

FRANCE'S ANTI-SEPARATISM BILL: SYSTEMIC INSTITUTIONALISATION OF ISLAMOPHOBIA IN THE FRENCH REPUBLIC

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Almost a year ago, on July 23, 2021, the French parliament passed the most controversial bill of its history. The “Strengthening Respect for Republican Principles” famously known as “anti-separatism bill” is President Macron’s systemic effort towards institutionalisation of Islamophobia. The Bill was passed by 49 against 19 votes with 5 abstentions.¹

The bill has faced opposition from far-left, who consider it as anti-Muslim, as well as far-right, who believes it is too soft. Human rights activists believe that the “anti-separatism bill” threatens the freedom of expression and freedom of association of Muslim community living in France, which makes up 9 to 11 percent of the total population. France is the home to the largest Muslim community in Europe that is protesting against this stigmatizing bill. Moreover, Muslims around the world condemned Macron’s government for snatching basic human rights of 5.4 million Muslims.

A week after the beheading of school teacher Samuel Paty, the French interior minister Gerald Darmanin put into motion the “anti-separatism bill”. It is the legal continuation of “systemic obstruction policy” initiated in 2018. Threatened by their distinctive code of conduct and identity, with this bill, Macron is aiming to counter alleged separatist tendencies of Muslim as well as

¹ “France’s parliament approves anti-separatism bill against Islamist extremism”, Radio France Internationale, published on July 23, 2021.
<https://www.rfi.fr/en/france/20210724-france-s-parliament-approves-anti-separatism-bill-against-islamist-extremism>

promotion of French *laïcité* (freedom). The purpose of this bill is the assimilation of French Muslim community into broader French identity, hence confiscating their right to freedom of association.

The report, authored by Rayan Freschi published in CAGE journals², outlines the extensive executive powers granted to local institutions which further increases the persecution of Muslim community. Under this new bill, Muslim institutions (schools, mosques, NGO's) are routinely monitored, surveilled, investigated and punished for minor breaches.³

In addition, the private life of France's largest minority has lost its freedom under this new bill. Wearing symbols of religious connotations for expressing religious beliefs in public is banned under this new law. The bill is stigmatizing the already marginalized Muslim community, fuelling division and hate within the French society, which is completely contrary to what it was intended or preached as.

Key measures that the bill is set to introduce are:⁴

- Onwards the 2024-25 school year, all clandestine home-schools will be state authorised. Allegedly these home-schools instill radicalism in Muslim students, especially girls. Therefore, French republic will authorise home-school propagating republican values rather than religious
- Going beyond the public sector employees, the new bill adds restriction on the private contractors of public services regarding wearing religious symbols (Niqab, Prayer Cap) or voicing political views
- Local authorities can shut down, on spot, any religious place of worship disseminating hatred towards another person or group
- The bill also introduced stricter financial controls on the religious institutions receiving foreign funding. Any foreign income exceeding 10,000 Euros will need to be declared
- "Republican contract of engagement" is needed to be signed by any association receiving public funding, hence declaring their allegiance to republican values. Moreover, powers of

² Rayan Freschi, "We are beginning to spread Terror": The state-sponsored persecution of Muslims in France", published on March 2, 2022. https://www.cage.ngo/we-are-beginning-to-spread-terror-so-page?utm_source=rss&utm_medium=rss&utm_campaign=we-are-beginning-to-spread-terror-so-page

³ "Anti-Muslim policies in France reach 'threshold of persecution", TRT World, published on March 4, 2022. <https://www.trtworld.com/magazine/anti-muslim-policies-in-france-reach-threshold-of-persecution-55280>

⁴ "France's controversial 'separatism' bill: Seven things to know", Aljazeera, published on Feb 15, 2021. <https://www.aljazeera.com/news/2021/2/15/frances-controversial-separatism-bill-explained>

local authorities are extended to the dissolution of any suspected association without court orders

- Special measures are taken to counter polygamy, mostly practiced by Muslims, the violator of which will not receive a residence permit
- Online dissemination of person, especially public sector employees information that can endanger him/her, will result in immediate detention, 45,000 Euros fine and three years imprisonment

Macron's administration advocates that the bill is introduced to counter separatism and to promote secular values in French society. They have repeatedly denied stigmatizing Muslims through this act as French PM said, the bill "is not a text aimed against religions or against the Muslim religion in particular".⁵

But President Macron's October 2020 speech made explicit his intention of countering "Islamist separatism" rather than just "separatism".⁶ Moreover, he said, "Islam is a religion which is experiencing a crisis today, all over the world" and need to "free Islam from foreign influences." Such stigmatisation helps in the "otherization" of community, hence bolsters its alienation. CAGE journals impact assessment report 2021 provides solid proof of persecution of Muslims, their businesses, their place of worship and even charitable organisations under this new law.⁷

Since the start of the secretive, later public, "systemic obstruction policy" in 2018 more than 101 departmental units installed nationwide to monitor Islam and Muslims. Almost 23,996 Muslim organizations and businesses are blacklisted and strictly monitored and 627 have been closed. Among those 627 that have been closed, 4 were schools, 37 mosques, 210 businesses and 12 organisations.⁸ Till October 2021, 45 million Euros in cash was seized from Muslims.

By routinely persecuting its Muslim community, the French state engages in what can only be called as Islamophobic persecution.

⁵ Cailey Griffin, "Why Has France's Islamist Separatism Bill Caused Such Controversy?" Foreign Policy, published on February 23, 2021.

<https://foreignpolicy.com/2021/02/23/why-france-islamist-separatism-bill-controversy-extremism/>

⁶ Alice Tidey, "Here's all you need to know about France's controversial separatism law", Euronews, published on February 16, 2021.

<https://www.euronews.com/my-europe/2021/02/16/here-s-what-you-need-to-know-about-france-s-controversial-separatism-law>

⁷ "Fact Sheet: France's Systematic Obstruction policy on Muslims", CAGE, published on July 23, 2021.

<https://www.cage.ngo/fact-sheet-frances-systematic-obstruction-policy-on-muslims>

⁸ Ibid

Amnesty International, an international non-governmental organisation focused on human rights, in its March 29, 2021 public statement raised its concerns regarding the French bill “Strengthening Respect for Republican Principles”. Several provisions in the bill distressed amnesty international regarding the rights to freedom of expression and association, and the principles of non-discriminations. Amnesty international proposed amendments to counter this breach of basic human rights such as:⁹

1) Right to freedom of Association:

“In light of the concerns regarding the respect for the right to freedom of association, Amnesty International asks that Article 6 be dropped”.

“Amnesty International calls for Article 8 be dropped and for the existing legislation to be amended to ensure that the dissolution of an organisation is only used as a measure of last resort, decided by a court, in response to an imminent danger resulting from a flagrant violation of French laws, in accordance with international human rights law”.

2) Right to freedom of Expression:

“Amnesty International calls for Article 18 be dropped as it raises concerns regarding the respect of the right to freedom of expression”.

3) Principle of Non-Discrimination:

“The government fails to define the notions of “separatism” or “radical Islam”, or to provide information or data to justify its specific and exclusive focus on those phenomena. Amnesty International is concerned that these vague notions risk reinforcing pre-existing negative and harmful stereotypes that conflate Muslims and terrorism”.

Conclusion

By pursuing policies such as “systemic obstruction policy” solidified by laws such as “anti-separatism law” Macron’s government is adding to the institutionalization of the Islamophobic attitude, hence making day to day life of the second largest community in France difficult.

⁹ “France: Amnesty International’s concerns regarding the bill “to strengthen respect for the principles of the Republic”, Amnesty International, published on March 29, 2021. <https://www.amnesty.org/en/documents/eur21/3912/2021/en/>

The question is WHAT FOR? To counter Islamist separatism, or separatist tendencies of Muslim community in France?

Truth of the matter is that most of Muslim immigrants in Europe have left their home countries in search of better living. Isolated acts of terror, which were even prompted by the xenophobic, stereotypical behaviour of nativists, does not justify mobilization of whole state apparatus against a minority of 5.4 million. Such draconian laws have the tendency to foster social division as well as social tension between competing groups. The United Nations human rights council, European court of human rights and all other human rights advocacy networks must compel the French republic to reverse this highly controversial and stigmatising law, otherwise such state practices can also be exported to other European countries, putting 44 million Muslims on stake.