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Islam, Islamism and Islamophobia in Europe

Committee Opinion[1]
Committee on Equal Opportunities for Women and Men
Rapporteur: Ms Nursuna MEMECAN, Turkey, Alliance of Liberals and Democrats for Europe

A. Conclusions of the committee

The committee congratulates the Committee on Culture, Science and Education on its exhaustive report, and supports the draft resolution and draft recommendation presented therein. However, the committee wishes to propose amendments to the draft resolution and recommendation, focusing on the aspects of more specific relevance to women in the debate on Islam, Islamism and Islamophobia.

B. Explanatory memorandum by Ms Memecan, rapporteur

1. The Committee on Equal Opportunities for Women and Men was instructed by the Bureau to prepare an opinion on the report on Islam, Islamism and Islamophobia, and appointed me rapporteur on 30 November 2009. It is not the first time that the Parliamentary Assembly, and the Committee on Equal Opportunities for Women and Men in particular, has dealt with the gender-specific aspects of Islam. This question has been addressed, for instance, in the PACE reports on "Integration of immigrant women in Europe",[2] "Respect for the principle of gender equality in civil law",[3] "Action to combat gender-based human rights violations, including the abduction of women and girls",[4] "Urgent need to combat so-called 'honour crimes'"[5] and "Migrant women: at particular risk from domestic violence".[6]

2. In this context, the Assembly on several occasions has stressed that when it comes to protecting women's fundamental rights, no cultural or religious practice may be invoked to justify these practices. As Mr Jensen recalls, the Assembly has also devoted a report to the theme of "Women and religion in Europe", inviting member states to:

> *"7.6. take a stand against any religious doctrine which is anti-democratic or disrespectful of human rights, especially women's rights, and refuse to allow such doctrines to influence political decision making;*
>
> *7.7. actively promote respect for women's rights, equality and dignity in all areas of life when engaging in dialogue with representatives of different religions, and work on achieving full gender equality in society."*[7]

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1. Reference to committee: Doc. 11558, Reference 3442 of 2 October 2009. Reporting committee: Committee on Culture, Science and Education. See Doc. 12266. Opinion approved by the committee on 21 June 2010.
2. Recommendation 1732 (2006), Resolution 1478 (2006) and Doc. 10758 (rapporteur: Ms Bilgehan, Turkey, SOC).
3. Recommendation 1798 (2007) and Doc. 11177 (rapporteur: Ms Smirnova, Russian Federation, EDG).
4. Recommendation 1868 (2009), Resolution 1662 (2009) and Doc. 11784 (rapporteur: Ms Papadopoulos, Cyprus, ALDE).
5. Recommendation 1881, Resolution 1681 (2009) and Doc. 11943 (rapporteur: Mr Austin, United Kingdom, SOC).
6. Recommendation 1891, Resolution 1697 (2009) and Doc. 11991 (rapporteur: Ms Woldseth, Norway, EDG).
7. Resolution 1464 (2005) and Doc. 10670 on "Women and religion in Europe" (rapporteur: Ms Zapfl-Helbling, Switzerland, EPP/CD).

3. Moreover, the Assembly has advocated the empowerment of women, in the context of interfaith and intercultural dialogue too, urging Council of Europe action by:

> *"5.1. bringing together all the stakeholders in the promotion of women's rights and in the active contribution of women to intercultural and inter-religious dialogue in Europe (representatives of governments, parliaments, local and regional authorities and civil society, as well as religious leaders);*
>
> *5.2. making a review of possible measures (best practice and new suggestions) aimed at empowering women in modern societies, including in intercultural and inter-religious dialogue;".*[8]

4. I am personally convinced that cultural diversity is a boon to Europe and a factor of economic and productive growth. Today alas, many Muslims feel alienated, discriminated against and stigmatised in Europe. My own opinion is that the key to the issues raised in Mr Jensen's report lies in upholding the essential values on which the Council of Europe is founded, namely rule of law, democracy and human rights, in which I include gender equality and freedom of expression.

5. In secular democracies, states should have no power over the interpretation of any religion and should not impose a particular interpretation on communities of believers. As the authority of interpreting Muslim texts and traditions lies with the learned experts among the Muslim community, the Assembly should call on Muslims to interpret their religion in such a way as to promote and protect the rights of Muslim women. Teachings of Islam and its practices as demonstrated by the Prophet of Islam recognise fundamental human rights. Muslim communities should be encouraged to establish values compatible with human dignity and democratic standards in Europe.

1. Women as victims of Islamophobia

6. There is a great deal of diversity among Muslims. There are various schools of thought, and values, beliefs and practices did not develop in a fixed and single direction. Taking into account the culture and traditions of Muslim communities, as well as the understanding Muslims have of Islam and the emphasis placed on religious practices, there exists a plurality which is a celebrated principle in democratic societies. Veiling styles of Muslim women are an expression of interaction between religion, culture and tradition. Since the beginning of Islam, a majority of Muslim women believed that veiling was a requirement of their belief. However, the style and manner of veiling is shaped by culture, tradition and geographical conditions. Various styles such as the headscarf, burqa or niqab should be seen as offering diversity and plurality within Islam itself and Muslim women should be encouraged to make their own choice: either to wear the style they prefer or not to wear any at all. States should not impose a dress code on their citizens and others living in their country.

7. The Assembly has already established that immigrant women including Muslim women are victims of multiple discrimination, because they are women, foreign or of foreign extraction, and because they may undergo discrimination of various kinds in their community (limiting their scope for integration and their participation in public life) and even violence (such as the so-called "honour crimes" or female genital mutilations, including those inflicted abroad upon victims normally residing in Europe, who are in no way subject to Muslim religious precepts).

8. Muslim women who choose to cover themselves experience further humiliation and psychological disturbances by being made the subject of political discussion in which their choice of outfits are looked down upon. They become victims of prejudices that arise from unfamiliarity. Intimidated by the unwanted spotlight put on them, these women tend to exclude themselves from social activities, and refrain from participating in their communities. These negative stereotypes also hinder veiled women's productivity in the work place and adversely affects their performance, limiting their professional careers. Therefore, it is not the outfit that actually impedes women's professional lives or social inclusion but it is the "misperception" of the outfits.

9. Furthermore, as Mr Jensen points out, "also women, who clearly demonstrate their affiliation to Islam by wearing headscarves, are particularly confronted with Islamophobia" (Doc. 12266, paragraph 42). In France, the Collectif contre l'Islamophobie en France has drawn attention to several Islamophobic assaults on veiled women, most recently "a 29-year old Muslim woman was attacked in the open street in Basel (Switzerland) by an unidentified woman with blows to the back of the neck and insulting remarks about her dress. The victim was wearing black and an Islamic veil".[9] But there are still more tragic occurrences: in July 2009 in Dresden

8. Recommendation 1838 (2008) and Doc. 11612 (rapporteur: Ms Circene, Latvia, EPP/CD) on "Empowering women in a modern, multicultural society".

9. www.islamophobie.net/art_read.php?ai=361.

(Germany), Marwa el-Sherbini, an Egyptian (pregnant at the material time), wearing a veil, was verbally attacked in a kindergarten by an unemployed man from Russia, called a "terrorist" and "Islamist slut", then, at the hearing to appeal the culprit's conviction, was stabbed 18 times in the sight of her three-year-old son,[10] a crime that received little media exposure.[11]

2. The debate on the burqa/niqab in Europe: respecting women's informed choice

10. Wearing of the burqa has recently prompted much debate in Europe. The Bureau of the Assembly having asked the Committee on Culture, Science and Education to bear in mind the motion for a resolution entitled "Burqa – Is action needed?" (Doc. 12159) tabled by my colleague Krista Kiuru (Finland, SOC) and others, I proposed that an exchange of views be held at the committee's meeting in Paris on 27 May 2010.

11. Let it firstly be explained that the burqa is the traditional dress of the Pashtu tribes in Afghanistan. It completely covers the body and face, leaving only a woven lattice at eye level; a niqab is a cloth with veils added to cover the hair and face, where only a slit for the eyes remains; a hijab conceals the hair, ears and neck, revealing only the oval of the face; a chador is a large square of fabric placed on the head, showing the oval of the face, and kept closed by the wearer's hands.[12] How many women wear burqas in Europe is unknown.[13] This clothing is worn voluntarily by women – particularly women freshly converted to Islam – or in some cases under pressure or coercion from members of their family or community.

12. I am aware that full veiling (by burqa or niqab) in Europe is not at all a matter of indifference. Is it a symbol of oppression of women? Of outrage to women's dignity? Does it express their freedom of religion or conviction? Is it the outward sign of identity assertion – or of community isolationism? The exchange of views held by the committee confirmed that there were differing viewpoints on the issue. At this juncture, before giving my opinion, I should like to state the main arguments put forward in the exchange of views held by the committee:

– Some perceive wearing the veil or the full veil is a matter of exercising freedom of religion and expression. Prohibition of either would constitute a restriction of this freedom. All women, whether or not they wear a veil, are nevertheless entitled to protection of their fundamental rights and must be able to participate in economic and social life without, for example, being barred from universities. This position was defended by Ms Akbulut, a sociologist, who considered a veiled woman doubly discriminated against for her gender and for wearing the veil.[14]

– Others perceive wearing the full veil is a breach of the most elementary values on which the French Republican and other systems are founded, the first of these being human dignity, unacceptably infringes the principle of gender equality, and forfeits progress. The full veil represents "the most blatant and repugnant aspect of a campaign to impose the Sharia laws in our societies and in the public sphere", to echo the words of French MP André Gerin,[15] who adds that "the full body veil is a real walking coffin in which women are as good as muzzled".

– A midway position was presented by Dr Jill Marshall, senior lecturer at Queen Mary, University of London (United Kingdom), who considers gender equality not incompatible with respect for women's freedom of choice. In fact (adult) women's freedom to choose their mode of living or dressing must be respected, while ensuring that these choices can be made in an environment honouring the principle of gender equality, and that women have the ability to make independent choices including for example their access to material and economic resources (such as money and proper housing), suitable education and employment policies, equal access and fair treatment by the legal and political systems.

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10. Website Arrêt sur image, 8 July 2009, www.arretsurimages.net/contenu.php?id=2136, Kate Connolly and Jack Shenker, "The headscarf martyr: murder in German court sparks Egyptian fury",, *TheGuardian*, 7 July 2009.
11. Alaa Al Aswanii, "Western hostility to Islam is stoked by double standards and distortion", *TheGuardian*, 20 July 2009. www.guardian.co.uk/commentisfree/belief/2009/jul/20/islam-west-muslims-media-prejudice.
12. Source: Petit Larousse dictionary, reproduced on www.islamy.eu.
13. In France, the Ministry of the Interior speaks of 2 000 fully veiled women. See contribution by Mr André Gerin, AS/EGA/Inf(2010)15.
14. Ms Akbulut's presentation is available from the Secretariat (document AS/EGA/Inf (2010) 17).
15. Mr André Gerin, Member of Parliament for Rhône (France), chaired the French National Assembly's fact-finding mission on the practice of full body veiling in French territory, during which 32 MPs conducted almost 200 hearings in six months, made four journeys (to Lille, Lyon, Marseille and Brussels) and on 26 January 2010 delivered a report to the President of the National Assembly comprising 15 recommendations. On 11 May 2010 a resolution (non-binding) was unanimously adopted on respect for republican values (see document AS/EGA/Inf (2010) 13). France contemplates passing, by July 2010, a law against hiding the face in public.

13. The exchange of views held in committee put forward other perspectives and national experiences. For instance, Mr Wille (Belgium, ALDE) presented the latest legislative developments in Belgium.[16] Mr Olsson (Sweden, EPP/CD) gave an overview of the situation in Sweden, where there is no legislation against wearing the full veil. At the same time he wondered whether in a multicultural Europe a woman wearing the full veil was free to do so.

14. The exchange of views held, and the ensuing discussion in committee, showed that the concerns inspired by full body veiling were often shared, but that the conclusions about the remedial methods to be applied were contradictory. I myself support the position of the Commissioner for Human Rights, Mr Thomas Hammarberg, who considers that to prohibit the burqa would merely aggravate the exclusion of the women concerned,[17] and that of Dr Jill Marshall emphasising the need to provide the conditions that will enable women to take an informed decision whether or not to wear the veil or the full veil, and, that being so, to respect their choice on the grounds of freedom of expression. Indeed, I consider that women are respected by respecting their informed choices. It is unacceptable that male politicians in Iran should impose the wearing of religious apparel on women, just as it would seem unacceptable to me that the men sitting in Europe's parliaments should forbid them to wear it.

15. I would like to add that by punishing women for their outfits through bans, penalties, scornful statements, we are not serving the liberation of women whom we assume are coerced by men. We are adding to the fact that they are subject to coercion, and further confining them into their own closed circles, alienating them from the larger society. Facilitating their involvement by accommodating their needs and respecting their choices will provide them opportunities to integrate in the larger society.

16. I would emphasise the issues of boys' and girls' education, by specifically suggesting the promotion of education in human rights taking into account the principle of equality between women and men at all levels of the education system.[18] It is indeed essential to alter the still very widespread stereotypes in today's society impeding the personal development of girls and jeopardising their success in life.

17. I should point out here that I object to any form of oppression or violence, and condemn the wearing of a veil, what is more a full body veil, if imposed on women by a member of their family or community. I hold that acts involving coercion, oppression and sequestration are inadmissible and must be punished by law. Where this case arises, it rests with the member states to afford these women victims all due protection irrespective of their origin, religion or status. This aspect must be covered in the states' criminal law and in the future Council of Europe convention on combating and preventing violence against women and domestic violence (CAHVIO), in accordance with the position adopted by the Committee on Equal Opportunities for Women and Men on 30 November 2009 and 27 January 2010.[19]

18. In conclusion, I quite agree with the Committee on Culture, Science and Education that a general ban on wearing the full veil would not help improve the lot of the women who wear it either willingly or coercively. The problem nevertheless remains complex and worthy of further investigation. I would accordingly suggest launching a motion for a resolution on "Women in Islam in Europe", making for a detailed approach to the place of Muslim women in Europe, their opportunities, the challenges before them, the forms of discrimination which they undergo, and the stance to be taken by the member states on the issue of prohibiting the veil and the full veil. This work should, I hope, provide encouragement for states to end the debates targeting the burqa which aggravate the inter-community tensions and are no help to the promotion of Muslim women's status and place in Europe.

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16. The Belgian House of Representatives adopted a bill to "prohibit the wearing of any garment that completely or substantially hides the facial features" on 29 March 2010 (see: www.lachambre.be/FLWB/PDF/52/2289/52K2289008.pdf). Owing to the recent dissolution of parliament, the bill should be introduced again and probably debated this autumn.

17. See www.coe.int/t/commissioner/Viewpoints/100308_en.asp.

18. Resolution 1669 (2009) on the rights of today's girls: the rights of tomorrow's women and Doc. 11910 (rapporteur: Ms Circene, Latvia, EPP/CD).

19. See compendium of proposed amendments to the draft text of the Council of Europe convention on preventing and combating violence against women and domestic violence (AS/EGA/Inf(2010)2), particularly proposed amendment 10 on migrant women.

C. Proposed amendments to the draft resolution and the draft recommendation

Amendment A (to the draft resolution)

In the final sentence of paragraph 11, replace “even when based on anachronistic religious traditions,” with “whether based on religious traditions or not,”.

Amendment B (to the draft resolution)

At the end of paragraph 11, add:

> *“No religious or cultural relativism may be invoked to justify violations of personal integrity. The Assembly therefore urges member states to take all necessary measures to stamp out radical Islamism and Islamophobia, of which women are the prime victims.”*

Amendment C (to the draft resolution)

In paragraph 12, replace the last sentence with:

> *“No woman should be compelled to wear religious apparel by her community or family. Any act of oppression, sequestration or violence constitutes a crime that must be punished by law. Women victims of these crimes must be protected by member states whatever their status, and benefit from support and rehabilitation measures.”*

Amendment D (to the draft resolution)

In the draft resolution, add the following sentence at the end of paragraph 14:

> *“It is especially necessary to remove all forms of discrimination against girls and to develop education on gender equality, without stereotypes and at all levels of the education system.”*

Amendment E (to the draft resolution)

In paragraph 15, replace “genital mutilation” with “female genital mutilation”.

Amendment F (to the draft resolution)

In paragraph 15, replace “and especially children” with “and especially girls”.

Amendment G (to the draft resolution)

After paragraph 15, add a new paragraph worded as follows:

> *“The Assembly accordingly urges member states to take every step to prevent and combat all forms of oppression or violence undergone by women, and in particular, as part of the negotiations for the future Council of Europe convention on preventing and combating violence against women and domestic violence (CAHVIO), to support the provisions enabling women irrespective of their origin or status to have access to protection, prevention and rehabilitation facilities.”*

Amendment H (to the draft recommendation)

At the end of sub-paragraph 3.5, add:

> *“and reinforce especially the programmes dealing with gender equality, in particular the combating of all forms of violence against women and the promotion of women’s participation in public decision-making.”*

Amendment I (to the draft recommendation)

After sub-paragraph 3.13, add a new sub-paragraph worded as follows:

> *"invite states to guarantee women's freedom of expression by penalising, on the one hand, all forms of coercion, oppression or violence that compel women to wear the veil or the full veil, and by creating, on the other hand, social and economic conditions enabling women to make informed choices though the promotion of genuine policies on equal opportunities for women and men which embody access to education, training, employment and housing."*