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## Raising awareness of and countering Islamophobia, or anti-Muslim racism, in Europe

### Report<sup>1</sup>

Committee on Equality and Non-Discrimination

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### Summary

Islamophobia, or anti-Muslim racism, is discrimination and intolerance targeting Muslims and those perceived as Muslims. It is widespread and increasing in Council of Europe member States and beyond, and overlaps with anti-immigrant sentiments, xenophobia and social class bias. The process of racialisation connecting religious belief and other markers of difference, including ethnic or national origin and appearance, leads to a perception of Muslims as being a separate ethnic group.

Women are disproportionately affected by Islamophobia; for this and other reasons an intersectional approach which takes into account gender and different grounds of discrimination is crucial when designing, implementing and assessing countermeasures. Council of Europe member States should also ensure that anti-radicalisation and anti-terrorism policies are consistent with human rights, the rule of law and the common values upheld by the Council of Europe, so as to avoid stigmatisation and a disproportionate impact on Muslims. ECRI's revised General Policy Recommendation No. 5 on Preventing and combating anti-Muslim racism and discrimination provides a wide range of concrete measures that should be fully implemented. Political parties and the media also have a role in preventing the stigmatisation which leads to the exclusion of and discrimination against Muslims.

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1. Reference to committee: [Doc. 15169](#), Reference 4545 of 20 November 2020.



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## A. Draft resolution<sup>2</sup>

1. Islamophobia, or anti-Muslim racism (the two terms are used interchangeably in this text), is a form of racism, intolerance and discrimination against Muslims and those who are perceived as Muslims. While linked to religion, Islamophobia cannot be reduced to discrimination based on the grounds of religion, as it results from a “racialised” perception based on various markers that include ethnic or national origin, appearance and cultural characteristics, and may overlap with anti-immigrant sentiments, xenophobia and social class bias.
2. As highlighted by the European Commission on Racism and Intolerance (ECRI), anti-Muslim racism can be manifested, implicitly or explicitly, not only in individual attitudes and actions, but also structurally in policy initiatives or institutional arrangements. Its manifestations include prejudice, stigmatisation, discrimination (including profiling), hate speech and hate crime, as well as exclusion in key areas of life such as education, employment and housing.
3. Women are disproportionately affected by Islamophobia, as they face multiple and intersectional discrimination and are often more easily identifiable as Muslim. Measures to address anti-Muslim racism and discrimination should consistently be based on an intersectional approach, taking in consideration grounds of discrimination including gender, ethnic origin, migrant background, religion, sexual orientation, gender identity, gender expression and sexual characteristics.
4. The Parliamentary Assembly is deeply concerned by the constant increase in signs of Islamophobia in Europe, with a dramatic spike in recent years, as denounced by numerous human rights and equality bodies at European and global levels.
5. The Assembly condemns the use of Islamophobic rhetoric in public and political discourse, particularly by populist and far-right movements, but which often spreads to mainstream politics. It believes that stereotyping based on depicting Muslims as alien to, and incompatible with, European culture and values leads to further stigmatisation and exclusion. The Assembly also denounces racist and Islamophobic conspiracy theories, notably the fabricated idea that non-white and Muslims aim to outnumber the rest of the European population (the “Great replacement” theory).
6. The Assembly is convinced that Council of Europe member States should strive to create an open and inclusive society and address the root causes of anti-Muslim racism and discrimination, including stereotyping, prejudice, stigmatisation and scapegoating of individuals and groups perceived as different from the majority of the population.
7. Stressing that Islamophobia is a severe violation of human rights and human dignity, which undermines social cohesion and peaceful living together in Europe, the Assembly calls on Council of Europe member States to address it as a matter of priority, as a specific form of racism, and for its specific inclusion in antidiscrimination and antiracism action plans.
8. Referring to its [Resolution 1840 \(2011\)](#) “Human rights and the fight against terrorism” and [Resolution 2031 \(2015\)](#) “Terrorist attacks in Paris: together for a democratic response”, the Assembly stresses that the fight against terrorism, vital for the safety of citizens and the protection of democratic institutions, must be conducted ensuring respect for human rights, the rule of law and the common values upheld by the Council of Europe.
9. The Assembly welcomes the adoption of the revised ECRI General Policy Recommendation No.5 on Preventing and combating anti-Muslim racism and discrimination and considers that it should be fully implemented by public authorities in Council of Europe member States and beyond to prevent and counter this form of racism.
10. The Assembly welcomes the adoption by the Committee of Ministers, on 20 May 2022, of Recommendation CM/Rec(2022)16 to member States on combating hate speech, and considers that it should be fully implemented by Council of Europe member States. The Recommendation contains indications to State authorities on countering hate speech through civil, administrative and criminal law as well as alternative measures. The Recommendation also includes guidance for other actors including public officials, political parties, internet intermediaries, media and civil society organisations.

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2. Draft resolution adopted unanimously by the committee on 16 September 2022.

11. The Assembly welcomes the unanimous decision by the United Nations General Assembly to proclaim 15 March as the International Day to Combat Islamophobia, as an opportunity both to commemorate victims of this form of discrimination and to raise awareness, with a view to preventing and countering anti-Muslim racism.

12. The Assembly acknowledges and supports the work of civil society organisations in countering all forms of racism, intolerance and discrimination, including Islamophobia. Referring to its [Resolution 2362 \(2021\)](#) and [Recommendation 2194 \(2021\)](#) “Restrictions on NGO activities in Council of Europe member States” the Assembly reiterates that non-governmental organisations (NGOs) make an essential contribution to the progress and development of democracy, the rule of law and human rights, and that Council of Europe member States are required, in particular, to ensure respect for the rights to freedom of expression, assembly and association.

13. Referring to its [Resolution 2222 \(2018\)](#) “Promoting diversity and equality in politics”, the Assembly reiterates that parliaments and other elected institutions should fully reflect in this particular context the complex diversity of European societies.

14. In the light of these considerations, the Assembly calls on Council of Europe member and observer States, as well as on all States whose parliaments enjoy observer or partner for democracy status to the Assembly, to:

14.1. regarding antiracism and antidiscrimination legislation and policies:

14.1.1. adopt action plans on preventing and combating Islamophobia or ensure that action plans on racism and discrimination refer to and address Islamophobia specifically;

14.1.2. improve data collection and ensure that equality data are available to support the design, implementation, monitoring and assessment of antidiscrimination legislation and policies. Equality data to prevent and counter Islamophobia should be disaggregated by gender, national and ethnic origin and religion, and should be collected anonymously, voluntarily and based on an individual's self-identification as belonging to certain groups;

14.1.3. ensure full enjoyment of the right to freedom of thought, conscience and religion as stipulated by Article 9 of the European Convention on Human Rights;

14.1.4. engage in co-operation and provide support to civil society organisations active in antiracism, equality and non-discrimination, including those working specifically on Islamophobia and representing Muslim individuals and communities;

14.1.5. encourage and support dialogue and co-operation between groups and communities of different religious backgrounds;

14.1.6. sign and ratify Protocol No. 12 to the European Convention on Human Rights (ETS No. 177) and the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189), if they have not already done so;

14.1.7. disseminate and fully implement ECRI's revised General Policy Recommendation No. 5 Preventing and combating anti-Muslim racism and discrimination, and strengthen co-operation with ECRI while fully supporting its monitoring activities;

14.1.8. disseminate and fully implement Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech;

14.2. regarding anti-terror measures:

14.2.1. ensure that counterterror legislation and policies are sufficiently circumscribed to avoid them being used in arbitrary and discriminatory ways;

14.2.2. refrain from applying unclear or overly broad definitions of “terrorism” and ensure that each constituent element of terrorism-related offences is precisely defined, in accordance with the principle of legality;

14.2.3. ensure that the application of counterterror measures is adequately justified, and that these measures are not applied automatically or beyond their legal purpose;

14.2.4. refrain from the dissolution of any institution, including Muslim civil society organisations, unless demonstrably necessary and proportionate, and ensure that judicial procedures are available to appeal dissolution decisions;

14.3. regarding awareness-raising, information and education:

14.3.1. conduct awareness-raising and information campaigns and activities targeting the general public to convey the message that preventing and combating Islamophobia, like any other form of racism, is the responsibility of all members of society;

14.3.2. provide public servants in all sectors of administration, including education, healthcare, law enforcement and the judiciary, with training on racism and discrimination issues, enabling them to prevent and react to discrimination and harassment linked to Islamophobia and other forms of racism;

14.3.3. ensure that school curricula, in particular in history, geography, literature and religion, as appropriate, include accurate information on the presence of Muslim people in Europe and their contribution to European culture and development.

15. The Assembly highlights that particular attention must be paid to preventing and countering discrimination against Muslim women, as detailed in [Resolution 1887 \(2012\)](#) “Multiple discrimination against Muslim women in Europe: for equal opportunities”.

16. The Assembly calls on political leaders to speak out against Islamophobia and all other forms of intolerance, and on political parties to sign the Charter of European political parties for a non-racist and inclusive society as endorsed in its [Resolution 2443 \(2022\)](#).

17. The Assembly calls on the media and cultural industries, including the press, television and online news providers, to ensure accurate, unbiased reporting of news and information that are relevant to Muslim individuals and groups, and to refrain from negative stereotyping and stigmatisation of Muslims.

## B. Explanatory memorandum, by Mr Momodou Malcolm Jallow, rapporteur

### 1. Introduction

1. Islamophobia, or discrimination against Muslims and those perceived as Muslims, is widespread and increasing in Council of Europe member States and beyond. While Islamophobia may be viewed as a form of discrimination based on religious belief only, it is important to underline that Muslims are often subjected to a process of “racialisation” which leads them to be perceived as a separate ethnic group, to the point that European converts to Islam experience being perceived as “not-quite-white” or even “non-white”.<sup>3</sup> This process is based on various markers of difference that include ethnic or national origin, appearance and cultural characteristics, and may overlap with anti-immigrant sentiments, xenophobia and social class bias.

2. On 15 March 2022, the General Assembly of the United Nations unanimously adopted a resolution proclaiming 15 March as the International Day to Combat Islamophobia. This is a step in the right direction and a sign of increasing awareness at intergovernmental level of the need to counter this form of discrimination globally. In Council of Europe member States, Islamophobia is widespread and steadily increasing. It is worth noting that in the General Assembly the lack of a widely accepted definition of Islamophobia was noted. Indeed, a shared definition is instrumental in preventing and countering any given form of discrimination. Several definitions have been proposed so far. Among them, I would like to mention the working definition proposed in 2019 by the United Kingdom’s All-Party Parliamentary Group on British Muslims, which was based on a wide consultation involving experts, politicians and representatives of Muslim communities. It reads as follows: “Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness”. This definition highlights the link between Islamophobia and the more general notion of racism, and it includes in its scope Muslims and those who are perceived as such.

3. The term Islamophobia is employed in this report as it has been widely used internationally by intergovernmental and non-governmental organisations, including within the United Nations system. Other terms are used by antidiscrimination bodies that prefer to avoid the word “phobia” or the reference to Islam, as discrimination targets human beings rather than a religion. Among those alternative options, I consider “anti-Muslim racism” to be the most appropriate, as it highlights the racist nature of the phenomenon being discussed.

4. Prejudice against Muslims permeates European societies, based on misconceptions such as the idea that Islam is “not compatible with European values” and that a process of “Islamisation” of our continent is ongoing. In a political landscape characterised by the rise of racist and xenophobic movements, such misconceptions are often instrumentalised to trigger division within society and sow the seeds of hate for political gain. Furthermore, this kind of discourse tends to spread from extremist movements to mainstream political parties, which is a reason for serious concern, considering that countering intolerance and promoting peaceful living together should be a top priority for all forces across the political spectrum.

5. The supposed incompatibility between groups of different origins on cultural and religious grounds, leading to forms of “race-less racism” was denounced by the Parliamentary Assembly in [Resolution 2069 \(2015\)](#) “Recognising and preventing neo-racism”. As far back as 1991, the Assembly highlighted in [Recommendation 1162 \(1991\)](#) “Contribution of the Islamic civilisation to European culture”, that “Islam in its different forms has over the centuries had an influence on European civilisation and everyday life, and not only in countries with a Muslim population such as Turkey”, and it has, however, “suffered and is still suffering from misrepresentation, for example through hostile or oriental stereotypes, and there is very little awareness in Europe either of the importance of Islam’s past contribution or of Islam’s potentially positive role in European society today. Historical errors, educational eclecticism and the over-simplified approach of the media are responsible for this situation.” Three decades later, this analysis of the situation still applies, and much work remains to be done to correct the stereotypes and misrepresentations.

6. The combination of various elements including minority religious belief, migrant origin (even if this applies only to some members of this group) and the emergence of Jihadist or Islamist terrorism have turned Muslims as a group into the perfect incarnation of the “other”, or even the enemy hiding within society. The spread of Islamophobia does not necessarily require or follow the emergence of a Muslim community in a country or region. Research shows that widespread anti-Muslim sentiment can be observed in European

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3. L. Moosavi, “The Racialization of Muslim Converts in Britain and Their Experiences of Islamophobia”, *Critical Sociology*, 2015. See also [ECRI’s opinion on the concept of “racialisation”](#) adopted at ECRI’s 87th plenary meeting on 8 December 2021.

countries with a very limited presence of Muslims. This is often the result of misconceptions and stigmatising narratives spread instrumentally by people who are active in the public sphere, including in politics. Such myths are believed and internalised even by those who have never met a Muslim – in fact, especially by them.

7. Islamophobia has often been overlooked or underestimated in Europe and internationally, but awareness of its prevalence and severity is gradually increasing. In 2021, Mr Ahmed Shaheed, Special Rapporteur on freedom of religion or belief, presented his report “Countering Islamophobia/anti-Muslim hatred to eliminate discrimination and intolerance based on religion or belief” to the United Nations Human Rights Council. As stated in this report, “despite its pervasive impacts, Islamophobia/anti-Muslim hatred remains poorly understood and discussions on how to address its effects are often fraught with tension”. The report also states that “an increasingly large chorus of voices assert that scant attention to and the amplification of intolerant ideologies towards Muslims are among the root causes of the discrimination, hostility and violence that Muslims experience”. Presenting his report, Mr Shaheed said that “Islamophobia builds imaginary constructs around Muslims that are used to justify state-sponsored discrimination, hostility and violence against Muslims, with stark consequences for the enjoyment of human rights including freedom of religion or belief”. While the UN Special Rapporteur’s work covers Islamophobia at global level, it is worth noting that most of its manifestations can be found in Europe and other regions. For instance, the conspiracy theories based on fabrications that immigrant Muslim populations are going to “outbreed” or replace native populations are widespread in Europe, North America and beyond. The “great replacement” theory was mentioned explicitly as a motivation of several terrorist acts globally, including the attacks at two mosques of Christchurch that killed 49 people on 15 March 2019.

8. The preparation of this report was based on desk research, on the findings of two hearings held by the Committee on Equality and Non-Discrimination in Strasbourg on 28 September 2021 and in Stockholm on 12 May 2022 and on multiple activities and additional meetings. I carried out two fact-finding visits, respectively to France on 8-9 March 2022 and to the United Kingdom on 24-25 May 2022. These two countries were chosen first and foremost because they both have a large population of the Muslim faith. The main aim of the visits was to collect information on the challenges that Muslims face, and on measures adopted to counter discrimination, including legislation, policies, initiatives of local authorities and civil society activities. Although these two countries differ in terms of political and legal history and culture, many of the issues I had the opportunity to discuss are common to both, and to other Council of Europe member States. In July 2022, I had the opportunity to hold additional online meetings with representatives of the French authorities, with a view to learning more about the French Government’s point of view. I am grateful to the French Permanent Representation in Strasbourg for their help in identifying relevant interlocutors and facilitating these meetings. I attempted to hold additional meetings with governmental authorities of the United Kingdom, which were meant as an opportunity for them to reply and share their perspective on the information I had collected in London and presented in my preliminary draft report. In spite of the help of the delegation of the United Kingdom to the Assembly and of the Permanent Representation in Strasbourg, their colleagues in London declined.

9. I received written submissions from civil society organisations and independent experts, for which I am very grateful. Amnesty International prepared a “Regional overview of Islamophobia in Europe”<sup>4</sup> that provides information on relevant developments in a number of European countries including Austria, Belgium, Denmark, France, Germany, the Netherlands and the United Kingdom, and several sets of recommendations. French NGO Action Droits des Musulmans, which I met during my visit to Paris, submitted a contribution<sup>5</sup> regarding the situation in France. Some of the recommendations included in this publication, however, are applicable to Council of Europe member States in general.

10. On 8 December 2021, the European Commission against Racism and Intolerance (ECRI) revised its General Policy Recommendation (GPR) No.5 on preventing and combating anti-Muslim racism and discrimination (originally adopted in 2000).<sup>6</sup> GPR No. 5 presents a wealth of recommendations, articulated in 60 points grouped under 4 headings, namely Policies and institutional co-ordination; Prevention; Protection; and Prosecution / Law Enforcement. This text was an important source of information and inspiration for my report. Some of the concepts and the language of GPR No. 5 is reflected in the draft resolution. ECRI prefers

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4. “Regional overview of islamophobia in Europe: Submission to the CoE PACE Committee on Equality and Non-discrimination”, Amnesty International, Brussels, 2022, [www.amnesty.eu/news/regional-overview-of-islamophobia-in-europe-a-submission-to-the-council-of-europe-pace-committee-on-equality-and-non-discrimination/](http://www.amnesty.eu/news/regional-overview-of-islamophobia-in-europe-a-submission-to-the-council-of-europe-pace-committee-on-equality-and-non-discrimination/).

5. Contribution d’ADM pour le rapport «Sensibilisation et lutte contre l’islamophobie en Europe», ADM, Paris, 2022 (in French only).

6. ECRI revised General Policy Recommendation No. 5 on preventing and combating anti-Muslim racism and discrimination, adopted on 16 March 2000 and revised on 8 December 2021.

to use the term anti-Muslim racism rather than Islamophobia, while mentioning that the latter is more widely used internationally. I had the opportunity to discuss this important document with Ms Domenica Ghidai Biidu, member of the ECRI Bureau and Chair of ECRI's Working Group in charge of revising GPR No. 5, at an online meeting in May 2022. The revised GPR No. 5 is a timely and necessary text that the Assembly should promote and support strongly. On a different note, I would like to emphasise, quoting directly from this GPR, that "while ECRI's GPRs are addressed to the national authorities of Council of Europe member States, preventing and combating anti-Muslim racism and discrimination should be understood as a responsibility of all members of society".

11. On 20 May 2022, in Turin, the Committee of Ministers adopted Recommendation CM/Rec(2022)16 on combating hate speech. Consistent with the work of various parts of the Organisation in the area of countering hate speech, the recommendation contains guidance for the authorities of member States on how to counter hate speech through civil, administrative and criminal law, as well as alternative measures, depending on the type and the severity of the cases. In addition to indications targeting State authorities, the recommendation includes guidance for other actors, such as public officials, political parties, internet intermediaries, media and civil society organisations. This recommendation is relevant to Islamophobia and other forms of racism and discrimination such as Afrophobia, antisemitism, antigypsyism, as well as sexist hate speech. It is one more important step to support Council of Europe member States in their fight against hate speech, which should constantly be high in their priorities.

12. In June 2022, I met with Mr Daniel Holtgen, the Council of Europe's Special Representative of the Secretary General on antisemitic, anti-Muslim and other forms of religious intolerance and hate crimes. I had the opportunity to take stock of the activities carried out by the various bodies of the Council of Europe in this area. Mr Holtgen follows closely relevant developments and is committed to tackling all the forms of hatred and intolerance that fall under his mandate. I hope that the Council of Europe will secure the resources needed for this important work.

## 2. The gender dimension of Islamophobia

13. To understand the scope of Islamophobia and its concrete effects on people's lives, it is crucial to take into consideration its intersections with other kinds of discrimination and intolerance. Having an intersectional approach to Islamophobia helps us understand how several systems of inequality based on gender, ethnicity, religious belief, class and other forms of discrimination might intersect to create unique dynamics and effects on different people.

14. Gender is particularly relevant in this context, as Muslim women are disproportionately affected by Islamophobia. They face a challenging situation resulting from multiple and intersectional discrimination on most of the aforementioned grounds, namely gender, religious belief, ethnic origin, migration background and social status. Among other things, legislation banning religious symbols and dress in some Council of Europe member States severely affect women wearing the headscarf. The findings of the report by the European Network against Racism (ENAR) "Forgotten women: The impact of Islamophobia on Muslim women",<sup>7</sup> based on a research project carried out in eight Western European countries, are worrying. The Assembly has already worked on this subject, particularly with [Resolution 1887 \(2012\)](#) "Multiple discrimination against Muslim women in Europe: for equal opportunities", based on a report by Ms Athina Kyriakidou (Cyprus, SOC). However, almost ten years have passed since that text was adopted, and it is now time to update its findings and recommendations.

15. Muslim women, especially if their belonging to this group can be easily perceived by others, often find themselves in particularly vulnerable situations where they are victims of Islamophobia. When a Muslim woman wearing a headscarf is being discriminated against, we cannot dissociate her female identity from her Muslimness. Therefore, islamophobia is often described as a "gendered form of racism". Gendered islamophobia exists in a continuum and affects the lives of Muslim women and girls in different ways.

16. ENAR's report "Forgotten women" indicates that Muslim women suffer from the same inequalities as other women, but that their perceived Muslimness worsens the situation. The bias against Muslim women is also fuelled by the media, where they are often portrayed through a binary representation as being either oppressed or dangerous. Muslim women are often presented and perceived not as active agents and independent individuals with their own opinions and abilities, but rather as controlled by their spouses or families. Media, both traditional and online and including social media,<sup>8</sup> have contributed to spreading stereotypes that have proved harmful to Muslim women, and Muslims in general. I had the opportunity to

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7. "Forgotten Women: the impact of Islamophobia on Muslim women", ENAR (accessed 16 August 2022).

exchange with Ambassador Ismat Jahan, Permanent Observer of the Organisation of the Islamic Conference (OIC) to the European Union. Among other things, she highlighted the important impact of the media on people's perceptions of Muslims and the positive role that they may potentially play. I can only agree with this point of view and I believe that the media should play their part in countering discrimination, mainly by spreading accurate information and debunking myths. Public authorities and civil society organisations should encourage and support their efforts in the right direction.

17. Among other things, gendered islamophobia is exacerbated by the ways in which public institutions monitor or control Muslim women. The most prevalent form of such public policy is the adoption of legislation banning religious clothing, which severely affects women who wear a headscarf. In some cases, this kind of legislation prevents women from working in specific jobs and excludes them from these environments. As a significant proportion of Muslim women in Europe are also migrant women, such legislation banning religious clothing in some professional settings makes it even harder for them to gain financial independence and integrate into society. ENAR's report found that in France, the employment rates of immigrant women from predominantly Muslim countries such as Algeria, Morocco, Tunisia and Türkiye are lower than those of immigrant women from Southern Europe and the rest of the European Union. The religious motive is mentioned by 19% of the women victims of discrimination in the private employment sector and by 8% in the public sector. Even though the French prohibition of wearing religious symbols in the public sector does not apply to the private sector, the extension of the principle of secularism to the private sector has been regularly used as an argument to introduce the same rule by private employers. Moreover, women wearing the headscarf are often seen as more family-oriented, which reinforces discrimination related to pregnancy and childcare in recruitment and careers. The prohibition of religious clothing in public spheres also prevents some Muslim women and girls from accessing education, as they are requested to remove their headscarves to attend school.

18. In Switzerland, the referendum "Yes to the ban on veiling (anti-burqa initiative)" which aimed to prohibit the wearing of the burqa, niqab and other forms of face coverings, was passed by a narrow majority of 51.2% in March 2021 despite serious concerns by policy makers and civil society. As the submission I received from Amnesty International highlights, even the Swiss Federal Council had noted in its statement ahead of the referendum that the ban was missing its intended aims of strengthening public order, preventing discrimination against women, and violated the "liberal order of society" in Switzerland. Moreover, the Federal Council pointed out that the initiative only affected a very small number of women who wear the burqa in the country, and its consequence seemed to be the polarisation of society.

19. In Denmark, wearing face coverings in public has been a criminal offence since August 2018, which includes the niqab and burka as well as false beards, masks and other ways of obscuring the face in public. The parliamentary debate on these regulations clearly showed that Muslim women were at the core of the legislators' concerns. As the authorities do not record the ethnicity or religion of those who violate the prohibition, it is impossible to monitor its impact on Muslim women, who are probably the most affected by it.

20. A partial ban on face coverings has also been adopted in the Netherlands. Once again, as highlighted by the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, while the law "bans face coverings in a number of public places, and while its text may be read as facially neutral, the political discourse surrounding it has made clear that Muslim women are its intended targets". In his statement following a visit to the Netherlands, the Special Rapporteur also highlighted "the perverse irony of this measure given that Muslim women are among the most vulnerable to physical harassment and attacks in public, and even to workplace discrimination, especially if they wear a headscarf. This law has no place in a society that prides itself in promoting gender equality."<sup>9</sup>

21. Regarding Islamophobic hate speech and hate crime, Muslim women are the main targets of such violence, especially if they wear a headscarf, as confirmed by ECRI's annual reports. ENAR's "Forgotten women" report found that in the Netherlands and France, respectively over 90% and 80% of the victims of Islamophobic incidents reported in 2015 and 2014 were Muslim women, most of them wearing a visible religious symbol. Muslim women are also disproportionately seen as a security threat and are under increased surveillance, according to research conducted in European countries. A report by the Federal Anti-Discrimination Agency in Germany indicates that Muslim women are increasingly becoming targets of

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8. In this respect, see among others the results of the 2021 survey conducted by the Council of Europe Secretary General's Special Representative on Antisemitic, anti-Muslim and other forms of religious intolerance and hate crimes, [www.coe.int/en/web/antisemitic-anti-muslim-hatred-hate-crimes/-/online-hate-speech-is-a-growing-and-dangerous-trend](https://www.coe.int/en/web/antisemitic-anti-muslim-hatred-hate-crimes/-/online-hate-speech-is-a-growing-and-dangerous-trend).

9. End of Mission Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of Her Mission to the Kingdom of the Netherlands, October 2019, para 15.

Islamophobic attacks and that verbal and physical incidents against Muslim women have become more aggressive, direct and threatening. A survey of Muslim women in Germany found that 59% of the respondents reported they were intentionally insulted, verbally abused, or accosted. Research also shows that a considerable number of Muslim women avoid going out alone, fearing potential attacks.

22. The ENAR report recommends several ways in which reinforcing islamophobia against Muslim women can be prevented. It indicates that the European Commission should initiate infringement procedures on the basis of the European Union Employment Directive where there is systematic discrimination in employment on the ground of religion and belief. At the national level, policy measures to promote equality between women and men and to combat discrimination should include multiple discrimination provisions and take an intersectional approach. Countries should also ensure comparable and reliable collection and analysis of equality data, including data disaggregated by ethnicity, gender and religion. Moreover, national strategies to combat islamophobia covering discrimination in employment and other aspects of life and addressing hate crime should be adopted.

### 3. Counter-terrorism policies and their impact on Muslims

23. A specific feature of Islamophobia is its connection with counterterrorism and anti-radicalisation policies. Adopted following the attacks in Europe by terrorists affiliated to Al Qaida, ISIS and other Jihadist terrorism groups, these measures lead to increased ethnic profiling and ultimately trigger stigmatisation and prejudice targeting the entire Muslim community. The harmful impact of ethnic profiling on its target groups and beyond should not be underestimated. As highlighted recently by the Assembly in [Resolution 2364 \(2021\)](#) “Ethnic profiling in Europe: a matter of great concern”, this practice can have a negative impact on both the persons being checked and society at large, as it contributes to promoting a distorted view and to stigmatising parts of the population. I had the opportunity to contribute to the launch of “A Human Rights Guide for Researching Racial and Religious Discrimination in Counterterrorism in Europe”,<sup>10</sup> a publication resulting from the collaboration between Amnesty International and the Open Society Initiative for Europe, which highlights the potentially negative impact of counterterrorism policies in Europe. This publication is particularly timely and relevant.

24. While a democratic State has the right and the duty to defend citizens from terrorism, no community or social group should be targeted as a scapegoat. It is worth noting that terrorism is a complex and diverse phenomenon, with groups claiming to represent various political or ideological affiliations, including far right, far left and ultra-nationalism. EUROPOL’s 2020 European Union Terrorism Situation and Trend Report highlights that “As in previous years, the attacks specified as ethnonationalist and separatist terrorism represented the largest proportion (57 of 119) of all terrorist attacks”.<sup>11</sup>

25. The misconception of Muslims as a potentially “separate” or “parallel” community at best, and a threat to national security at worst, often makes the situation of human rights defenders standing up to denounce Islamophobia particularly challenging. Individuals and civil society organisations face stigmatisation and hostility. The French “anti-separatism” law is an example of this attitude. It includes provisions that may be interpreted as allowing for the dissolution of associations that hold “non-mixed” activities, such as creating safe space environments for members of racialised groups only. Well-respected organisations that make a positive contribution to society face the risk of being erased.

26. As islamophobia works as a construct to designate a group of people as a homogeneous group, some counter-terrorism measures adopted following the attacks conducted in Europe by jihadist terrorist groups reinforced the idea that all Muslims were inherently dangerous. According to the OSCE/ODIHR publication, “Fighting Terrorism, Protecting Human Rights”,<sup>12</sup> “One of the side effects of terrorist activity and the international response to it has been the tendency to pit the ideas of liberty, human rights, and security against each other.” The notion of human rights protection has often been presented as being in conflict with protection from terrorism. This is extremely misleading.

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10. “A Human Rights Guide for Researching Racial and Religious Discrimination in Counterterrorism in Europe”, Amnesty International and the Open Society Foundations, February 2021.

11. “European Union Terrorism Situation and Trend Report 2020”, EUROPOL, European Union Agency for Law Enforcement Cooperation, 2020.

12. “Countering Terrorism, Protecting Human Rights: A Manual”, Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), 2007, p. 15. ISBN 83-60190-49-6.

27. At the Committee's hearing on 28 September 2021, researcher Tufyal Choudhury of Durham University, who conducted research across Europe looking at the impact of counter-terrorism measures on minorities and racialised communities, pointed out that even though 70% of terrorist attacks in Europe were carried out by ethno-nationalist or separatist groups, terrorism was almost exclusively linked to Islam in public and political discourse. By contrast, right-wing violence was rarely described as terrorism. Thus, the disproportionate focus on Islam as the sole source of terrorism in Europe reinforced islamophobia towards Muslim communities.

28. Another important aspect of the counter-terrorism measures highlighted by Mr Choudhury is the emergence of legal provisions on pre-crime offenses in the criminal law systems of several European countries. These mark the criminalisation of actions which are seen as potentially dangerous because of the intention of the person involved. They are based on predicting the likely future activities of the person in question. This practice reinforces the already existing idea of who should be seen as a terrorist in the public eye, thus increasing suspicion against Muslim people and religious practices. There was a clear shift from the presumption of innocence to a "presumption of guilt" – a perception that Muslim people are supposedly potentially dangerous.

29. Among others, the Anti-Terrorism Act adopted in Austria was widely criticised as it could be misused and worsen discrimination against Muslims. An investigative committee was formed to examine the legislation and concluded that it did not add any value to counter-terrorism policies and recommended the adoption of culture-based preventive measures. In Austria, along with other European countries, there has been an increase in hate crimes and hate speech against Muslims and human rights defenders are worried that islamophobia will be normalised in European societies. Human rights groups have denounced a rise in hate crimes following the publication of the "Islam map" at the initiative of the Austrian Government, an online interactive map showing the location of about 600 mosques and Muslim organisations in the country. This initiative triggered an outcry from Muslim organisations and human rights defenders in Austria and internationally. In particular, I would like to mention the statement of the Council of Europe's Special Representative on antisemitic, anti-Muslim and other forms of religious intolerance and hate crimes, Mr Daniel Holtgen, who characterised the Islam map as "hostile to Muslims and potentially counterproductive".

30. The Amnesty International and Open Society Human Rights Guide<sup>13</sup> also covers the potential discriminatory effects of counter-terrorism policies in Europe. It highlights that the lawful activities and affiliations of Muslims have been used to justify surveillance, arrest, expulsion, nationality-stripping and other restrictions on their rights and freedoms. The author of the guide, Eda Seyhan, believes that the targeting of Muslims with counter-terrorism measures in Europe has reinforced the racist idea that Islam is a security threat, while creating an environment where hate speech against Muslims has been normalised. This publication is a commendable initiative, as it provides researchers, human rights defenders, and all those committed to promoting equality with reliable guidance on how to detect and document discrimination. Used correctly, this human rights guide may help prevent and counter discrimination, and protect those who are subject to unjustified and illegal treatment in the name of combating terrorism.

31. When it comes to finding the right balance between security and civil liberties, some countries such as Germany have more carefully defined pre-crime offenses than others, such as the United Kingdom, where provisions are broader. In order to prevent counter-terrorism measures from reinforcing or sustaining islamophobia, it is important to analyse the potential human rights impacts of such measures before they are enacted. Furthermore, any exceptional legislation in this field should have a "sunset clause", that is a provision on its phasing out, so that parliamentarians would have the opportunity to decide if the measures are still required. In addition, equality and human rights bodies should be given a more important role at the national level in reviewing existing legislation to ensure that it does not discriminate against a specific group of people such as Muslims by disproportionately restricting their rights and freedoms.

32. The impact of counter-terrorism policies was central in the conversations I had during my fact-finding visits to France and the United Kingdom.

#### **4. Main findings of the visit to France**

33. On 8 and 9 March 2022 I carried out a fact-finding visit to Paris, where I had the opportunity to meet with fellow parliamentarians from the Senate and the National Assembly, representatives of civil society organisations, several lawyers, researchers from French universities, journalists and the head of the French Interministerial Delegation for the fight against racism, antisemitism and anti-LGBT hatred (DILCRAH).

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13. See footnote 8.

34. The aim of the visit was both to take stock of the situation by collecting information about the various forms of discrimination that Muslims face in France, and to identify good practices, whether in terms of legislation, policies, civil society actions or of any other initiative that has proven effective in countering Islamophobia and fostering inclusion and which may be replicated in other contexts. As regards the current situation, preliminary research and contacts with civil society organisation had drawn my attention to the potentially negative impact that the anti-terrorism law of 2017 and the so-called “anti-separatism” law,<sup>14</sup> passed last year, may have on Muslim people in France. My intention was also to enquire whether these pieces of legislation had been evaluated by the French authorities, whether they had achieved their purpose and whether side-effects had been detected. In addition, I wished to discuss with my French interlocutors the question of political representation of Muslims.

35. Most of the actors I met referred to the principle of *laïcité*, or State secularism, to explain the situation of Muslims in France, the way they were perceived, and the origin of legislation and policies that affect their lives. Indeed, some of the meetings revolved almost entirely around this concept. State secularism is an important element of French legal and political culture and is consistently part of the political discourse, even more so during electoral campaigns (the visit to France took place during the campaign for the presidential election, held in April 2022). Introduced by the 1905 Law on Separation of the Churches and State, France’s secularism is generally interpreted as based on three main elements, namely freedom of conscience and religion (and the freedom to express one’s beliefs), the separation of State and religion, and equality of everyone before the law without discrimination on grounds of religious belief. While at first the 1905 law triggered opposition from the Catholic Church, secularism has become increasingly consensual in French political culture and has consolidated its position in public law. Enshrined in the current French Constitution of 1958, *laïcité* is a founding principle of the Fifth Republic and is a common value shared by all politicians and parties across the political spectrum. Some of my interlocutors seemed to believe that secularism was typical of France and unknown elsewhere. In fact, most European countries’ public law systems feature an explicit separation between State and religion, and all Council of Europe member States recognise freedom of conscience and religion, one of the fundamental freedoms enshrined in the European Convention on Human Rights (ETS No. 5).

36. France’s secularism is meant to uphold freedom of religion and to contribute to protecting every individual and group from discrimination based on religious belief. Political and legal developments in the interpretation of this principle, however, seem to stray from its original spirit and aims, as was explained to me by several experts I met in Paris. One of them, Stéphanie Hennette-Vauchez, Professor of public law at the University of Paris Nanterre, observed that “over the past years, governments on the right and on the left have expressed their support for a ‘demanding’ view of *laïcité*.” She went on to explain that after the 2010 Government of Prime Minister François Fillon passed the “burqa ban”<sup>15</sup> (Law n° 2010-1192 prohibiting the concealment of the face in the public space), the 2014 Government led by Manuel Valls regularly opposed the liberal understanding of *laïcité*, including in terms that triggered much concern and unrest.<sup>16</sup>

37. Ms Hennette-Vauchez poses that while the relationships between the State and religions are a vexed theme in many contemporary societies, two features of the debate are peculiar to France: firstly, the increasing tension around the concept of secularism since the mid-2000 which has reached an unprecedented intensity. Secondly, these tensions are not only political in nature, but also legal: regulations have “undergone sweeping evolution”. In particular, secularism was understood to generate obligations for public authorities only, and rights for private individuals. This meant that public authorities and their representatives were required to stick to strict religious neutrality, while private individuals were guaranteed freedom of conscience and of religion.

38. The 2004 law banning religious symbols in public school marked a turning point, as for the first time strict neutrality was expected not from civil servants but also from private individuals. This development was confirmed by several subsequent pieces of legislation. Ms Hennette-Vauchez, in her article of 2017 (predating the anti-separatism law voted in 2021), concluded that “contemporary French *laïcité* has illiberal dimensions, as it is increasingly defined as the antonym of religious freedom – as a potentially valid legal ground for various restrictions to religious freedom. Additionally, as the detail of many of the developments

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14. [Projet de loi confortant le respect des principes de la République](#), Texte adopté n°656, Assemblée Nationale, 15<sup>th</sup> Legislature, 23 July 2021 (in French only).

15. Loi n° 2010-1192 interdisant la dissimulation du visage dans l'espace public.

16. S. Hennette Vauchez, “Is French *laïcité* Still Liberal? The Republican Project under Pressure (2004-15)”, *Human Rights Law Review*, Oxford, 2017.

that have extended the scope of *laïcité* as a legal principle over the course of the last decade demonstrates, they are tightly tied to increasing anxieties vis-à-vis Islam. Unsurprisingly then, there is an arguably discriminatory impact of new *laïcité*."

39. Indeed, while the 2021 Law reassuring the principles of the Republic ("anti-separatism" Law) does not specifically target any religious belief specifically, the discourse leading to the bill and the entire parliamentary debate about it revolved around Islam and Muslims. President Emmanuel Macron paved the way for it in October 2020, with a speech in which, while recognising the existence of millions of French citizens who were Muslims and the need to avoid stigmatising them, he denounced a trend of "Islamist separatism" that sought to create a "counter-society", rejecting secularism, equality between the sexes, and other aspects of French culture and law.

40. In Paris I also had the opportunity to meet with Ms Jacqueline Eustache-Brinio (Les Républicains, right-wing opposition) and Ms Dominique Vérien (Union des Démocrates Indépendants, centrist party), rapporteurs for this bill at the Senate. Ms Eustache-Brinio stated that Islamophobia "did not exist" in France and she repeatedly referred to the attitude of French Muslims denouncing discrimination as "victimism" – which was both a denial of reality and insensitive victim-blaming. She believed that the new regulations were necessary but regretted that they did not go far enough (she did not elaborate on what measures were missing). She considered that the law had been introduced as a consequence of the terrorist attacks perpetrated by individuals and organisations claiming they acted in the name of Islam. The murder of high-school teacher Samuel Paty at the hands of a Chechen terrorist in October 2020, among others, had deeply shocked the French public opinion. Senator Eustache-Brinio insisted that the aim of the law was to appease the tensions existing within French society and to counter the danger of religious fanaticism.

41. I could not help but mention that, while France has been hit by multiple Jihadist terrorist attacks in the last years, at European level, as previously indicated in this report, the largest proportion of terrorist attacks have far-right, supremacist or ultranationalist motives. I must add that if, as denounced by numerous experts and organisations, the unintended side-effects of the "anti-separatism" law include the stigmatisation and potential marginalisation of French Muslims, it is difficult to believe that the aim of appeasing tensions will be attained.

42. It was refreshing to meet, later during the visit, two more members of parliament from the left-wing opposition, namely Ms Danièle Obono from La France Insoumise party and Mr Aurélien Taché who is now a representative of the Nouvelle Union populaire écologique et sociale (NUPES). They shared their views and their concerns on the situation of French Muslims in a way that struck me as much more realistic and credible. Ms Obono highlighted in particular the impact of government policies on civil society, with dissolution orders targeting non-governmental organisations coming from administrative authorities instead of the judiciary. Islamophobia was often denied, and this lack of awareness hindered the possibility to adopt relevant antidiscrimination policies. Mr Taché found that Islamophobia manifested itself in a variety of forms. While verbal and physical aggressions were concerning, more subtle but equally worrying forms of discrimination included difficulties in access to housing and employment. Mr Taché added that Islamophobia tended to spread to the political élite, not only in radical right-wing parties and movements but also in mainstream parties, including of the left-wing. Indeed, he believed anti-Muslim prejudice partly originated from high-level politics and the media. A 2019 report of France's Human Rights Defender (Ombudsman) had confirmed the existence of systemic discrimination affecting Muslims. Mr Taché believed that an observatory on discrimination should be established in France and more funds should be allocated for research in this area.

43. The representatives of civil society organisations that I met shared their concerns about the forms of discrimination currently faced by French Muslims. They indicated negative stereotyping as a real danger for Muslims, which particularly affects women, especially because of the misrepresentation of wearing the hijab or Islamic veil as a political act, or a form of religious proselytism. They believed that in reality it is solely a habit dictated by religious obligations, and as such protected by freedom of religion. Viewing the hijab as a sign of radicalism and a breach of the principle of secularism has led to legal bans that are increasingly strictly enforced, including in spaces that were originally not meant to be addressed by the prohibition.

44. Regulations are often inconsistent and confusing. For instance, individual bar associations rule on whether lawyers have the right to wear the hijab in law courts, which leads to regulations varying across French cities. Some associations ban the hijab in law courts but allow new members to wear it when taking the professional oath. The ban on wearing the hijab has also sparked controversy in the world of sports, where a group of female football players has challenged the regulations of the French Football Association (the case was then brought to the Conseil d'Etat, or State Council, in November 2021). In February 2022 the French Secretary of State in charge of Gender Equality, Elisabeth Moreno, expressed her support for this

initiative, declaring “the law says that these young women can wear a headscarf and play football. On football pitches today, headscarves are not forbidden. I want the law to be respected.” I can only subscribe to Ms Moreno’s stance, and to her conclusion: “women should be allowed to choose to dress as they please”.

45. Indeed, the respect of personal freedom should be the priority. In certain countries religious radicalism forces women to wear the Islamic veil. Attempting to counter radicalism and to protect women’s freedom by forcing them *not* to wear it is ironic. The ever-expanding list of hijab bans is as unjust as it is counterproductive. The prohibition targets women in particular (as a comparison, Muslim men are also often visibly recognisable as such, but banning beards or regulating their length or style in certain activities or professions has never been envisaged). It limits Muslim women’s participation in the economy and in public life, as those who feel obliged by their faith to wear the hijab will tend to renounce practicing certain sports or professions rather than dropping the veil.

46. A worrying development over the last few years is the closure of a large number of Muslim organisations. In December 2020, Interior Minister Gérard Darmanin announced a crackdown on 76 mosques suspected by the government of “separatism” and of encouraging extremism. According to the statistics released by the French Government in January 2022, 24 887 investigations have been carried out, 718 Muslim organisations closed or dissolved and 46 million euros confiscated.

47. According to my interlocutors in Paris, including several lawyers who have followed individual cases, these figures indicate a disproportionately punitive trend: the authorities act in such a way as to curtail the rights of the organisations targeted. The reasons for disbanding organisations are often unclear, insufficient, or repetitive, which seem to show that they do not follow proper investigations. Organisations that have been financed by and have co-operated smoothly with local authorities for years have found themselves disbanded, accused on grounds of radicalisation. Well-respected internet news outlet *Mediapart* published a report on one year of anti-separatism policies (referring to them as a “witch hunt”), concluding that “rarely in France has a population been subject to so many administrative procedures because of its origin or its supposed or real religion”.<sup>17</sup>

48. The question why the political representation of Muslims in France appears so limited is both politically sensitive and difficult to answer. The more conservative politicians I met simply rejected the idea that a group or community may need to be represented by elected officials, the idea being that there is only one large national community composed by all citizens. Other politicians, experts and civil society representatives did not oppose the idea but seemed cautious about it.

49. The lack of political representation of the Muslim community probably derives from a combination of factors. One of the main barriers is probably the idea, well-rooted in French political culture and seldom challenged, of “community” as something that endangers the national unity by fracturing society, rather than simply constituting an element of it. Communities, it is thought, lead to *communautarisme* (or “communitarianism”), a buzzword in the political discourse of the last few decades, often referring specifically to Muslims (*communautarisme islamique*).<sup>18</sup> Lately the term *communautarisme* is often replaced by “*séparatisme*”, which is based on a similar vision but, as I have previously mentioned, highlights in particular the supposed risk that certain groups may lead a separate life from the rest of the nation.

50. The image of “parallel societies” is often used as well. Politicians of Muslim belief or background may be perceived as representatives of a specific group, rather than the national community, which may reduce their chances of being chosen by their respective political parties as candidates, and of gaining votes. This also leads many of them to downplay their belonging to the Muslim community and to exclude from their political agenda elements that may be considered as connected to it.

51. A recommendation was reiterated by several of my interlocutors, namely the need to provide civil servants in all sectors with training on secularism, in order to improve their knowledge of its actual meaning and how it should be enforced. Such training should be provided, among others, to teaching staff, law enforcement officials both within the judiciary and police forces, as well as healthcare professionals. This is also part of the provisions of the recent “anti-separatism law”, which in addition stipulates that all offices must appoint a “reference person” in charge of promoting and monitoring the respect of *laïcité*. Training activities on this subject will also be recommended by the forthcoming action plan of the DILCRAH. Providing training is useful and a step in the right direction, as the representatives of civil society organisations I met, active in the

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17. L. Syrah, “*Lutte contre le «séparatisme»: un an de chasse aux sorcières*”, *Mediapart*, 28 October 2021 (in French only).

18. H. Seniguer, “Le communautarisme: faux concept, vrai instrument politique”, *Histoire, monde et cultures religieuses*, Paris, 2017/1 (in French only).

area of human rights in general and not only those of Muslim people, as well as other experts, insisted that civil servants “have no idea” of what *laïcité* actually is. The French Government’s recent “17 Decisions on secularism”<sup>19</sup> also prescribe that training on secularism be provided to all civil servants, including law enforcement officials, healthcare professionals and teaching staff. It is crucial that such training conveys the real meaning of secularism, one that respects religious diversity and freedom of religion, and that it avoids all risks of stigmatisation of a particular belief. Impartiality is one of the pillars of France’s secularism principle and should consistently be taken into account when designing policies in this area.

52. On 21 July 2022, I had the opportunity to meet via videoconference with Mr Christophe Farnaud, recently appointed as Special Envoy of the Minister for Europe and Foreign Affairs. Mr Farnaud is an experienced diplomat, formerly serving as Ambassador and, until recently, as Director for North Africa and Middle East in the central division of his ministry. He explained that several directorates within the ministry are involved in the combat against separatism and he is tasked with co-ordinating this action. In further exchanges, Mr Farnaud also highlighted that the ministry conducted co-operation with the Muslim world through cultural, scientific and political exchange programmes. Quoting President Macron, he said that in France there was an actual risk of separatism, which threatened national cohesion. He explained that the so-called Anti-separatism law, officially denominated as the “Law comforting the principles of the Republic”, was meant to target radical Muslims only, not all of them. On the contrary, he considered that the new legislation would protect Muslims in general, together with the rest of the population, as they were often negatively affected by radical Islam. Mr Farnaud was confident that the 2021 law was in line with the principle of secularism as deeply rooted in French legal culture and judicial practice, and with the universalist approach that he considered as the best guarantee of freedom of religion (“the best way to respect Muslims”, in his words). As we discussed gender equality and the risk that legislation on religious symbols may lead to discrimination against Muslim women or a limitation of their autonomy, Mr Farnaud indicated that a debate was going on in the French administration on how to regulate religious symbols in the world of sport, and the majority view was to give autonomy in this area to each sport federation. More generally, there was a debate in France on all issues related to secularism and Islam, which may lead to an evolution in legislation and policies as, by definition, they were perfectible. Striking a balance between freedom of religion and the neutrality of the State, while ensuring public order, public health and access to education, was a necessary but not easy task. Mr Farnaud agreed that in certain areas the rules of secularism were simple, but their enforcement was more complicated.

53. The reference to the democratic debate and the possibility that legislation and policies may be improved is a positive sign. I took the opportunity of the frank exchange with Mr Farnaud to ask whether France would use its influence at European and international levels to ensure that adequate action is taken against Islamophobia. I mentioned the concerning delay in the appointment within the European Commission of a new Co-ordinator on combating anti-Muslim hatred, which may appear as the sign of a lack of will by European Union bodies to address Islamophobia. Mr Farnaud assured me that France would make use of all its influence to support the fight against discrimination in general.

54. I briefly discussed with Mr Farnaud the issue of political representation of Muslims. While he confirmed that politicians would hardly promote themselves as believers of any faith, an increasing number of French political representatives were of Muslim confession or heritage.

55. Awareness of Islamophobia in France is gradually increasing among legislators and decision makers, thanks, among other things, to research in social sciences and to several studies carried out in the last few years. In 2019, a survey commissioned by the DILCRAH revealed a high level of discrimination faced by Muslims on grounds of religion and foreign background, particularly in access to housing. Presenting these findings, Ms Marlène Schiappa, then Secretary of State in charge of gender equality and antidiscrimination, stated that the figures showed “the failure of our model of integration”.<sup>20</sup> She added that discrimination may lead to separatism, as those who feel excluded from the institutions may turn to movements which are not in line with the values of the State. Indeed, this risk often seems to be underrated by policy makers and legislators. In fact, countering all forms of discrimination is instrumental in promoting social cohesion and ultimately protecting democratic institutions.

56. The 2020 report of the Defender of Rights “Discrimination and Origins: the Urgent Need for Action” does not cover Islamophobia specifically but highlights that people of Arab origin (who, as confirmed by various studies, are often perceived as Muslims irrespective of their actual religious affiliation) face severe

19. “17 décisions pour la laïcité”, press file, Comité interministériel de la laïcité, 15 July 2022 (in French only).

20. C. Brigaudeau, “Racisme anti-musulmans: ‘L’échec de notre modèle d’intégration’, estime Marlène Schiappa”, *Le Parisien*, 5 November 2019 (in French only).

discrimination in areas including access to housing and employment. This report also explicitly refers to the intersectional dimension of discrimination, especially as regards discrimination of Muslim women. In 2021, the Defender of Rights published a contribution to the public consultation on discrimination, which contained a wide set of recommendations. The Defender of Rights reiterates that discrimination based on origin (which, the text clarifies, is often intertwined with discrimination on grounds of skin colour, religion and foreign name) should be a priority for policy makers and recommends establishing a system of statistical monitoring of this type of discrimination. The 2018-2020 Action plan against racism and antisemitism also recommends improving statistical data collection to support the government's action against discrimination.

57. Also in 2021, a comprehensive report on “The emergence and evolution of different forms of racism and measures to address them” was presented by an information committee of the National Assembly.<sup>21</sup> As regards Islamophobia, the report indicates that acts of hate targeting Muslims are sharply on the rise, with an increase of approximately 50% from 2018 to 2019.

58. An antidiscrimination platform was established in 2021 to give all those who consider that they have been victims of discrimination the possibility to seek support. All areas of discrimination, such as access to employment, housing and healthcare are covered by the platform's mandate, as are all grounds of discrimination, including origin and religion. The staff of the State secretary in charge of gender equality and antidiscrimination I met with highlighted that large resources, both human and financial, have been allocated to the platform, which is expected to achieve considerable results.

59. I can only agree with the Defender of Rights' recommendation to consider combating discrimination as a priority. This applies of course to all forms of discrimination, including Islamophobia, and requires strong political will. Monitoring effectively these phenomena and the impact of countermeasures requires the collection of ethnic data, which is made difficult in France by regulations on data collection. However, efforts are being made to collect information on ethnicity by using indirect indicators such as people's surname, country of origin or previous nationalities. I hope that in the future the regulations on data collections will evolve and that “equality data” collection will be permitted. The European Union leads the way in this area and uses the term equality data to refer to data that are necessary to support equality and non-discrimination policies. The European Commission adopted its “Guidelines on how to improve the collection and use of equality data” in 2018, and a “Guidance Note on the collection and use of equality data based on racial or ethnic origin” in 2021. If conducted according to the criteria recommended by the European Union, ECRI<sup>22</sup> and other international actors, namely anonymously, voluntarily and on a self-identification basis, ethnic data collection is perfectly compatible with fundamental rights.

## 5. Features of Islamophobia in Sweden

60. The hearing held in Stockholm on 12 May 2022 was an opportunity to discuss the characteristics of Islamophobia in Sweden. Estimated to number 810 000 according to a 2017 study,<sup>23</sup> the Muslim community accounts for 8.1% of the total population, a share that is second only to France (8.8%) in Western Europe. In addition, this was an opportunity for the Committee on Equality and Non-discrimination to learn more about ECRI's revised GPR No.5, thanks to the presentation by Ms Anna Lind, ECRI member in respect of Sweden.

61. According to Mr Mattias Gardell, a historian and distinguished professor of comparative religion at Uppsala University who also contributed to the hearing, Islamophobia proceeds from a monolithic vision of religion and culture, which considers that these spheres dictate exactly what people are. In this vision, Islam was considered as an entity that prevents people born into this religion, even when born in Sweden, from becoming fully-fledged citizens. This does not take into account that Islam has been present in Europe for centuries. Like in other European countries, Islamophobia could be found in many areas of Swedish society, including in public and political discourse. Interestingly, stigmatisation and hate speech targeting Muslims decreased during the Covid-19 pandemic, as some media outlets and self-appointed experts on Islam suddenly turned their attention to the pandemic.

62. Some Swedes, as Mr Gardell explained, seem to believe that being a Muslim is fine as long as one does not show it, and Swedish Muslims feel this implicit pressure in their everyday life. Some of them have even resorted to changing their names to become less visible. On the other hand, as in other European countries, women wearing a hijab were particularly affected by discrimination, including in the form of blatant

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21. [Rapport d'information sur l'émergence et l'évolution des différentes formes de racisme et les réponses à y apporter](#), n° 3969, Assemblée Nationale, 15<sup>th</sup> législature, 9 March 2021 (in French only).

22. In particular ECRI GPR no.5, no.11, and the reports on France.

23. C. Hackett, [“5 facts about the Muslim population in Europe”](#), Pew Research Center, 29 November 2017.

and violent street harassment. Swedish society has become increasingly segregated, and even if the basis for segregation is mainly social class, this often intersects with other factors, particularly religion and migration backgrounds. Research shows that there is often a correlation between exposure to Muslim fellow citizens and reduced Islamophobia. In other words, people who count Muslims among their acquaintances tend to have a better opinion of this group. This antidote to Islamophobia is thus hindered by the physical segregation of Muslims in some urban centres. In my opinion, this is one of the many reasons why we should rethink housing policies, in Sweden and beyond, and make them a tool for social inclusion and the promotion of equal opportunities for everyone.

63. Swedish Muslims face very concrete and concerning challenges, including attacks on mosques and civil society organisations, with vandalism and arson. Mr Kitimbwa Sabuni, Spokesperson for the National Association of Afro-Swedes and the Muslim Human Rights Committee, third guest speaker at the hearing, stated that Swedish Muslims are increasingly excluded from mainstream politics and social affairs. The cases of Muslim clerics submitted to special administrative measures as part of anti-terrorism policies, and the shutting of a charter school with a Muslim profile called Framstegsskolan (The school for Progress) are examples of this process of exclusion, according to Mr Sabuni. Charter schools (managed by private or non-governmental institutions but publicly funded) are common in Sweden. Nevertheless, the only eight Muslim charter schools, representing just a few thousand students, trigger disproportionate attention and concern by the authorities and the media.

64. The hearing showed that in the last decade in Sweden Muslims have been increasingly viewed through a security lens, which has led to politicians being expelled from political parties, commentators being removed from the media and civil society organisations being denied funding for alleged terrorist sympathies that remain unproven.

65. In the first months of 2022, a far-right politician provoked the public in areas densely populated by Muslims by burning copies of the Quran in broad daylight, triggering protests that in turn escalated into riots. The ensuing public debate revolved around the notion of freedom of expression, often used to justify such provocations. In fact, burning books is not an innocent act, as it symbolically destroys an entire culture. Mr Gardell drew a parallel with previous historical incidents where books produced and read by Jews and Muslims had been deliberately destroyed as a way of inflicting psychological pain and accelerating the disappearance of those groups. I can only agree that open provocations of this kind cannot be justified by freedom of expression and the authorities should actively prevent them.

66. The challenges faced by Muslims in Sweden and described during the hearing in Stockholm are a cause for concern, but the public authorities appear to underestimate them or to lack the political will to address them. This attitude should change. The ambitious attitude and the readiness to introduce innovative policies that my country has shown for decades in areas including gender equality should also apply to racism in all its forms and manifestations. As ECRI member Ms Lind indicated, States should ensure that the fight against anti-Muslim racism is carried out at all levels, that is national, regional and local, and involves the participation of a wide range of actors.

67. At the meeting in Stockholm we also had the opportunity to listen to Rabbi Ute Steyer, who spoke on antisemitism in Sweden. Much of what Rabbi Steyer said applied not only to the Jewish community but also to other minorities, and her reference to “a general lack of respect, tolerance and understanding for religious traditions and needs, other than those of the majority culture” reflects the experience of many Muslims in my country. I understand all too well her comment on the lack of awareness of Jewish customs in Swedish society and the absence of Jewish holidays acknowledged in the public space. Acknowledging and accommodating diverse religious and cultural needs, including things that may appear trivial to part of the population, such as religious holidays, should be part of the concerns of an inclusive society. I can only agree with Rabbi Steyer’s conclusion that “a strong Swedish democratic society is a society with a strong presence of its ethnic and religious minorities in respectful and mutual dialogue and exchange

68. I would like to conclude on a more positive note, citing what Professor Gardell said about the signs of desegregation that can be observed in my country. The increased presence of Muslims in the armed forces and in the worlds of sports, entertainment and design indicate that progress is possible, and to a certain extent is already happening.

## 6. Main findings of the visit to the United Kingdom

69. On 24 and 25 May 2022, I carried out a fact-finding visit to the United Kingdom, with meetings with parliamentarians, academics and numerous civil society organisations. As previously mentioned, counterterrorism measures and their impact on Muslims were a recurring theme of the conversations I had in London.

70. The written contribution that I received from Dr Zin Derfoufi, lecturer at St Mary's University in London, which refers to research conducted by numerous authors, argues that anti-terror legislation and policies are having a particularly negative impact upon people from Muslim backgrounds in the United Kingdom. This includes being subjected to police powers to stop and search individuals and vehicles in public spaces, extensive powers to detain, question and search people and their belongings at ports and airports, and other activities under the Prevent strategy which purports to stop people from becoming susceptible to terrorist narratives.

71. The ease with which individuals from Muslim backgrounds are brought into contact with counterterror measures is due to the deliberately broad nature of anti-terror legislation that provides authorities with wide discretion in using their powers, and also to the lack of accountability of those authorities to the communities affected. The lack of suspicion legally required as a threshold for officers to search people under counterterror legislation, for instance, has enabled the disproportionate targeting of people from South Asian backgrounds. I myself experienced this treatment as I arrived at Heathrow airport on the eve of the meetings and was stopped by a security officer in what I consider to be a case of ethnic profiling and a worrying indication of the attitude of law enforcement officials towards members of racialised groups.

72. The arbitrary nature of this power and its disproportionate impact upon Asian and black people was recognised by the European Court of Human Rights. In the case *Gillan and Quinton v. United Kingdom*, the Court ruled that the powers were incompatible with Article 8 (Right to Private Life) of the European Convention on Human Rights because they were "neither sufficiently circumscribed nor subject to adequate legal safeguards against abuse".

73. Research shows that everyday experiences of being the target of State control create a sense of alienation among Muslims in the United Kingdom. This raises questions about discrimination, particularly considering that political violence from far-right and secessionist groups hardly feature within these measures, despite EUROPOL's consistent warnings over the threats posed by the latter groups.<sup>24</sup> It also promotes a sense within Muslim communities of the State not being interested in the priorities of their members as victims of crime, nor of the types of anti-Muslim racism and social inequalities that are reinforced by the racialised assumptions that often underpin counterterror and counter-'radicalisation' strategies.

74. The Prevent strategy is part of the overall counter-terrorism activities and, as the counter-terrorism police website states, intends to "prevent vulnerable people being drawn into criminal behaviour. The government-led, multi-agency Prevent programme aims to stop individuals becoming terrorists and police play a key role".<sup>25</sup> This strategy requires the staff of some authorities, including healthcare professionals and teachers, in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism". This means that when they note signs of possible radicalisation, they have a duty to report the person concerned to Prevent officials.

75. Prevent has been widely criticised by human rights organisations both at intergovernmental and non-governmental levels. Amnesty International UK, for instance, wrote in an open letter in 2018<sup>26</sup>: "Developed without a firm evidence base and rooted in a vague and expansive definition of "extremism", Prevent has been widely criticised for fostering discrimination against people of Muslim faith or background, and chilling legitimate expression."

76. In the last years, pressure from civil society organisations and experts to carry out an independent review of the Prevent strategy mounted. Adriana Edmeades Jones, Rights Watch (UK)'s Legal and Policy Director, said: "In the face of mounting evidence that Prevent is undermining relationships of trust and chilling expression in classrooms and consultation rooms across the country, it is clear that Prevent is simply not fit for

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24. EUROPOL (2021), "European Union Terrorism Situation and Trend Report" (Luxembourg: Publications Office of the European Union).

25. [www.counterterrorism.police.uk/what-we-do/prevent/](https://www.counterterrorism.police.uk/what-we-do/prevent/) (accessed 16 August 2022).

26. "Open letter on the UK's 'Prevent' counter-terrorism strategy", press release, Amnesty International, 16 November 2018.

purpose. It is in everyone's interests – the communities who are targeted, the teachers, doctors and social workers tasked with implementing it, and the government itself – that Prevent is subject to an independent review."

77. Finally, a review was commissioned by the government and led by Sir William Shawcross. The review was delivered to the government in April 2022. Dozens of human rights organisations have declined to participate in the review process due to previous statements made by Shawcross, which were viewed as Islamophobic. The review has not been published but has been leaked to the press and has drawn harsh criticism as biased and politicised. It appears that one of its main recommendations is that Prevent should focus solely on Islamist extremism and stop working on far-right extremism, which has represented the largest share of cases (around half) until now.

78. The academics and civil society representatives that I met in London highlighted several specific aspects of the impact of Prevent on Muslim people's everyday life. For instance, fear of being reported discouraged people from seeking mental healthcare, as psychologists and psychiatrists are among the professionals subject to "report duty". Academics told me that the climate of suspicion around research on Islamophobia led them to censor themselves. One of them said that the fear of being reported by his students was constantly in the back of his mind.

79. This climate affects civil society organisations directly in various ways, including financially. Many of them are community-funded and do not rely on public funds, which means they are not affected by financial cuts decided by the public authorities. However, managing their work may be made difficult by banks closing their accounts. Banks usually justify this by referring to financial risk assessment conducted internally.

80. One of the organisations I met stated that a wave of investigations had been launched against them, which they considered to be a form of harassment. They believed that Muslim organisations were being damaged by the Charity Commission, which scrutinised them excessively. Not only were the enquiries disproportionately numerous, but they also often lasted much longer than usual.

81. As part of antiterrorism measures, United Kingdom citizens may be deprived of their citizenship. This measure has been adopted in some cases while targeting citizens who were abroad and had no possibility to appeal the decision. Aid workers, among others, are exposed to the risk of being sanctioned with this measure.

82. One of the civil society representatives believed that some organisations were unofficially blacklisted and those had no access to MPs. While this idea may sound outlandish, based on my personal experience both during the fact-finding visit and after, I can confirm that politicians face pressure not to meet with some Muslim organisations, as any contact with them is presented as legitimising extremist views. The undue pressure that I experienced is a reason for concern, as any Assembly rapporteur should be able to collect information in Council of Europe member States and discuss with relevant experts even if these may be in disagreement with their national authorities' policies. While I share the view that organisations which are anti-democratic or aim to undermine the social order should not be given visibility or a platform, I found that accusations of extremism are levelled too easily by some British politicians, and this happens to all those who criticise the Prevent strategy. The reasoning, expressed recently in the foreword to a report on counterterrorism by former Prime Minister David Cameron, is that criticising counterterrorism strategies equates to supporting terrorism. In fact, rather than advocating the scrapping of all counterterrorism measures, those who criticise Prevent aim to correct the shortcomings and the unwanted discriminatory side effects of these policies, which are evident to many.

83. Among the other issues mentioned by my interlocutors in London is representation in the media, with negative reporting about Muslims and Islam occurring 24 times more often than positive news. Even the reporting about Covid, one of experts I met noted, constantly showed images of brown women.

84. The lack of clear, comparable data on anti-Muslim hate speech and hate crime was another recurring issue throughout the conversations I had. Often cases of Islamophobic incidents are filed as generically racist, for lack of a more specific classification.

85. The political representation of Muslims is not a taboo issue in the United Kingdom. I had the opportunity to discuss this, among other issues, with Baroness Sayeeda Warsi. A former co-chair of the Conservative party, Baroness Warsi was the first Muslim woman cabinet minister and still sits in the House of Lords. She is the treasurer of the All-party parliamentary group on British Muslims, established in 2018 to build on the work of the previous All-party parliamentary group on Islamophobia. Since she resigned from her ministerial post in 2014, Sayeeda Warsi has been outspoken in denouncing Islamophobia both in British society and in politics, including in her own party.<sup>27</sup> She said that "Islamophobia has passed the 'dinner table test'" (meaning it has

become socially acceptable) and in 2018 she told the *BBC* that the Conservative party leadership must make a "very clear statement of an acknowledgement of the issue and that the party will tackle it". The book she published in 2017, and which she mentioned several times during our meeting, *The Enemy Within*, refers to the way Muslims are perceived by sections of British politics and society.

86. The Muslim Council of Britain has repeatedly demanded an investigation into Islamophobia within the Conservative party, saying that there are "more than weekly incidents" involving Tory candidates and representatives. In 2018, the then Foreign Secretary Boris Johnson compared Muslim women wearing an integral veil to letter boxes and bank robbers. This was an egregious example of dehumanisation and stigmatisation of a group, and the fact that Mr Johnson was then cleared of breaching the Conservative Party's code of conduct is telling of this party's attitude.<sup>28</sup> The Labour party is also touched by forms of Islamophobia, according to a report commissioned by the party itself and published in July 2022.<sup>29</sup> Members and staff interviewed for the report felt that the party was an unwelcoming place for people of colour and Muslims, and that some forms of discrimination were not taken seriously, as if there was a "hierarchy of racism".

87. It is fair to highlight that while discriminatory attitudes may be observed within both major parties, the Conservative party shows a concerning tendency to integrate these attitudes into the legislation and policies that, being the ruling party, it is currently introducing.

## 7. Conclusions

88. The prevalence of Islamophobia in Europe and its constant rise over the last decades, with a particular spike in the last few years, are reasons for serious concern. Islamophobia is a severe violation of human rights and dignity that not only affects people who are Muslim, or perceived as such, it also creates divisions in national communities, undermining social cohesion and the peaceful living together that all Council of Europe member States have the ambition to achieve.

89. As highlighted by this report, many cultural and political factors, often leading to legislation and policies, contribute to spreading this form of discrimination. Among these are "cultural racism" based on stereotyping and on depicting Muslims as incompatible with European values; and conspiracy theories such as the notorious "Great replacement" theory spread by xenophobes and extremists, but occasionally subtly mentioned by mainstream politicians as well. Derogatory and stigmatising language targeting Muslim is also rife in public and political discourse and in the media.

90. In spite of growing evidence of Islamophobic phenomena in Europe, awareness of this problem has been insufficient for many years. The situation is gradually changing, as recent surveys and reports published at national, European and global levels in the last few years have shown. With this report, I would like to contribute to raising awareness, and call on all actors to do their part in preventing and countering all forms of racism, including Islamophobia. This should be high in the political agenda of all Council of Europe member States. While the first interlocutors of the Assembly are national parliaments and their members, other actors, such as civil society organisations, should be supported and enabled to play their important role in this respect.

91. The establishment of an International Day against Islamophobia, unanimously decided by the General Assembly of the United Nations earlier this year, is a symbolic development that may lead to concrete developments. I hope that the Council of Europe, which consistently attaches great importance to commemorations, will integrate this date in its functioning. It would represent a yearly opportunity to take stock of the state of affairs in the fight against Islamophobia, and to call on relevant stakeholders to live up to their responsibilities.

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27. Baroness Warsi: "Conservatives must act on Islamophobia", *BBC News*, 31 May 2018.

28. D. Hughes, "Conservatives rule Boris Johnson comparing Muslim women in veils to letter boxes and bank robbers was 'respectful'", *The Independent*, 21 December 2018.

29. N. White, "Black Labour staff suffer under party's 'hierarchy of racism', Forde report finds", *The Independent*, 19 July 2022.