

The principles and legal foundations governing relations between public authorities and muslim religious authorities in France were adopted on the 28th January 2000, by all the participants to the “consultation of the different branches of muslim worship”, which involved the ministry of the interior and 18 of France’s main federations and mosques.

That consultation led to the creation of electoral bodies for the French muslims, the “*Conseil français* (French Council)” and the “*Conseils régionaux du culte musulman* (Regional Councils of the Muslim Worship)” (CFCM and CRCM), on the 13th april 2003.

28th of January 2000

PRINCIPLES AND LEGAL FOUNDATIONS GOVERNING RELATIONS BETWEEN PUBLIC AUTHORITIES AND MUSLIM RELIGIOUS AUTHORITIES IN FRANCE

The Muslim groupings and associations that adhere to all the legal principles contained in this document solemnly confirm their commitment to the fundamental principles of the French Republic, particularly to Articles 10 and 11 of the Declaration of the Rights of Man and of the Citizen on freedom of thought and of religion, to Article 1 of the French Constitution asserting that the Republic is secular and respects all faiths, and finally to the provisions of the Law of 9 December 1905 on the separation of Churches and State.

They also adhere to the principle recalled in the Preamble of the French Constitution and defined in Article 1 of the Declaration of the Rights of Man and of the Citizen, whereby all men are born free and remain free and equal in rights. This is why all discrimination based on sex, religion, ethnicity, mores, health and handicap runs counter to that principle and is criminally reprehensible.

These provisions on freedom of thought, conscience and religion were confirmed, moreover, in the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms which France ratified on 31 December 1973. These provisions are also recognized without restriction by the groupings and associations that adhere to this document.

These groupings and associations see themselves in the principles and rules set out below, which ensure that Muslims enjoy the same rights in France and are subject to the same obligations as the faithful of other religions, provided that law and order is respected and that the religious neutrality of the Republic, its institutions and all public places is maintained.

I – RELIGIOUS ASSOCIATIONS

These rights include, to begin with, that to create religious associations in accordance with Part IV of the Law of 9 December 1905. These associations must be exclusively intended for the purpose of worship, namely the conduct of ceremonies, the purchase and maintenance of religious buildings, and the upkeep and training of ministers of religion.

These associations may, in addition and in accordance with the provisions of Article 20 of the Law of 9 December 1905, create unions of religious associations, these unions being themselves of a religious nature and federating and managing all their constituent associations.

These unions may, in accordance with their statutes, decide to join together and set up a single body representing the Muslim faith nationally, similarly to other religions in France.

Religious associations which abide by these regulations may benefit from the advantages, notably tax advantages, planned for that category of groupings. On the other hand, they are expected to comply with the rules of organization and functioning provided by the above-mentioned legal provisions, to possess the resources of which a limitative list is given and to draw up the required accounting and financial documents.

There is nothing whatsoever to stop practising Muslims from forming cultural, social, educational or sports associations, among others, on condition that the legal entities created thus have constitutional objects and activities distinct from those of religious associations.

II – MOSQUES AND PLACES OF WORSHIP

Mosques and places of worship, like all religious buildings, are the very condition for the religious expression of the faithful. This is why purchasing and using them is an integral part of the free exercise of worship, provided that, in accordance with Part V of the Law of 9 December 1905 on the regulation of religions, these religious buildings are exclusively reserved for public worship, and thus freely accessible, to the exclusion of all activities not relating to worship, political ones in particular.

It is acceptable for essential ancillaries such as premises intended for religious teaching to benefit from the status pertaining to a religious building.

While public authorities cannot directly finance the building or purchase of mosques, nor that of any religious building, certain guarantees and advantages should nevertheless be recalled:

The building of mosques or the transformation for that use of existing buildings is governed solely by national and local town planning regulations. No other considerations can warrant an administrative decision of refusal that would be unlawful under such conditions.

Furthermore, under Article 11 of the Budget Law of 29 July 1961, local authorities may guarantee loans taken out for the construction of religious buildings in new towns, make municipal land available by emphyteutic lease for the construction of religious buildings and grant, by means of lease agreements and subject to the payment of rent, municipal premises that municipal councils have decided to place at the disposal of political parties, unions and associations under the conditions provided by Article 2143-3 of the French General Code of Territorial Communities.

Finally, pursuant to the last paragraph of Article 19 of the Law of 9 December 1905, the State, Departments and communes may, without contravening the prohibition of government subsidies for religions, contribute financially to the repair of buildings for the public exercise of religion and owned by private individuals.

III – MINISTERS OF RELIGION AND OTHER RELIGIOUS OFFICIALS

It is for Muslims themselves and their associations to decide on and set out precisely the idea of minister of religion corresponding to the practice of their religion and to the rules they have set themselves, and to indicate to which members of the Muslim religious community this title has been conferred.

Except in justifiable cases, ministers of religion must, in future, be recruited and paid by the religious or other associations employing them. It would be desirable for the majority of them to be French nationals and to possess the cultural and religious learning appropriate for their functions. In view of the definition of their functions, Muslim ministers of religion and other religious officials are subject to the same obligations and enjoy the same rights as other ministers of religion in France, in particular as regards the political neutrality to be respected by the speeches and sermons delivered in religious buildings, this in accordance with the provisions of Part V of the Law of 9 December 1905.

IV – MUSLIM CHAPLAINCIES

All practising Muslims who, for reasons beyond their control, have to remain in any government services or institutions, whether national or local, are entitled to the right to attend chaplaincies, pursuant to Article 2 of the Law of 9 December 1905 and in accordance with the texts governing chaplaincies. Muslim chaplains are designated by the Union of Muslim religious associations and are subject to the double hierarchy of the supervisory administrative authorities and of the religious authorities they are responsible to. The supervisory administrative authorities, who may possibly pay the chaplains, are responsible for defining the conditions in which chaplains are to perform their ministry in the government services and institutions concerned.

V – PRIVATE TEACHING INSTITUTIONS

Private teaching institutions having signed agreements allowed by law (simple agreements or association agreements) with the government will be required to comply with the French National Education System's administrative, financial and pedagogical rules, especially as regards the teaching of subjects in accordance with syllabuses and set teaching schedules.

VI – DRESS AND EATING REQUIREMENTS

1. Public authorities are not concerned with the religious dress symbols which followers of a religion deem they must wear in private. On the other hand, users of certain public services, notably state education services, must abide by certain rules. They must refrain from sporting signs of religious affiliation, as per the conditions laid down in the case-law of the *Conseil d'Etat* (Council of State). For the French conception of secularism implies the recognition of a space for training in public debate, common to all French citizens exercising their natural judgment to determine the best common interest.

2. The French Republic does not intervene in the eating practices dictated by certain ritual requirements, except for users of government-operated establishments who are unable to freely choose the food they eat owing to the constraints of their condition. Hence the administrations managing teaching establishments, prisons, hospitals and military establishments can offer their users who so wish meals that meet the ritual requirements they feel they must respect.

The ritual slaughter of animals whose meat is intended for human consumption must respect animal welfare, public hygiene and environmental protection, under the conditions laid down by law.

VII – BURIAL GROUNDS

Cemeteries must respect the neutrality required in all public places, with the exception of graves which, pursuant to Article 28 of the Law of 9 December 1905, may bear religious signs or symbols provided they do not mention the religious affiliation of the deceased person.

However, it was accepted that mayors, who alone are competent to act in this area, may authorize the grouping of graves of deceased persons belonging to the Muslim faith, on condition that those graves are not physically isolated from the rest of the cemetery and that provisions on hygiene and public health are respected. Burial within that group of graves must have been wished by the deceased person.

VIII – RELIGIOUS FEASTS

In addition to public holidays that are the rule in all sectors of activity, public employees may be granted leave of absence, subject to meeting service requirements, to attend the ceremonies that take place on the occasion of the principal feasts specific to their religions.

Concerning Muslims, leaves of absence may be granted on the occasion of three feasts, namely the Eid es-Seghir or Eid el Fitr, the Eid el Kebir or Eid el-Adha, and the Al Mawled Al Nabawi.

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The principles set out above for persons belonging to the Muslim faith in France are based on, and constitute, all the legal standards governing relations between the French Republic and all religions.

The full adherence to these principles by signatory Muslim groupings and associations attests to their will to support and come under the legal framework that organizes and guarantees the free exercise of religions and institutional secularism in France.