

FRANCE: The State repays 6.3 million euros to the Jehovah's Witnesses

Le Monde (14.12.2012) - Could the French government have saved an expenditure of 1.8 million euros? This question arises as the 15-year legal battle between the Association of the Jehovah's Witnesses (JW) and the French state comes to a conclusion. According to statements by representatives of the Jehovah's Witnesses on their website, the French government has complied with a decision rendered by the European Court of Human Rights (ECHR) in July 2012, requiring the state to return funds which it "wrongfully" seized in a controversial repayment of back taxes.

The Jehovah's Witnesses acknowledge having received, on December 11, a payment of "6,373,987.31 euros", the equivalent of the funds seized in 1998, 4.5 million, plus interest and court costs. After the decision of the ECHR in July 2012, the government had three months to file an appeal; otherwise it would need, within that same three month period, to repay the previously seized funds.

The litigation, which came to the ECtHR after years of legal proceedings, focused on whether offerings of tangible gifts should be tax exempt just as donations and bequests are for religious associations. Following the publication of the parliamentary report on religious sects in 1996, which declared the Jehovah's Witnesses to be dangerous but whose contents have subsequently been recognized to be without legal foundation, the association has been the subject of tax audits, resulting in a tax on its tangible gifts.

"The end of a tragic period"

After years of judicial procedures, the European Court, in June of 2011, embarrassed France in ruling that it had violated religious liberty. The ECtHR recognized, therefore, that the article of the General Tax Code, invoked by the French government as the justification for the tax, was neither "precise" enough nor "predictable" enough. Without recognizing discriminatory practices against the Jehovah's Witnesses, the Court nonetheless admitted that there had been "interference in the right of the petitioning association to practice religious freedom" in as much as the taxed donations "constituted the essential source of its financing."

In the estimation of the Jehovah's Witnesses' lawyer, Philippe Goni, "The government's reimbursement censures their policy of the last fifteen years."

We are finished with this tragic period during which an attempt was made to destroy this association and in which the French legal system did not play its appropriate part. The raising of mortgages on buildings belonging to the Jehovah's Witnesses [also decided in 1998] should logically follow.

Guy Canonici, the representative of the Jehovah's Witnesses in France, which claim 250,000 members, hopes that this decision will put an end "to all sorts of criticisms which the Jehovah's Witnesses regularly had to endure."

We were dragged through the mud, accused of tax evasion." And even though he says that he is "naturally satisfied with the decision," he "regrets that France was convicted because of the actions of individuals and of current intolerant ideas."

The Interministerial Mission for Monitoring and Combatting Cultic Deviances" (Miviludes) still considers the rejection of blood transfusions by the Jehovah's Witnesses problematic. Georges Fenech, its former president who is currently a member of the National Assembly and was particularly concerned with monitoring the Jehovah's Witnesses, acknowledges its end but will not relent: "It was a question of fiscal litigation, but the concerns over their practices in health matters and in the education of children remain." Mr. Fenech will probably become the head of a future working committee in the National Assembly.

A final future piece of litigation involving the Jehovah's Witnesses concerns the question of prison chaplains. After several refusals by the justice minister to permit ministers of the religion to visit detainees, the decision is in the hands of the Council of State, which must soon decide the matter. In the current context, Mr. Goni has high hopes that this case will also come to a positive conclusion for the association which he defends.

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