacy has excelled in giving lessons in this issue.

However, we are facing important movements of islamophobia, characterized by violence especially conducted toward Muslims.

That is why, just like many citizens, we were first surprised than astonished by what happened during the period from May 2003 to March 2004.

It is during this time that a so-called debate took place on the national level leading to the adoption of the 15<sup>th</sup> March 2004 law banishing in state schools the wearing by pupils of religious signs showing ostensibly a religious belonging, also called « anti-veil law ».

## **I. The Context.**

### **1° Characteristics of Muslims in France.**

France is the European country which proportionally counts the most important number of Muslims.

They are estimated from 6 to 10 millions in France, for a 66 millions population.

Most of Muslims are French, because of the fact that in French law the principle of jus soli prevails.

Islam became second France's religion after Catholicism and before Reformism and Judaism.

The great majority of Muslims come from the 20<sup>th</sup> Century immigration, and most of them belong to poor social groups and live in impoverished backgrounds, located in big industrial areas.

Very marginal at the beginning, the Muslim religious practice developed itself in the sixties and seventies, known as “Islam of the caves”.

The creation of Great Mosques more recently was most of the time at the initiative of private groups.

Muslim practise has always been discrete, never claiming, dissociated from political and trade union movements in the country.

Muslim in France are common citizens, subscribing to the Republican Pact, respecting the law and values of our living together, and very attached to human rights.

This peaceful Islam is still prevailing today, not influenced by radical movements unfortunately existing abroad.

Muslims in France are structured in federation of associations, regarding the country of origin, but other associations like the UOIF call for the development and the practice of an Islam more specifically adapted to the French context.

The discussions between the French government and the representatives of Muslim associations at the national level lead twelve years later, to the creation of the French Council of Muslim Cult (CFCM) in 2003, a private organisation, more or less democratic, interface between Muslims and the State.

## **2° The creation of an imaginary Islam.**

Until the seventies, Islam in France was almost inexistent in French Media. From 1978-79, after the Iranian Islamic revolution and the oil crisis, the international context changed, and Islam was somehow perceived as an aggressive religion in Western countries.

Then, Muslim immigrants were accused of being responsible of the economic crisis, because of their lack of integration.

In 1989, after the “Rushdie case” and the first exclusions of French pupils wearing Islamic headscarves from school, Islam became a major issue for mass media.

At that time, mass media didn't hesitate to stigmatise in a sick way the so-called "Muslim community", described as a homogeneous block threatening French identity, perceived as "*instinctively secular, mainly Christian and uniformly white*", according to scholars.

During the nineties, French medias opposed the construction of an "Islam of France" to the Saddam Husseyn's drifts or Algerian Islamism.

This distinction aims clearly to separate "moderate Muslims", who should be integrated to the national community, from the so-called "fundamentalists" or "islamists", who should be fought.

These simplistic analysis grills lead to confusions and amalgams that the media end up themselves to denounce.

The security psychosis following the nine eleven's attacks shows us that French medias fail to depict the terrorist enemy, invisible in essence. The amalgams and confusions develop increasingly.

The media have indeed a central role, no longer in reporting a social reality seen by journalists, but in manipulating social ties and even in the creation of fictive images, which are substituted to the communities they are supposed to describe.

The "Islam of France" is replaced by an "imaginary Islam" which is indeed more spectacular, more radical, more violent, and against which elites struggle.

The debate on media preceding the adoption of the 15<sup>th</sup> March 2004 Law was exclusively nourished by this "imaginary Islam", a complete fabrication.

### **3° The creation of an imaginary preoccupation.**

Far from the idea that the press deals with and reflect the preoccupations of French people, the debate on Islamic veil in 2003 and 2004 wasn't based on any major fact.

We can consider the way the "Islamic headscarves cases" in French schools were dealt with as a "political hysteria". It is due to the fact that French elites were unable to conceptualise a multi ethnic and multi cultural society, and bring concrete solutions to its challenges.

It is more comfortable for politicians to hide behind an imaginary Islam constructed previously by the media, rather than making the intellectual effort necessary for a real analysis of contemporary social issues.

This phantasmal Islam inspires right wing politician such as Edouard Balladur, former French Prime Minister, in his book “La fin de l’illusion jacobine”, as well as left wing politicians. Some scholars explains that by *“the enrooting of a post colonial racism in France, systemic racism which touches all social classes and political parties, even the most “progressive” or “revolutionary” ones”*.

#### **4. Behind the demagogy, real political convergences.**

We find behind those simplistic and demagogic discourses real political convergences, more serious and more concrete.

In spring 2003, the French government had to face social troubles, demonstrations against the reform retirement system, and more especially the hostility of public servants, more directly concerned by the reform. The heart of contestation was lead by teachers of sate schools.

Moreover, teachers are over represented in associations claiming to “defend secularity”. They are also very much represented in left political parties.

Political declarations have clearly preceded the hysteria of media.

It is only after declarations of French political leaders that two commissions were created, one at the initiative of the French President, Jacques Chirac, called the “Stasi Commission”, the other one at the initiative of the President of the House of Representatives, Jean-Louis Debré.

The 15 March 2004 law is clearly the result of a compromise between the conservative government and the teachers from the left, to save the pension, to the detriment of scapegoats, Muslim pupils, and pretending to protect an improperly defined secularity.

This law has also made evolved the French “laïcité”, which evolved from a tolerant laïcité to a laïcité of interdiction.

It is no longer the State and the public services which have to be secular, now citizens are commanded to be so.

This conception of secularity is indeed in contradiction with the principle of freedom of religion.

As predicted, the law was the response of these commissions to a social “issue” which is a complete fabrication. Both commissions have totally ignored the unanimous appeal of the elected members of the CFCM to be heard, and were also unable to listen to a single pupil wearing an Islamic veil.

All the representatives of all religions in France have officially declared that they were opposed to the adoption of such a law.

Their call will never be heard by the French deputies, who adopted almost unanimously the law in a hurry.

## **II. After the adoption of the law, its clear-cut implementation.**

The 15<sup>th</sup> March 2004 law was not examined by the French Constitutional Court because of the lack of political will.

The ambiguous writing of the law made us hope for a liberal and open-minded implementation, allowing the wearing of discrete religious signs.

It is in fact the way this law was presented by the French diplomacy to foreign governments worried about it.

The implementation of this law in September 2004 was violent and clear-cut: all religious signs were banned from state schools, if it was wear by a pupil suspected to be Muslim.

Headscarves, as well as hats, berets, and even hair bands were banished from schools.

Thousands of young pupils had suddenly to choose between their will to study and their will to practice their religion. The great majority of them preferred to choose the humiliation of the constraint rather than giving up their studies.

The Muslim associations put all their resources together to create the 15<sup>th</sup> March and Freedom Committee to help the victims of this law.

More than eight hundred pupils asked for help in 2004.

Those who refused to take off their veil were insulated sometimes during months, being questioned every single day, not even allowed to talk to their classmates, obliged to stay alone during hours in an empty room, with no real teaching support.

Most of them considered the disciplinary committee leading to their exclusion from school as a relief, regarding the tough and humiliating things they experienced during the so-called “period of dialogue” conducted by the administration.

We actually published a report on those questions which is available.

Muslim associations have always supported them throughout those difficult times, helping them carrying their studies at home and to defend their rights on Court.

It is important to stress on the fact that in 2004 there was no private school in France able to receive those pupils who were expelled from state schools.

Nowadays, we have less than 500 school’s capabilities for a few million Muslim’s community.

Trusting our justice, we went to Court to object to the decisions of exclusion, but the cases were systematically rejected.

Then, we introduced the cases to the European Court of Human Rights which refused, by its decision of June 30<sup>th</sup>, 2009 to examine the first case introduced.

We consider that this refusal of the ECHR reflect the discrete but very efficient action of our government, especially through the French President of the Court, Mr Costa, who declared publicly its hostility against the wearing of Islamic headscarves at school, before its nomination.

Muslims in France do not have the capacity to ensure to their children an education in private schools; where they would be fully accepted, regardless of their religious believes or practice.

Muslims have choose the discussion, and use peaceful means offered to any citizen in a democratic country, but they are facing political leaders who are using bad faith, manipulating the media and using dishonest ways to deny their freedom of religion.

As far as it's concerned, the 15<sup>th</sup> March and Freedom Committee refuses to take religious stances, its role is to defend freedom of religion, letting everyone choosing his own practice.

The notion of liberty is indeed the basis of our Republican system, it's the first word of the motto of our country: "Liberty, Equality, Fraternity".

### **III. Epilogue.**

Two recent initiatives have lead to an increase of islamophobia and anti Muslim declarations..

- The National assembly created an Information committee on the wearing of integral veil in France.
- The Minister of Integration and national identity launched a "great debate on national identity", which in fact flattered nationalism and an old racist background still existing in the minority of the population.

It is important to notice that every time the political and media elites rage against Muslims, we immediately observe a huge increase of assaults against people and goods, individuals, attacks of businesses belonging to Muslims, mosques, and profanation of graves in cemetery.

It seems like a minority of racist people understand those initiatives of the government as prompting them acting out.

We can deplore that some of those crimes remain unsolved and unpunished.

#### **IV. Conclusion.**

I'm standing here, in front of you, to denounce the scapegoat policy that Muslims in France are suffering from.

The French government has a large responsibility in the protection of its religious minorities, I'm asking you to remind it to the French authorities.

The twentieth century European history teaches us that we shouldn't undermine the risks of such excesses.

I would like to thank the Islamic Human Rights Commission for its support.

Thank you for your attention.