report

2020

Islamophobia in France

Report into the year 2019 from the Collective Against Islamophobia in France
rapport.islamophobie.net

Collective Against Islamophobia in France

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Dear members, partners, and friends,

Unfortunately, 2019 was again marked by an increase in Islamophobic incidents, as registered by the CCIF. The number of incidents increased 17% compared to 2018, and 77% compared to 2017.

This year, it was found that Islamophobia operated in a new manner. Indeed, in 2019, the State decisively and firmly favored an approach that emphasized extreme security and restricted fundamental freedoms. Yet, those freedoms are essential to our Constitution.

Today, this form of racism spreads unashamedly, whether it occurs in France or elsewhere in the world. At once, it can discriminate, humiliate, or kill. From the mother that volunteered to supervise children on a class trip at a Regional Council in France, to the believers of a New Zealand mosque, it is hardly deniable that Islamophobia pervades everywhere.

Because the language of Islamophobia evolved. This last year, new terms have been coined and they express concepts as stigmatizing as they are violent. With expressions like “Hydra of Islamism”, “weak signals” or “society of vigilance”, Islamophobia displays a language that one can try to only grasp.

These harmful words spread and become normal, to such an extent that we are now faced with terrible questions: is the simple religious practice of Islam criminal? Has reason disappeared in the face of the indifference showed to the unfair treatment of Muslim individuals?

Opposite the silence from public authorities in regard to the phenomenon of Islamophobia, we are delighted that several thousands of citizens came together on November 10th to ask to “Stop Islamophobia”.

In this trying and challenging context, the CCIF is here to inform, to analyze and to raise awareness. The CCIF offers solutions: it fights back. Respect for equality and justice guides the CCIF and inspires its members to relentlessly make sure that human rights are protected from those who want to curtail them.

Together, let us join forces.

Together, we are stronger.

President of the ADDH-CCIF  Executive director of the ADDH-CCIF

Jean-Jacques Meqaïdes  Jawad Bachare
In 2019, the CCIF recorded **789** complaints of an Islamophobic nature.

**77%**

increase in 2 years

<table>
<thead>
<tr>
<th>Year</th>
<th>Acts</th>
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<tbody>
<tr>
<td>2017</td>
<td>446</td>
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<tr>
<td>2018</td>
<td>676</td>
</tr>
<tr>
<td>2019</td>
<td>789</td>
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*Gendered racism*

**70%** of Islamophobic incidents involve **women**.

*Type of incidents*

**59%** of Islamophobic occurrences are acts of **discrimination**.

*Who discriminates?*

**59%** Public services are responsible for 59% of the acts of discrimination.

Evolution of Islamophobic incidents recorded by the CCIF between 2003 and 2019.
PART 1

History of the ADDH-CCIF and 2019 key events
Origins and Development

ADDH-CCIF: more than fifteen years against Islamophobia

To understand the genesis and evolution of the ADDH-CCIF, it is important to provide some context and some major events.

In October 2003, during a TV debate on LCI, Claude Imbert, a prominent figure of French journalism, founder of “Le Point” magazine and member of the High Council for Integration (HCI), stated: “I have to be honest, I am a bit of an Islamophobe. I am not embarrassed to say so.”

A spontaneous demonstration of citizens took place in front of the magazine’s offices.

The general context of this demonstration highlights the stigmatization of the Muslim community that they have experienced for several years, notably from 1989 with the controversy surrounding the Creil middle school where wearing an Islamic scarf became an issue. The scarf tends to be described as a sign of inferiority, a denial of gender equality and a hindrance to women’s emancipation. What is puzzling is at that time, and perhaps still today even, “associations’ members generally do not know women who wear a headscarf, except for some teachers”.

The drift towards a new approach to secularism, which would no longer be inclusive, appeared and “does not impose the duty of neutrality on schools and teachers anymore, but gradually, it is rather required of the students and their families”.

Therefore, in the context of the Stasi Commission, Jean Baubérot explained how the debates took place within the so-called Commission:

“We then hit a dead end, and, towards the ultimate phase of our efforts, the argument shifted from secularism to the equality between women and men without the possibility of tackling that issue in its many aspects. Oftentimes, there is a double discourse in these debates: when we mention the attitude of other countries toward the headscarf, they retort: ‘this is simple, they don’t share the same view of secularism as ours.’ However, when we prove that prohibiting the headscarf is not necessarily secular, they then say it is about the equality of the sexes.”

In 1989, the socialist government of the time referred to the Council of State in order to handle the Creil controversy. They delivered an opinion that seems to have almost been forgotten:

In schools, students who wear religious symbols through which they intend to display their religious affiliation are not necessarily incompatible with the principles of secularism, because they exercise their freedom of speech and freedom of displaying their religious beliefs.

In parallel, through the 12 May 2000 Circular issued by the Department of Population and Migration and by the Minister of the Interior, Jean-Pierre Chevènement, the state ordered its employees to ask a number of civilians about what their religious symbols meant to them, in order to determine whether they would grant their religious nationality or not.

“Les Territoires perdus de la République” (“The Lost Territories of the Republic”) is a book released in 2002, in which several public figures adopted a stereotyped discourse on the neighborhoods:

This little book achieved phenomenal success with teachers and was cited by the Stasi Commission, the Prime Minister, and the President of the Republic. Its influence in the political debate resulted in the adoption of the 2004 bill. The director of the publication, Georges Bensousan, is comfortable with having influenced the debate, claiming in the reissue of the book some weeks later that he was the “key to the debate over secularism”.

At the heart of the book, some teachers give an account of anti-Semitic or sexist incidents that occurred in schools said to be difficult. It is intended to attribute the source of those incidents only to the culture and religion to which the staff or the students are supposedly affiliated. Blaming a culture or a religion for being the sole cause of a behavior is racist and it demonstrates scientific obscurantism. Therefore, the success of this Islamophobic and inexact book should raise questions.
Let us also remember that the 15 March 2004 law was passed after 9/11, in the context of Muslims being increasingly related to terrorism.

“Also, in the end of the 1980s, wearing a hijab became the major focus for the administration that oversees the acquisition of citizenship. This brought up a question: does wearing a hijab constitute a lack of assimilation that would be reason enough to reject or suspend a request to obtain French citizenship (via naturalization or marriage)?”

Concurrently with the development of a discourse that essentializes Muslims, indifference is shown towards the violent Islamophobia that prevails among institutions and some antiracism organizations. This essentialization feeds on international incidents, following which Islam was growingly associated with fundamentalism.

Therefore, it becomes noticeable that the administrative agents themselves confound the words “Islam” and “Muslim” with “Islamism” and “Islamist”. However, it is not strictly an exclusive confusion, but it is both inclusive and exclusive. Indeed, this idea does not systematically leads to conclude that Muslims are Islamists, thus unassimilable and unnaturalizable, but it rather highlights that there are assimilable Muslims and others that are unassimilable, those correspond to “radical” Muslims and “moderate” Muslims.

This is the year during which many debates focused on Islam and Muslims. “Numerous media outlets have used an ‘essentialist’ discourse that tends to want to explain that the behavior of people of North African descent is related to their supposed Muslim affiliation, whether it concerns the relationship between boys and girls in the ‘banlieues’, the relationship with the law or the behavior in hospitals. The religious aspect of an individual is not considered to be the result of a correlation peculiar to that very moment of his life or, more broadly, to history; as well as the fact that that particular situation with those particular interlocutors is not taken into account either. However, it is rather considered to be the ‘product of Islam’. Islam has been growingly described as the essence of the construction and behavior of a human being, without considering that other factors exist outside of religion, i.e. cultural, economic, social aspects, etc. Some announcers even narrow their analysis by imputing Muslim countries' underdevelopment to their religious affiliation, which again dismisses any other more complex geopolitical studies.”

Thus, “in the case of Islamophobia, essentialization goes along with the process of racialization, that is a process of social construction of a homogeneous group according to a set of criteria, i.e. their supposed racial background, their accent, skin color, etc. Regarding Islam, essentialization means imagining a monolith of a Muslim community, related to the immigrants of the former colonies, and explaining behaviors and habits through the sole prism of dogma that highlights a sole discourse, excluding all other social factors.”

In that development, victims of Islamophobia are often left to cope on their own.

In this context of indifference, the ADDH-CCIF was founded at the end of 2003. It originates from civil society, which started much reflection in order to define its values, work methodology and objectives.

Therefore, the CCIF is an organization that fights against racism, as prescribed by the 1901 law – non-religious and apolitical – and that defends human rights and particularly concentrates on defending Muslims' rights and freedoms in France.

For efficiency purposes, the CCIF chose independence and autonomy in order to preserve its freedom of speech, opinion and criticism.

To do so, the CCIF decided to rely on its members' and donors' contributions for financing. The association may punctually consent to receive subventions with the aim of developing collective projects with partners, notably European projects such as Hatemer.

The CCIF then tries to help and assist victims by way of its legal service. Indeed, the CCIF provides the public with free legal advice, by phone, email, or mail. Jurists provide advice and assistance to the victims to help build a case and take legal actions.

Alongside the legal department, the department of psychology provides victims who may need it with psychological support.

In parallel, a monitoring center was established to list and analyze Islamophobic incidents. The center compiles a yearly report that list those incidents in order to understand them. This work of analysis makes it possible for the CCIF to understand the causes and to develop tools to face them.
Then, as Islamophobia takes on a wider scope, the CCIF developed its international and communication departments.

That is how, after more than 15 years’ work, the CCIF’s work – which acquired observer status within the United Nations – is praised by international institutions, that fight against discrimination, such as the OSCE, the Office for Democratic Institutions and Human Rights, etc.

The CCIF is aware that the effective fight against Islamophobia cannot be led alone and that is why the CCIF works alongside heterogeneous partners such as the French Jew Union for Peace (UJFP), associations that deal with racism against Gypsies, the Representative Council of France’s Black Associations (CRAN), etc. Indeed, the convergence of struggles against racism is indispensable.

Finally, the CCIF also collaborates with public and administrative authorities that are independent such as the National Consultative Commission on Human Rights, the Defender of Rights, the “Observatoire de la laïcité” (Monitoring center for secularism), etc.

The CCIF is legitimate because it is independent and has many members. And especially, the organization gained solid credibility because of its effective work with regards to the hundreds of victims of Islamophobia and to the thousands of people who reach out to them every year.

The CCIF is a national organization that defends a universal cause. That is why the association constantly keeps close ties with the associative actors and militants who are interested in the fight against social inequalities (concerning religion, sex, racial background, etc.).

In parallel, the CCIF manages a network of local offices. This local proximity enables to organize mediations, to provide training courses and to efficiently assist the plaintiffs. A tour of France was thereby initiated, which was full of encounters and a better understanding of Islamophobia.

Our yearly reports comprise a sociological analysis with numbered evidence of the phenomenon. They are perceived as essential for our approach by our partners, whether they are associative and/or institutional partners.

The CCIF also aims to give access to their expertise by providing training classes. Indeed, the CCIF’s efforts have reached the general public, by developing and carrying out its actions in order to inform and raise awareness of the reality of Islamophobia. Simultaneously, the CCIF offers legal courses supervised by psychologists in order to better apprehend their rights and exert them.

Also, the CCIF chose to favor mediation in the majority of its cases, especially contentious ones, because it offers many advantages:

- Educating the persecutor on the law,
- Raising awareness of the rights and the situation of the persecuted.
- A rapid solution that puts an end to the prejudice experienced by the victim.
- To illustrate, here are some instances of mediations that were undertaken in 2019: a plaintiff who visits her 97-year-old grandmother in a retirement home.
- During a visit, an employee came to the plaintiff and ordered her to take off “the thing that she [wore] on her head” if she wished to enter the building. Indeed, the plaintiff wears a headscarf.
- Shocked, she left the premises and called the home’s executive office in order to make sure that this rule applied. They eventually confirmed the rejection, that is for her to visit her grandmother is conditioned by her taking off her headscarf.
- The jurist who took the call then reached out to the executive office. During the phone call, she recalled legal principles. An official apology was subsequently issued to the plaintiff. She could then carry on with her visits without any difficulty.
- A young girl wants to subscribe to a gym membership. However, it is on condition that she takes off her headscarf.
- After checking on the legalities of good hygiene and security, the jurist attempted to make contact with the gym twice, in vain. In those circumstances, two emails that mentioned the legal framework were sent to the manager of the gym. Despite one email that remained unsuccessful, the jurist wrote another email that led to a positive reply. The young girl was able to enter the gym and no difficulty was encountered to this day.
- Attending training classes within an association for social and professional integration is possible only on condition that no headscarf is worn during the class.
- After analyzing the school rules, the jurist let the plaintiff know about the legal framework. She decided to meet the director as well as the teacher of the structure. What came out of this meeting was the young girl was able to attend the class and carry out her career plan in optimum conditions.
- An employee of an association that deals with people who encounter family and school difficulties had recourse to the CCIF.
Indeed, the organization welcomes mainly youths and accommodates them within the building. However, the directors suddenly decided to cut the distribution of alternative meals. As a result, the residents felt that it was really difficult to feed themselves. After exchanging and meeting with the directors, the association gave out alternative meals to both its guests and employees again. On that account, everyone could meet at the table and eat in optimum conditions because the meals offer meat proteins, fish, eggs and vegetables.

School rules stipulate that in order to maintain security and peace, displaying any religious symbol is prohibited within the school. If the rules were to be disregarded, the student could be expelled.

After getting in touch with the school lawyer and the principal, it was decided to tell the students at fault that they were going to be allowed to keep their headscarf on now. They were able to continue their education without difficulty.

A service user went to a public transport office to have her season ticket issued.

The employee refused to deliver it because she wore a headscarf. The jurist wrote a letter to the office and recalled the legal framework. In those conditions, the user was able to obtain her ticket wearing a headscarf. She travels without difficulty since that event.

In a park, women often complained that they were not given access to some of the park’s merry-go-rounds because they wore a headscarf.

Following a letter of complaint in which safety rules were discussed, the park let us know that they now allow people with headgear to access the merry-go-rounds and that they will let their whole staff know too.

A volunteer of a humanitarian organization was collecting food from a major retailer.

While with her team, she was publicly called out by the store manager who ordered her to take off her scarf. The organization’s supervisor then told her to follow that order so as to carry on the collection. Shocked and deeply affected, the volunteer notified the CCIF. The jurist got in touch with the organization, the store as well as its parent company. Quickly, the company summoned the manager who admitted to what happened. An official apology was issued to the volunteer. The director of the humanitarian organization acknowledged the graveness of what happened, which does not reflect their values. Consequently, the volunteer was invited to return to her food distribution activities and keep on serving the destitute.

Now, the CCIF is worried about the occurrences of 2019. The recurrence of the debate on Muslims intensified so much so that when the Associate Manager Editor of newspaper Figaro, Yves Thréard, was invited to a debate on the Le Grand Soir show, on the LCI television channel, on Monday October 14th, 2019, he declared: “In France, I sometimes happened to get off a bus or a boat because I saw a veiled woman there.”

Also, the institutionalization of the state of emergency, which is now part of common law, should alert all human rights organizations and everyone that is concerned with the rule of law. Police raids, house arrests, euthemized in the SILT law so as to minimize their reality and effects, altogether take part in a state of generalized suspicion.

Regarding radicalization, prevention is more than legitimate, it is fundamental. However, we observed that the method used to prevent it seems dangerous and relies on the criminalization of ordinary Muslim practice: if symptoms are wrongly identified, the diagnosis will definitely be wrong too.

In order for the fight against radicalization to be effective, it should not criminalize the practice of Islam nor curtail freedoms. Human rights organizations should tackle those issues that weaken the rule of law and national cohesion.

The continuum of security can only lead to the curtailment of fundamental liberties, the disappearance of fundamental principles such as the adversarial system, and the presumption of innocence. Thus, the rule of law is jeopardized.

Surprisingly, Islamophobes are greatly concerned with Muslims’ integration into society. French Muslims go to school, get their degree and engage in diverse activities. They are visible citizens as much as they are visible Muslims. On a daily basis, they prove that their religion and the Republic are compatible, which casts doubt on the beliefs of Islamophobes who take on the role of self-proclaimed experts and the sole defenders of the Republic. Muslims have rights, they know it and they claim them.

Although the Collective Against Islamophobia in France has developed expertise that is aimed to answer questions related to Islamophobia, it also condemns and fights against all other forms of racism.

Our values are strong, clear and unequivocal. We fight our own battles, we tell our own stories and we take action to assert our rights.

We are independent from politics and religion. We maintain contact with all institutions or people that acknowledge the reality of Islamophobia and with those who wish to fight the battle.

We are independent because our funds come from the contributions of our donors. We chose this type of
financing because it allows us to guarantee our members and supporters our full autonomy.

Our organization reflects society. Our volunteers and employees are religiously, culturally, politically and socioeconomically diverse, which is a precious asset that we make sure to protect.

We impatiently await a society that is more just and equal. And on a daily basis, we endeavor to make liberty, equality and fraternity a reality for the millions of Muslim across France.

Because Islamophobia is not an opinion, it is a crime.
Last August, during a party conference of la France insoumise (Unbewowed France) on secularism, philosopher Henri Pèna-Ruiz stated: “one has the right to be an atheophobe just like one has the right to be an Islamophobe. Nevertheless, one does not have the right to reject men or women because they are Muslims. Racism undermines the very existence of a people, of a man or of a woman, and we should not deviate from that definition otherwise it will weaken the fight against racism. Anti-Muslim racism is a crime. Criticizing Islam, Catholicism, atheist humanism is not one. One has the right to be an atheophobe, an Islamophobe, a Cathophobe.” This statement sparked off a vigorous debate surrounding the concept of Islamophobia, in the media as well as on social media.

Yet, efforts to dismiss the concept of Islamophobia are not new. Already in 2003, in reaction to the demonstrations that preceded and followed the foundation of the CCIF, a media offensive took place and attempted to discredit the word. Philosopher Pascal Bruckner10, then journalists Caroline Fourest and Fiammetta Venner stated they were hostile to the term “Islamophobia” on the grounds that it supposedly was an “invention of Iranian mullahs” that sought to reject any criticism of Islam and to restore the crime of blasphemy. In actuality, the term — that however does not have an exact equivalent in Persian — is a French neologism, as explained by Fernando Bravo Lopez. It was first used by orientalists specialized in West-African Islam to describe and denounce the irrational hostility that the colonial powers expressed towards Islam. However, this fallacious etymology will still be spread around by certain media and intellectuals despite the clarifications of the researchers that are specialized in the question.

But what is essential does not lie there. For those who refuse it, speaking of Islamophobia would render criticism against a religion unlawful — which is legal in a democracy — instead of punishing its believers’ hatred. In other words, according to its detractors, the term is nothing less than an instrument of censorship that aims to restrict freedom of expression and particularly any criticism against religion, some of whom call the “right to blasphemy”. Let us remember that blasphemy designates a behavior or a derogatory remark against what is encompassed as divine or sacred by some. The “right to blasphemy” does not expressly constitute a legal category but it is an expression used within the public space to designate the liberal accents of the law inherited by the French Revolution and the Third Republic. The legal framework is detailed in the 1972 Plevèn law, which criminalizes insulting, libeling and inciting hatred, violence or discrimination against someone because of their racial background, ethnicity, nationality or religion. Through the legal actions it took, the CCIF never sought to dispute the limits imposed by the law. Even though there were a legitimate worry that the concept of Islamophobia could be instrumentalized, it should not discredit the concept itself but only its possibly corrupted manipulation. At the CCIF, we put in a lot of effort into proposing a rigorous and operative definition: Islamophobia designates all acts of verbal or physical violence and discrimination against an institution, a legal entity or a natural person because of their supposed or known affiliation to Islam.

The French disapproval of the word singularly contrasts with the recognition it gets abroad, whether it is in other national contexts (notably in Great Britain since 1997) or internationally, within organizations such as the United Nations (since 2001), the Council of Europe, the European Monitoring Center on Racism and Xenophobia and the European Commission and the Organization for Security and Cooperation in Europe. And in 2013, the National Consultative Commission on Human Rights in France (CNCDH) acknowledged the pertinence of the word and decided to use it in order to apprehend “the rampant, dangerous phenomenon that threatens the harmony between people, which requires vigilance”. The Commission highlighted the “numerous advantages” of the term to “shed light on a latent type of racism, that is imperceptible and concealed by the acceptable outer layers of freedom of expression”. The Commission also noticed that the rejection of the word Islamophobia could legitimately be interpreted as “a desire to deny the reality and scope of a phenomenon that has been particularly sensitive over the last few years, with the aim of encompassing Muslim people as a homogeneous group that is problematic for society”. The hysteria surrounding the public debate in France also contrasts with the

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10 Bruckner P, « le chantage à l’Islamophobie », Le Figaro, 5 November 2003
13 Islamophobia is defined by the CNCDH as an “attitude of systematic hostility towards Muslims, people perceived as such or towards Islam”.
It is noteworthy that since the 1980s, lots of social science studies on racism have highlighted the profound shifts of the phenomenon. Long known biological racism, which is acceptedly condemned nowadays, has been replaced by an insidious form of racism: a “raceless racism”\textsuperscript{15}. It tends to essentialize cultural and religious differences in order to better justify the belittlement and social exclusion of a social group. From the beginning, the CCIF has made every effort to be mindful of this complexity. To do so, it is important to figure out the specificities of that type of racism that targets Muslims and makes them a domestic enemy of the nation. In our 2003-2004 report, we had already underlined how Islamophobia cannot be reduced to racism against Arabs or North Africans. Much sociological research at once point to the relative autonomy and the complex interconnection of ethnic and religious traits within racist interactions and within the discrimination of Muslim people or people who are identified as such. Indeed, converted Whites suffer from discrimination because of their faith as well\textsuperscript{16} and statistics confirm that there is a correlation between the visible traits (notably the female ones) of a Muslim affiliation and the vulnerability to suffer from acts of Islamophobia\textsuperscript{17}. Thus, the idea that the hostility towards Muslims would only be a characteristic of anti-Arab hatred is hard to consider. However, it should not be assumed that this newly defined racism is radically new. Although Islamophobia’s ideological justifications have undergone significant transformations through time and its different national contexts, it is notable that French Islamophobia is rooted in the colonial past. As highlighted by much historical research, the colonial times are marked by the alteration\textsuperscript{18} and the racialization\textsuperscript{19} of Muslim populations, which can be read in the orientalist knowledge of the time as well as in the practice of the law by the colonial administration. As explained by Fanon\textsuperscript{20}, the stigmatization of Algerian women’s scarf attest to the efforts that were put in to essentialize Muslims through the prism of gender, with the mythical figure of the “Muslim man”, who is a natural oppressor, versus the submissive Arab woman who needs emancipating.

It is then undeniable that the “critique” of Islam often serves as a rhetorical façade to a discourse that essentializes and alters. Dogmas and religion as a phenomenon that has complex, distinctive characteristics are not targeted here, but it is rather aimed to nurture a fantasized reconstitution of the religious fact that would make it a static, homogeneous entity and that would prove its radical otherness. Therefore, the controversy surrounding the word “Islamophobia” goes beyond the semantic dispute. It indeed highlights a conflict between a way of seeing society and a way of living it. It is perhaps not a coincidence that the ones who battle against the word are the same who publically stigmatize women who wear a headscarf, and the same who demand their exclusion from every sphere of social life, on behalf of a “falseclear\textsuperscript{21}” secularism. Rejecting the word actually means refusing to recognize the issue. The tenacity of some to disregard the term “Islamophobia” evidently means something. It highlights a desire to hide the systemic aspect of Islamophobia. That way, public campaigns of stigmatization and freedom-suppressing laws that target Muslims are legitimized because they are said to serve secular principles and the fight against terrorism. In reality, the recurrent reason stated to justify criticizing Islam seems like it is nothing less than an ideological outlet of that respectable form of racism which, from the far right to the “universalist” left, incessantly point to the incompatibility of Islam with republican values. This ideology further gives way to suspect the most common practice of Islam, as illustrated by the notion of “weak signals of radicalization”. The persistent desire to replace the term “Islamophobia” by something else in numerous cases conceals an attitude that aims to deny and minimize the issue that the word encapsulates, by relating Islamophobia solely to its spectacular expressions (i.e. assaults, which are publicly labeled as “misconducts”) and by attributing the fault to a few hateful individuals or to the far right only. Yet, as stressed by the CNCDH, “the word ‘Islamophobia’ is credited for describing an ideology that is hostile to Muslims and perceivable beyond sporadic anti-Muslim occurrences. If that terminology has been progressively and widely spread in the everyday language and in the institutional language, it does demonstrate the relevance of the growing and strongly feelable hostility, which all in all

\textsuperscript{15} Balibar E, Wallerstein I, 1988, Race, nation, classe; Les identités ambiguës. Paris, La découverte.

\textsuperscript{16} Brun S, Galonnier J, 2016, « Devenir(s) minoritaire(s). La conversion des Blancs-he’s à l’Islam en France et aux États-Unis comme expérience de la minoration », Tracés, Lyon, ENS éditions.

\textsuperscript{17} Data from the TeO survey (Trajectories and Origins, conducted by INSEE and INED) clearly show the weight of visible markers of religiosity in the gendered imposition of a “Muslim penalty”

\textsuperscript{18} Alteration refers to the process by which a group of individuals is seen, because of their perceived or fantasized attributes, in a radically different way.

\textsuperscript{19} Racialization is the process by which attributes are contemplated and designated as homogeneous and hereditary, whether they are associated with biological characters or immutable psychological traits.

\textsuperscript{20} Frantz FANON, « L’Algérie se dévoile », L’An V de la révolution algérienne, La Découverte, 2001.

\textsuperscript{21} Baubérot J, 2012, La laïcité falsifiée, Paris, La Découverte.
highlights a ‘Muslim issue in France’.” Islamophobic violence already weighs on its victims, nonetheless they are blamed for speaking up. The victims can either be suspected of having affiliations to terrorism or blamed for victimizing themselves. Perhaps there lies the most vicious mechanism of Islamophobia: accusing Muslims of usurping their status of victims not only denies the violence to which they are subjected, but most importantly, it suppresses their voice while they are the only ones that can share their story. Looking the other way, absolving the tormentors while blaming the victims for defending themselves because they simply care for equality, here is in substance what the anti-victim rhetoric does.

However, the raging controversies should not overshadow the progress made since 2003. No matter what its detractors may think of the concept of Islamophobia, the word appears to be more and more legitimate in order to describe and denounce the abuse that is inflicted upon Muslim populations. The number of press articles using the term was only around 30 in 2002, but in 2015, there were 2,924 occurrences. A more in-depth study of the quantitative and qualitative evolutions of the uses of the term remains to be carried out, however, it is reasonable to believe that the trend has continued since. Even though the increasing use of the term does not clearly indicate that it is being given the stamp of approval, the success of the November 10 march does denote accurate proof of it. For the first time in history, a rally against Islamophobia successfully brought together a large chunk of the partisan, unionist, and associative left wing, as well as numerous anti-racism organizations.

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The “Service central du renseignement territorial” (“Territorial Intelligence Central Service”, SCRT) which reports to the “Direction Centrale de la Sécurité Publique” (“Central Directorate for Public Safety”, DCSP), attached to the “Direction générale de la police nationale” (“General Directorate of the National Police”, DGPN)23 and the “service statistique ministériel de la sécurité intérieure” (“Ministry of National Security’s Statistical Service”, SSMSI) publish a report on racist incidents every year.

The CNCDH remarks that the collected data is very different. Consequently, “if these numbers differ so much, it is because they do not follow the same approach: on the one hand, the SSMSI proceeds to compile a comprehensive list of the minor offenses and crimes of a racist nature filed by the police and the gendarmerie; on the other hand, the SCRT is in charge of the follow-up of the incidents that are reported through its intermediaries and local partners, altogether in order to draw up major trends on the state of racism in France that are intended for public authorities for operational purposes”24.

The collection of data by the SSMSI is based on “procedures that are passed on to the Prosecutor’s Office (complaints, police filings). Unreported incidents and acts of violence and racial discrimination as well as aborted proceedings are thereby not included”.25

The SCRT uses various sources, particularly through organizations with which they maintain a good relationship:

“Territorial intermediaries (departmental services, various local offices, branches in several gendarmeries);

Local partners (police stations, gendarmeries, police headquarters, specialized associations);

The Jewish Community Protection Service (SPCJ) and the French Council for the Muslim Faith (CFCM), in order to specify the characterization (anti-Semitic occurrence or not, anti-Muslim occurrence or not) and the categorization (action or threat) of the incidents involved”26.

As underlined by the CNCDH, “neither the SCRT’s report nor the SSMSI’s could claim to be exhaustive. In both cases, it is not a question of producing a full inventory of racist incidents that occurred in France over a given period of time. But it is rather a way to detect trends (SCRT) or to assess the action of the police on a specific field of offenses (SSMI). Furthermore, these statistical reports are the products of biased methodologies, which should be taken into account in order to be able to apprehend these figures at their fair value.”27

The ADDH-CCIF developed another methodology to prepare its annual statistical report.

On the one hand, the CCIF listed the requests for information, testimonies and reports they received.

On the other hand, only incidents that meet the definition of Islamophobia are summed up as Islamophobic occurrences, those include all acts of discrimination and violence against a natural person or a legal entity because of their supposed or known affiliation to Islam.

The definition is provided by the jurists of the legal department of the ADDH-CCIF. It was established by an analysis which is based on the given testimonies, the collected evidence as well as on the interviews or conversations held with the various parties in the file, notably in the written form.

As a result, reports lead to a mediation, to the filing of a complaint or to contentious proceedings.

However, the ADDH-CCIF is aware of the massive underreporting of racism and the existence of a “dark figure”28.

That is why the ADDH-CCIF consequently recommends that the data be combined from sources that emanate from both civil society and institutions in order to better understand each form of racism, including Islamophobia.

As a result, adopting this perspective would make it possible to work together to understand the causes as much as to carry out actions. We know that between the commission of acts of racism and the filing of a complaint at the Prosecutor’s Office, there is quite a number of “filters” that likely induce the phenomenon to be underestimated. One of the main filters is often forgotten yet decisive, which is a subjective filter: a person can be the subject of an insult or experience racist violence without perceiving it as such. For victims to detect the racist nature of violence that they may suffer depends on several social factors: the level of

24 Ibid., pages 23 and 24.
25 Ibid., page 24.
26 Ibid., page 25.
27 Ibid. page 33.
28 The dark figure of delinquency represents the difference between actual delinquency (known crimes plus unknown crimes) and delinquency known through official statistics. These are the crimes that “escape” the police.
education, the level of politicization, the type of relationship maintained with the perpetrator of the racial slur as well as the definition of racism are essential\(^{29}\) (e.g. the racist aspect of the act might be minimized if it is coming from a neighbor). These same factors can also hinder the filing of a complaint. According to a survey on victimization titled “Cadre de vie et sécurité” (“A Framework for Life and Safety”, CSV), conducted by the INSEE among 25,500 households residing in mainland France between 2007 and 2015, 975,000 people declared that they were victims of slurs of a racist, anti-Semitic or xenophobic nature. Only 8% of them entered a police station or a gendarmerie to file a complaint. Then another issue arises, which is to negotiate the characterization of the event with the police service that is connected to the Prosecutor’s Office. For a complaint to be classified as racist, the police officers’ interpretation of the incident must coincide with that of the plaintiffs. However, unlike countries such as Great Britain or the United States, there are no police units in France that specialize in the fight against hate crimes. The professionals that are in charge of receiving claimants are neither trained nor made aware of the issue, which poses a greater risk of seeing the words of the victims minimized or discredited (especially when witnesses are missing). According to the “Cadre de vie et sécurité” (CSV) survey, among the 8% of people who declared having been subjected to racial slurs and who went to the police station, only a minority eventually lodged a complaint. According to the CVS survey, between 2007 and 2015, among the victims of racial slurs who went to the police station, 44% notified the police, 42% lodged a complaint and 5% gave up on bringing any action. However, as remarked by the CNCDH in its 2018 report on the data produced by the SSMSI, “the main bias of these results definitely resides in the authorities’ restrictive approach to racially motivated delinquency. Indeed, this approach mainly relies on registered complaints and exclude other forms of accounts”\(^{30}\). These statistics therefore lack all the notifications of relevant facts to the national police and the statements recorded by the gendarmerie.

This is why the ADDH-CCIF reiterates its recommendations concerning how victims are received in gendarmeries and police stations. We request that the complaints be filed and not registered only in the log book, as well as the aggravating circumstance be taken into account when the offense or the crime does not fit in the framework of the offenses that are sanctioned by the 1 July 1972 law at the time of the lodging of the complaint.


January 2019

Launch of the Hatemeter web platform against online hate

On January 30th, 2019, the international wing of the CCIF had the pleasure of inviting its Italian and French partners for the launch of the new anti-hate web platform "HATEMETER". The Hatemeter project is subsidized by the European Commission and aims to combat the spread of Islamophobic postings on social media.

As part of a test phase, the CCIF invited around twenty CCIF volunteers to improve the platform by adding content to it.

This instrument that aims to halt online hate will make it possible to identify, analyze and respond to any kind of tweets, posts, or other public statuses published by users of social media.

February 2019

A pseudo anti-Semitism of Islamic inspiration? / “The new Muslim anti-Semitism?”

On April 22nd, 2018, newspaper “Le Parisien” published a column signed by 300 public figures that denounced the rise of "Muslim anti-Semitism". The debate was sparked off, it spread and intensified throughout February 2019. As a result, various statements were made:

Jean-Claude Dassier: “We are facing an Islamo-Muslim type of anti-Semitism.”

Eric Zemmour: “We have been told that Islam is a religion of peace and love while we know that that anti-Semitism is the product of an Islamic culture that comes from far away.”

Décathlon stopped selling the hijab running

In February 2019, Décathlon began selling the hijab running.

Several deputies consequently called for a boycott of the brand, such as Aurore Bergé who declared on Twitter: “Sport emancipates. It does not subdue. As a woman and citizen, I choose to no longer trust a brand that betrays our values. Those who tolerate women in the public space only when they hide are not freedom lovers.”

President Emmanuel Macron recalls that refusing to hire a woman who wears a headscarf constitutes discrimination

During the great national debate held on February 28th, 2019 in Pessac, the Head of State was questioned by a Muslim woman on the difficulties she encounters to find employment due to her wearing a headscarf. The President of the Republic was able to recall “that there is no law that grants a company the right to refuse to hire someone because they wear religious symbols, which means you have suffered from discrimination, which is punishable by law (…) And if you are not actually hired because you wear a headscarf (…), this is employment discrimination and it is punishable by law.”
**Sentencing of the Cénacle restaurant owner**

In August 2016, two women were expelled from restaurant "Le Cénacle" (Tremblay-en-France (93)), they videotaped the incident, the restaurant owner was declaring in front of everyone “All Muslims are terrorists. People like you, I don’t want them here, period!”

In March 2017, the High Court of Justice in Bobigny sentenced the restaurant owner. He appealed the decision. On February 22nd, 2019, the Paris Court of Appeal confirmed the judgment and convicted him for "discrimination on the grounds of someone’s affiliation to a religion that lead to fail to provide a service within a place that receives a public audience".

**March 2019**

**UN Special Rapporteur denounces alarming consequences of the fight against terrorism for Muslims in France**

Following an official trip to France to assess the laws, policies and practices of the country in the fight against terrorism, Fionnuala Ní Aoláin, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms in the fight against terrorism, published a report on March 1st, 2019. The latter shed light on the consequences of the practices carried out by France in its fight against terrorism, particularly within the framework of the 30 October law that aims to strengthen national security and the fight against terrorism, which is known as the SILT law.

**Islamophobic terrorist attack in New Zealand: from public justification to anonymous glorification**

On March 15th, 2019, in Christchurch, the second-biggest city of New Zealand, a terrorist targeted worshippers at two mosques. He videotaped the attacks and streamed them live on Facebook. He killed 51 people and injured 49 others. This unprecedented tragedy revealed the global nature of the scourge of Islamophobia as well as the extreme urgency to fight against it wherever it exists. Indeed, in his manifesto, the terrorist mentioned his trip to France and his admiration for the theory of the “Great Replacement”.

Only a few hours after the terrible attack, a surge of hateful opinions that justified the terrorist attack spread through social media in France:

Member of the National Rally, Mrs. Catherine Blein, tweeted: “Massacre in New Zealand: an eye for an eye...” The CCIF filed a complaint for glorification of terrorism.

Editor-in-chief and editorialist of newspaper “Le Figaro”, Guillaume Tabard, attempted to minimize the killings by mentioning a macabre bookkeeping balance.

“We suffered a great deal of murderous Islamist terrorism in France. If we want to play with accounting, numbers are not balanced yet. People shouldn’t venture to mention a return game.”

**Incident at the Exhibition on Women and Well-Being in Béziers**

On March 8th and 9th, 2019, the Exhibition on Women and Well-Being was held in Béziers. The mayor of Béziers (Hérault) refused to allow a ready-to-wear store manager to organize her fashion show because she wore a headscarf.
Unsurprisingly, Marine Le Pen used this event to try to establish her anti-Muslim ideological stance. She also seized this window to discredit, in vain, the CCIF’s work by calling it “a collective of fundamentalists and Islamists”.

“The Collective Against Islamophobia in France is a collective of fundamentalists and Islamists, they seek to prohibit any criticism against Islamist fundamentalism by saying it is ‘Islamophobia’. I’m rising against that!”

The ignominy did not end there. These outrageous public statements, both from the media and from the political world, helped foster the rise of an Islamophobia that is ordinary as much as it is nefarious. Especially, on the Internet, some will shamelessly express admiration for the terrorist who perpetrated the New Zealand massacre: the glorification of Islamophobic terrorism horrifically unfolds. As a token of resistance, the CCIF launched a campaign to have people report statements that incite hatred or violence or that praise terrorism, while organizing a campaign to secure places of worship.

Two Stanford researchers reveal the serious consequences of the 15 March 2005 law

In 2005, Inspector General of National Education Hanifa Cherifi submitted a report to the Minister of Education which claimed that the first year after adopting the 15 March 2004 law had a positive outcome.

In 2019, in a publication titled “Political Secularism and Muslim Integration in the West: Assessing the Effects of the French Headscarf Ban”, Stanford researchers Aala Abdelgadir and Vasiliki Fouka measured the effects of the law on socio-economic integration for French Muslim women.
The researchers concluded that the law restricted those women’s access to secondary education and shaped their fate on the labor market as well as within their family unit.

**Surgeon sentenced for discriminating against a Muslim woman**

A mother was attacked by the surgeon with whom she and her son had an appointment to schedule an operation. He commented that her headscarf was “a sign of non-integration”, that she should wear a blue-white-red scarf. Moreover, he said that France is at war and that she had to “pick a side”.

Following the incident, the doctor further reported to the gendarmerie and declared that he suspects the mother, whom he had just met for the first time, of “drifting into Islamism, especially in the context of the Bataclan”.

The CCIF recommended that she file a complaint against the surgeon.

The Disciplinary Department Chamber of the Order of Physicians suspended the surgeon for a period of 6 months, 3 of which were a suspended sentence. The practitioner decided to appeal and the hearing was held on January 17th.

In March 2019, a decision was reached, the doctor was sentenced on appeal. He was removed of the right to practice for six months, three of which were suspended. He also had to pay costs and expenses amounting to €1,500.

**April 2019**

**Bougnaoui incident**

After more than 10 years of struggle, Asma and the CCIF scored a victory. On April 18th, 2019, the Versailles Court of Appeal’s judgment found to be null and discriminatory the dismissal of an employee because she refused to remove her headscarf at the request of the company’s customers.

Indeed, based on the judgment rendered on March 14th, 2017 by the Court of Justice of the European Union which had ruled on the question, the Versailles Court of Appeal stated that “the request of the customers of company X, for the purposes of ‘that there had better be no veil next time’ [...] does not constitute an essential and absolute professional requirement [...] and thereby, cannot justify direct discrimination that prohibits wearing a headscarf.”

The trial judges added that “the dismissal, which is justified by the employee’s expression of her religious convictions, is discriminatory and therefore null”.

**The international department visits the OSCE in Vienna and offers France its recommendations**

On April 1st and 2nd, 2019, the OSCE (Organization for Security and Cooperation in Europe) conference was held in Vienna to promote “the application of the principles of tolerance and non-discrimination, including the promotion and protection of freedoms of religion and belief”, in which the CCIF participated. It was an opportunity for our organization to warn the French delegation and the delegations of the other participating States, the representative of the Council of Europe and the many actors of international civil society of the alarming state of Islamophobia in France. To do so, we offered recommendations to France and the OSCE. The international department of the CCIF recalled the importance to recognize Islamophobia as a specific form of racism and in doing so it would be possible to support the cause on a national and international scale. One of the recommendations focused, among other things, on the need for educational awareness campaigns. Also, France was commissioned to deliver a report on the results of the 15 March 2004 law and to update them every other year in order to draw conclusions. Finally, with a similar argument, the CCIF requested that France delivers a report on the consequences that Muslim women faced, especially concerning those who wear a headscarf, as a possible principle of neutrality at work was introduced into common law.

**Discrimination at La Croix flea market**

On May 1st, 2019, two women, who wanted to secure a space at a flea market, were violently barred from joining. They recorded the incident: “I am not going to give you a space, ladies, do not wait in line, you are wasting your time,” the president of the association “R’éveil” told them. The two young women filed a complaint for discrimination.
Incident at the bar “La Citadelle”

An Al-Jazeera journalist went undercover within far-right groups and filmed “Generation Hate”, a documentary that showed the reality and gravity of the issue of Islamophobia in France. While showing the political infiltration of the ideology of the group called “Génération Identitaire” into the National Front (now National Rally), it highlighted the strategies that are developed to promote the Génération Identitaire’s ideas on a larger political scale.

The verbal violence is accompanied by real action. Indeed, the documentary showed a violent scene in which 3 men that are regulars at the bar violently assault a young girl. In the continuation of the documentary, one of the attackers was proud of what he had done. The same individual went as far as to expose his attack scenario: “The day I know I have an incurable disease, man... I’ll buy a gun and I’ll cause a carnage. I’m thinking that if I have to die of an illness, I might as well be shot by the cops (...) At a mosque or anywhere else... Even a ram car, I’ll use anything.”

Following the broadcast of the documentary, the CCIF seized the Prosecutor’s Office and took part in the trial during which the three defendants were to answer before the Criminal Court of Lille for “group violence”, on May 10th, 2019. The day was marked by the rallying of anti-racism organizations and many citizens who made it possible for the case to be revaluated so that the aggravating circumstances would be taken into account on December 14th, 2019. A new referral was ordained for May 2020, then for November 2020.

Discriminatory and Humiliating Treatment of a Woman Wearing a Headscarf during Exams

At the University of Burgundy, during an examination, a law student who wears a headscarf was publicly ordered to show her ears for the duration of the test. The student adamantly refused and denounced the humiliating discrimination, she was eventually sentenced to one year’s probation. For two and a half years, she was assisted by the CCIF and by her lawyer - Ms. Sana BEN HADJ YOUNES. The CNESER (National Council of Higher Education and Research) eventually ruled in favor of the student and considered that the University of Burgundy had committed a fault.

Meanwhile, the Defender of Rights had taken a stance with his “Décision MLD-MSP-2016-299”, in which he argued that:

“It should not be forgotten that the means that monitor the prevention of fraud before and during university exams must be applied in respectful and equitable conditions for all students. The use of those means should not allow the discriminatory treatment of students. The veiled students were forced to resign themselves to showing their ears for the duration of the test. The claimants argued that only the veiled students were subjected to such requirements, the other students who wore long hair, scarves or other clothing that covered their ears were not checked. The evidence confirmed that argument. Thus, according to the available elements that were developed above, it appeared that by targeting, in fact, only veiled students, the practice reported by the claimants constituted discriminatory treatment compared to other students. The situation is possibly religious discrimination.”

Hearing of the Minister of the Interior before the Commission of Inquiry about the Fight against Far-Right Groups

The Minister of the Interior, Mr. Christophe Castaner was heard before the Commission of Inquiry about the fight against far-right groups, on May 9th, 2019. He drew attention to the fact that the anti-institutional rhetoric of the ultra-right “is particularly marked by Islamophobia: it mentions the ‘Muslim invasion’, the ‘great replacement’, altogether with a call for violence.”

The Minister of the Interior was asked if an attack like the one that occurred in Christchurch was likely to occur in France, to which he answered: “You want to know if there is a risk that people that share this ideology of the far right may carry out an attack
against a mosque: yes, it’s possible. In fact, three planned attacks linked to far-right groups have been prevented in the past two or three years."

Indeed, in June 2018, the French intelligence services had arrested a dozen people linked to the obscurantist ultra-right movement, "Action des Forces Opérations" ("Action from Operative Forces", AFO). Between September 2018 and May 2019, five people who were part of a neo-Nazi group called "L'Oiseau noir" ("The Black Bird") were also arrested for notably plotting to attack Muslim places of worship as well as the annual convention of the CRIF ("Representative Council of French Jewish Institutions").

We cannot avoid comparing these facts and the speech of Patrick Calvar, former French boss of the General Directorate of Internal Security (DGSI), who, in 2016, before the deputies of the Defense Commission, explained that "extremism is rising everywhere, and we internal services are mobilizing resources in order to better grasp the ultra-right, which cannot wait for confrontation". He also stated before the deputies of the parliamentary Commission of Inquiry for the 13 November 2016 attacks that France was "on the verge of a civil war".

**Military member fired after his conversion to Islam wins in first instance against Ministry of the Armed Forces**

A soldier was pursuing a successful career in the Air Force. During the second year of his enrollment, and given his professional involvement, he was promoted to the rank of first-class airman, then a year later to that of Corporal. One contract renewal after the other one, fifteen years passed during which he was awarded the Certificate of Aptitude to work as a technician, then the Basic Certificate of Technician, as well as the Basic Brevet of Technician; he even reached the rank of Master Corporal in 2007.

Considering his attitude at work and his real interest in pursuing a career in the military, Mr. J. was always praised, which attested to his superiors’ complete satisfaction. Therefore, in September 2016, it was no surprise that he was offered to renew his contract, which he quickly accepted. But at the end of February 2017, against all odds, he received a letter stating: "The contract of Master Corporal J., (...) ending on September 4th, 2017, will not be renewed", and hereby: "The person to whom this letter is addressed will be removed from the Air Force..."

From the beginning of March, he lodged an appeal before the Military Appeal Commission. In April 2017, while he had not been informed of the Commission’s decision yet, he was stripped of his "confidential defense" authorization card by the Minister of the Armed Forces, without further explanation; the minister justified the contract’s termination by declaring it was "top secret". The dismissal of the appeal was de facto implicit; eventually, the appeal was formally dismissed in May 2017. All in all, what happened between the moment he was given a contract renewal and his removal from the Air Force, altogether followed by the non-renewal of his authorization? What is behind the minister’s refusal to explain the Air Force’s decision?

According to Mr. J.’s lawyer, Ms. Élodie Maumont, there was no doubt that Mr. J.’s decision to convert to Islam, in 2016, was the reason behind the non-renewal of his contract and the measures taken against him. His ratings and his career advancement until then showed nothing less than his superiors’ high esteem of him. Therefore, only his choice to convert to Islam could explain this sudden volte-face from the army.

The "top secret" defense hardly hid what is obvious. Meanwhile, the Administrative Court had been seized in May 2018, and on May 23rd, 2019 they canceled the decision of the Ministry of the Armed Forces. It was a victory for Mr. J.; even if the Ministry of the Armed Forces has recently appealed against the decision... Since then, Mr. J.’s material situation and health have considerably deteriorated and he remains unemployed.

**JUNE 2019**

**FIFA vs FF: access to sport and competitions for women who wear a headscarf**

“Fighting for equality - the ban on hijab and Muslim women in soccer” was a roundtable organized by “Réseau Fare”, a non-profit that fights against discrimination in soccer. During the event, the CCIF spoke alongside other people cognizant of the issue. This meeting was an opportunity for our lawyer to talk about the work that the CCIF puts in daily to advocate the full religious freedom of Muslim women.

With regard to women who wear a hijab at sporting events, the stance of the FFF (French Football Federation) has been a matter for a lengthy debate. Indeed, the FFF does not rule in favor of the hijab, even if the model is suited for sports. They explain their opinion by mentioning "their concern for respecting the constitutional and legislative principles of secularism". However, as recalled in the latest CNCDH report, every woman has the right to access sports activities of her choice, without having their religious beliefs at stake. Similarly, since 2014, the International Football Federation (FIFA) has officially added in football rules the permission for individuals to wear a headscarf or a turban.
Amendment to LR: Mothers Who Volunteer to Supervise Children - School Trips - Wearing a Headscarf

2019 was marked by the harassment suffered by the veiled mothers who volunteer to supervise children on school trips. Indeed, the Senate approved an amendment as part of the bill for a “trustful school”. It introduced the ban on wearing any religious symbols for parents who go on school trips.

With such a freedom-destroying law, the CCIF called for national support. This rallying aimed to challenge our elected deputies and senators and alert them to the fact that this amendment considerably restricted the rights of parents to express their religious affiliation. This effort was successful because the amendment was eventually removed from the bill.

The International Department Takes Part in the Workshop on Synergies and Good Practices to Fight Against Racism and Anti-Muslim Discrimination in Madrid

On June 25th, 2019 the workshop on synergies and good practices to combat anti-Muslim racism and discrimination was held in Madrid and organized by the Spanish Government, the European Commission and the European coalition, of which the CCIF is a member and which fights against Islamophobia and advocates the rights of Muslims on a European scale.

During the workshop, the CCIF reminded France of what is necessary to do to fight against discrimination. For instance, including Muslim women in the struggle experienced by all discriminated women, or even reassess “the criteria of radicalization” whose relevance has not been proven.

The CCIF’s international department also spoke to the members of the European Commission to remind them that Islamophobia can kill, as witnessed in the attack in Christchurch. Islamophobia is a gendered form of racism since 70% of those who are victims are female and this discrimination affects children as well.

As a result, the coalition formulated a number of proposals. Among these proposals, they asked that the adoption of anti-racism laws including specific measures to fight against Islamophobia be supported. It was also suggested that there be an assessment and recognition of the discriminatory effect entailed by anti-terrorism and anti-radicalization measures. To do so, it should be guaranteed that the measures that are taken remain consistent with the respect for and the protection of fundamental rights.

Meeting Between the International Department and the Ambassador of New Zealand as Part of the CCIF/NZ Partnership

Following the tragic events in Christchurch, the international wing of the CCIF met with the New Zealand ambassador on June 19th. This meeting was an opportunity to thank New Zealand for the way the country managed the attack which targeted two mosques in the city of Christchurch, as well as to ponder and contemplate a collaboration between the CCIF and the New Zealand State in order to fight against Islamophobia.

Attack Against the Imam of Brest: The Media and Politicians Remained Silent

On June 27th, 2019, Mr. Rachid Eljay, imam of the Sunna mosque in Brest, as well as one of the worshippers of the place, were victims of several shots and both were injured. This event, in the tragic line of the Christchurch attack, recalls the violent Islamophobic threat with which Muslim communities at home and abroad are faced.

Despite the gravity of the incident, the media and politicians only offered deafening silence on the subject, which once again demonstrated their disinterest and their denial of the reality of Islamophobia. The CCIF has therefore relaunched its plan to secure places of worship in order to protect them from such attacks.

July 2019

Burkini Outrage at Municipal Swimming Pools

The early summer 2019 was unsurprisingly marked by redundant questions about the permission to wear a burkini in swimming pools. Prime Minister Edouard Philippe was questioned on the issue, which should not even be one, and replied: “We must be firm with these rules (which ones? Those on hygiene or on secularism?), not at all because one would be against such and such religion. Or against religion in general. But the law must guarantee strict neutrality”. Yet, as is known, the
principle of neutrality, a corollary of the principle of secularism, only applies to government employees, not to customers. This justification is thereby invalid for women who wear a burkini. A few hours later, Sibeth Ndiaye, Spokesperson of the Government, also commented the subject and mentioned health and safety issues that justify banning the burkini and at the same time, on a TV show, she accused women who wear a burkini of doing politics.

For all intents and purposes, let us not forget that the CCIF has already raised these questions and that clear answers were given. First of all, in a judgment pronounced on August 27th, 2016, the Council of State considered that the ban on the burkini constituted a serious and illegal violation of fundamental freedoms. In addition, after consulting the Science and Expertise Agency for the Sanitary Field and the Ministry of Sports, the Defender of Rights reached a decision on December 12th, 2018 in which he specified that “even if the burkini largely covers the body, it cannot be likened to ordinary clothing, such as swim shorts, as it was designed rigorously for swimming; thus, there is no immediate threat to neither the safety, nor the hygiene of the bathers a priori.”

### AUGUST 2019

**Decision of the Defender of Rights in the Christmas Market Case in Gratien**

The Defender of Rights ruled in favor of a woman who had been barred from keeping her stall at the Christmas Market of Saint-Gratien.

Indeed, on November 30th, 2018, a vendor, who ran a stall at the Christmas market, was ordered to leave the premises under orders from the mayor, Julien BACHARD. The latter mentioned the principle of secularism which, according to him, was not respected by the vendor because of her wearing a hijab.

The Defender of Rights then reached a decision in favor of the merchant and admitted that “this proscription was not justified by the application of the principles of secularism and neutrality of the public services and likely constituted discrimination against an individual’s religious affiliation,” and he invited the mayor of Saint-Gratien to turn to the vendor to negotiate the compensation she should receive for the moral and material prejudice she suffered from his decisions.

### Prayer on a Boat: Towards a Criminalization of Muslim Prayer?

On Friday August 20th, soldiers abruptly checked and searched a group of Muslims who were performing the dawn prayer aboard the Corsica Lina, which connects Bastia to Marseille. A heavy operation that brutalized both the group and the witnesses of the incident. The witnesses at the scene did not understand what was happening:

“I was more afraid of the police operation than of the group of Muslims traveling next to me. Poor them, they had been irreproachable during the whole trip. It’s true that they kept among themselves, like a micro-community, but they didn’t worry me for a second... An operation like that one, on the other hand, would definitely make you become paranoid. It really upset me, and the idea of taking the boat back home, and sleeping in that same space, it makes me feel weird, I kind of feel apprehension.”

After the state of emergency in France, the growing acceptance of Islamophobia has spurred a vast movement to criminalize the simplest religious practice (in this case prayer). The very sight of this practice, whether discreet or not (in the case of this boat, the small group prayed discreetly in the dark), seems to trigger some people’s concern, who establish a fur-
fetched connection between the spiritual rite and the act of terror. This connection can unfortunately be observable in the representations of the Muslim rite produced by the media and cinema.

“Right to be an Islamophobe”?

During a party conference of Unbowed France on secularism, philosopher Henri Peña-Ruiz stated: “one has the right to be an atheophobe just like one has the right to be an Islamophobe. Nevertheless, one does not have the right to reject men or women because they are Muslims. Racism undermines the very existence of a people, of a man or of a woman, and we should not deviate from that definition otherwise it will weaken the fight against racism. Anti-Muslim racism is a crime. Criticizing Islam, Catholicism, atheist humanism isn’t one. One has the right to be an atheophobe, an Islamophobe, a Cathophobe.”

Henri Peña-Ruiz is one of the main theorists of the "falsified" secularism that was advanced by historian J. Baubérot, it is a misguided conception of the 1905 law which permits the systematic stigmatization of Muslims. In the media, these remarks vigorously reignited the debate surrounding the concept of Islamophobia but they above all recalled the ambiguities of Unbowed France in matters of secularism and anti-racism.

SEPTEMBER 2019

A MUSLIM WOMAN STABBED IN SURY-LE-COMTAL

The assault took place at 6:13 PM on September 11th. Sylvia had just parked in the parking lot of a park in the village, she was with her two daughters (2 and a half and 3 and a half years old). She unfastened her eldest daughter's belt, then took a bag from the trunk, and while she was unfastening her second daughter's belt on the right side of the car, a man approached her. He was in front of me, and he spoke while approaching me - to ask me for information. I smiled at him first, but when I saw his knife, I said "no!" And then he tore off my scarf and started stabbing me. I tried to get away by going under the car's door; so I was on the ground. Again, he punched me in the back. At that moment, a car arrived in the parking lot. The driver, who witnessed part of the scene, saw Sylvia on the ground, and when he got out of his car, the perpetrator fled. Sylvia was able to get back in the car and left to join her husband in the center (two minutes away from the park).

Her husband also testified: “Everything happened very quickly. When I saw her, I was afraid for her. I saw my wife in blood. I saw her arrive without a scarf, in a panic. I understood that something was wrong. Fortunately, the assailant had a small knife, and the injuries were not fatal. But it wasn't scratches, he stabbed her seven times, he plunged the knife seven times.” Following her injuries, the forensic unit gave Sylvia 15 days of temporary incapacity for work.

RIGHT-WING CONVENTION: THE VOICE OF ISLAMOPHOBIA BROADCAST ON LCI WITHOUT ANY INTERRUPTION

On September 28th, 2019, Mr. Éric Zemmour delivered a public speech as part of the “Right-Wing Convention” organized by the supporters of Ms. Marion Maréchal le Pen.

For more than 30 minutes, the management of the LCI television channel chose to keep broadcasting uninterruptedly Mr. Éric Zemmour's speech, which was eventually condemned by the Court of Cassation, on September 17th, 2019, for expressing “opinions that incite discrimination, hatred or violence against a person or a group of people because of their racial background, ethnicity, nationality or religion”.

During his speech, Eric Zemmour declared:

“What progressive people fail to understand is that the future is not determined by the curve of economic growth but by that of demographic growth. It is unending. Africa, which was an empty land of 100 million inhabitants in 1900, will be a land full up to the brim with 2+ billion people in 2050. Europe, which was then a flourishing place with 400 million inhabitants, which was four times more, only now rose to a 500-million population. 1:4, the ratio precisely reversed. At
the time, the dynamism of our continent's demography enabled White people to colonize the world. They exterminated Indians and Aborigines, they enslaved Africans. Today, we are experiencing a demographic reversal, which results in an inversion of migratory flows, which leads to an inversion of colonization. I'll let you guess who their Indians and their slaves will be. It will be you.”

“Now they behave as though they conquered the land, like the pieds noirs behaved in Algeria or the English in India: they behave like colonizers. The big men and their gangs are joining forces alongside the imams to conquer the streets and the minds, by means of the old alliance between the saber and the aspergillum, in other words the Kalashnikov and the djellaba.”

“There is a continuity in the rapes, the thefts, the trafficking, the 2015 attacks as well as the countless knife attacks in the streets of France. They are the same who commit those crimes, they go easily from committing one to committing another one in order to punish the ‘kuffars’, the infidels. It’s jihad everywhere, for all and by all.”

“Therefore, the question that arises for us is this one: will young French people agree to live on as a minority on the land of their ancestors? If so, they deserve to be colonized. If not, they will have to fight for their liberation. But how to fight? Where to fight? What to fight for?”

“Immigration was war, they came from a foreign country to offer their children a French destiny. Today immigrants come to France to continue living as if they were still in their country. They cultivate their history, their heroes, their customs, their first names, their wives whom they bring from over there, their laws which they impose willingly or by force on the native French who must submit or resign, in other words they must live under the domination of Islamic customs and the halal or they must flee.”

“In the streets, veiled women and men in djellaba personify the propaganda, they represent an Islamization of the street and their clothes are the uniforms of an occupying army that remind the vanquished of their submission. The triptych of yesteryear ‘Immigration, Integration, Assimilation’ was replaced by ‘Invasion, Colonization, Occupation’.”

At the end of the investigation, the prosecution decided to refer Éric ZEMMOUR to the Court so that the latter could answer for his actions. The hearing, in which the CCIF was to take part, was scheduled on January 22nd, 2020 but was postponed to May 13th, 2020.

“THE VEIL IS NOT DESIRABLE IN OUR SOCIETY” - STATEMENT OF THE MINISTER OF EDUCATION

Minister of National Education Jean-Michel Blanquer asserted and repeated his opinion about the headscarf. He reckoned that mothers who wear a headscarf had the right to go with their children on a school trip but that their veil was “not desirable”.

That rigid stance is part of a continuity of declarations that match that opinion. During a Public Session that took place before the Senate on April 19th, 2018, the Minister of Education went even further by recommending that school heads ban the veil on school trips. To back his argument, he relied on a false interpretation of the study conducted by the Council of State released on March 19th, 2013. Similarly, in an interview given to the Le Grand Jury program on RTL that aired on December 10th, 2017, Jean- Michel Blanquer, strayed from his duty of neutrality and confidentiality. He indeed gave a personal opinion during the performance of his duty about the subject of mothers that supervise children on school trips, particularly about our fellow citizens, veiled Muslim women. Thus, according to him, those mothers must "normally" not wear a headscarf on school trips.

Without delay, the CCIF seized the “Conseil supérieur de l'audiovisuel” (“Superior Council of the Audiovisual”, CSA), by letter on October 18th, 2019. They replied to the organization that “the words uttered during this public meeting by the interested party (...) were encouraging discriminatory behavior” and indicated that the information they gathered had been transmitted to the Prosecutor’s Office as part of an ongoing investigation.
FCPE poster hijacked: when Muslim women who wear a headscarf are compared to terrorists

The publication of a poster for school trips that featured a woman wearing a headscarf by the “Fédération des conseils de parents d’élèves” (“Fédération of Councils of Parents”, FCPE) has sparked much controversy.

Then Laurent Bouvet - co-founder of Printemps Républicain - member of the “Council of the Sages of Secularism” – picked up a hijacked poster that compares women who wear a headscarf to terrorists.

Minister of Education Jean-Michel Blanquer also lambasted the FCPE’s stance as “a regrettable mistake”.

Camaïeu incident

In 2015, a saleswoman was dismissed by company Camaïeu, because of her wearing a headscarf. After losing at the industrial tribunal, she won before the Toulouse Court of Appeal. According to the former saleswoman, who says she is relieved after going through four years of proceedings, the decision is “a small victory, but a great battle to change attitudes”.

In 2015, after a maternity leave, she returned to work wearing a headscarf. Her superiors immediately asked her to go to the storehouse, where clothes are stored and employees take their break. “As if I had the plague, they definitely thought I shouldn’t be seen by customers,” the saleswoman declared, feeling humiliated. Before the industrial tribunal, the Camaïeu lawyer did not hesitate to establish a connection between the scarf and the context of the terrorist attacks that occurred on French soil, while explaining that the former employee could not represent femininity with her choice of clothing.

The court declared that company Camaïeu was now obliged to compensate her and to recognize that the dismissal was unfair, which partly restored the former employee’s pride: “The most important thing for me was not to get back my job, but to say loud and clear that no one has the right to do what they did. I think this is a step forward for all women, whoever they are. I also fought for my daughters. They have to stop telling us who has the right to wear what.” The Camaïeu company has decided to appeal to the Court of Cassation.

Soumaya film tour

The film Soumaya is based on real-life events related in the CCIF files, it is particularly based on the story of a woman whose home was raided and who was dismissed in December 2015, during the state of emergency. The film was the subject of censorship on March 15th, 2019 at the Grand Rex theater, following pressure exerted by the ultra-right on the Internet. Despite that, the film set off on an official tour between September and December.
2019, with more than 50 screenings, in France, Belgium and Switzerland.

Launch of the CCIF Tour

Since September 2019, the CCIF has been touring the local offices in France. "One month, one city," the CCIF Tour started in Marseille. The CCIF teams successively went to meet members and supporters from Lille, Nantes, Bordeaux, Strasbourg, Montpellier. They will soon be traveling to many other cities through 2020 in order to increase proximity. These general meetings were an opportunity to present the work carried out by our association for more than 15 years, to highlight the actions implemented locally by the local branches and to display the objectives set for the future.

October 2019

October 3rd, 2019: Attack at the Paris police headquarters

October 5th, 2019: Towards preventative measures against radicalization in the police ranks?

Following the deadly attack at the Paris police headquarters on Thursday October 3rd, two police officers that were suspected of radicalization were stripped of their arms and suspended. Investigations for suspected radicalization opened.

What are the signals presented to the general public? "Change in attire and in food consumption, refusal to shake hands with female staff, inward-looking attitude, rejection of authority or reluctance to live as a community..."
Subsequently, other police officers were affected by these so-called preventative measures.

Investigative unit Radiofrance let the public know that one of the officers was suspended because of her radicalization. However, the suspension seems to be linked to the fact that she posted videos on Facebook in favor of Palestine in 2014. Similarly, another police officer was suspended on the basis of denunciations from colleagues without producing any correct material evidence.

**From weak signals to society of vigilance: speeches by the Minister of the Interior and the President of the Republic**

Minister of the Interior Christophe Castaner drew up a list of behavioral signals that make it possible to establish radicalization. Consequently, according to public authorities, sporting a beard, the ostentatious practice of prayer or even a thorough religious practice during the month of Ramadan may constitute signs of dangerousness. For our Collective, not only does this list appear perfectly ineffective considering the promoted objective, but it also provides a particularly wide discriminatory scope. Indeed, these so-called signals describe nothing less than the normal, peaceful religious practice that the entire Muslim community shares, who as result feel like they are being targeted as a whole.

In his speech that paid tribute to the victims of the attack on the police headquarters, and in keeping with his Minister of the Interior, the President of the Republic encouraged our country to build a "society of vigilance" in which it will be necessary "to identify alterations, signs of deviation, these small details that alert on a departure from the laws and values of the Republic, whether at school, at work, in places of worship or around home". All of this while calling everyone to unite against "the hydra of Islamism".

**The University of Cergy-Pontoise distributes a form intended to detect "weak signals of radicalization" among students and teachers**

On October 14th, 2019, the head of the university’s security and prevention of radicalization sent an email to all staff. It contained a form intended to detect “weak signals of radicalization” among students and teachers of the university. As a reminder, this incident exposed to the general public a practice whose origin is traced in the context of the state of emergency of 2015, notably in the government’s guide to preventing radicalization. The guide provided a classification of the signals.

**Verbal assault on a mother who supervised children on a school trip: blatant Islamophobia**

While supervising her son’s class on a school trip to the museum and the Burgundy-Franche-Comté Regional Council, Ms. Fatima E. was violently singled out, chased and subjected to verbal violence within the plenary assembly and in the corridors of the Regional Council because of her wearing a headscarf and her affiliation to Islam.

Mr. Julien Odoul reached the height of sordidness when he tweeted a video of his speech with a caption that established a connection between wearing a headscarf and the attack perpetrated at the Paris police headquarters.

Ms. Fatima E. and the CCIF filed a complaint against Julien Odoul

**The Paris Court of Appeal declares "that Gilles CLAVREUL has committed a civil fault based on defamation... against the CCIF"**

On March 11th, 2016, the CCIF decided to bring a defamation lawsuit against Gilles Clavreul, then inter-ministerial delegate for the fight against racism and anti-Semitism. The comments below posed an issue, they were published on December 13th, 2015 on Gilles Clavreul’s personal Facebook and Twitter accounts:

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Rattrapage : compte tenu de l'immédiateté du second tour, je me suis abstenu de parler de l'offensive anti-republicaine menée par Tariq Ramadan, le Parti des Indigènes et un certain nombre de collectifs anti-démocratiques, racistes et antisémites vendredi soir à Saint-Denis, avec le concours ou le bivouaquin de certaines organisations d'extrême-gauche et syndicats professionnels qui ne brillent pas, c'est le moins qu'on puisse dire, par leur discours et leur objectivité face aux périls qui menacent notre société, qui s'aggrave, depuis bien longtemps, des questions de sécurité, de laïcité, de respect des lois de la République, et plus récemment de leur curieuse interprétation des attaques terroristes comme étant le produit, non pas, d'une idéologie totalexiste, mais de la seule faute, à les entendre, de l'engagement de la France pour défendre les populations opprimées et massacrees par l'islamisme terroriste.

L'une des leçons du scrutin de ce soir est que ce discours n'a aucun débouché politique. La réalité de terrain est bien moins rationnelle, car le discours victimaire qui est un discours d'entorse et de régression, progresser. Il ne faut plus laisser un pouce de terrain, ni dans les politiques, ni sur les réseaux sociaux, ni surtout dans les territoires, à cette phraséologie régressive. Son seul débouché politique, c'est la progression de l'extrême-droite.

"Catching up: given the impending second ballot, I refrained from speaking of the anti-republican offensive led by Tariq Ramadan, the Party of the Indigenous and a number of anti-democratic, racist and anti-Semitic groups on Friday evening in Saint-Denis, with the help of or the support of certain far-left organizations and professional unions that do not excel, to say the least, at being subtle and objective in the face of the dangers that threaten our society. For a long time, those have been issues of safety, secularism, respect for the laws of the Republic, and more recently, they have given a curious interpretation of terrorist attacks as being the product, not of a totalitarian ideology, but according to them, of France's commitment to defend the populations oppressed and massacred by terrorist Islamism."

"Under the guise of denouncing an alleged attack on fundamental freedoms, which are protected by the government, under the double control of parliament and independent magistrates, under the guise of perverted anti-racism, this offensive aims only to legitimize Islamism, to defend fundamentalist preachers and to trap the youths of the "banlieues" into an inescapable form of radicalism. Xenophobia, discrimination, rejection of which young French people are victims in the working-class neighborhoods are too serious a subject, far too serious, to allow this pernicious manipulation to take place. Their goal is clear: to elevate the far right, to make the Republicans feel guilty and to lock up the youths of working-class neighborhoods into culturally opposing their own country."

"One of the lessons learned from the election of this evening is that this speech has no political outlet. The reality on the ground is unfortunately less reassuring, because the victimizing discourse, which is a regressive and inward-looking discourse, is progressing. We must no longer leave an inch of space, neither in political parties, nor on social media, nor especially in the territories, to this regressive phrasology. Its only political outcome is the progression of the far right."

Questioned on this statement by the journalist Widad Ketfi, Gilles Clavreul adamantly persisted. He said the CCIF is an anti-democratic, racist and anti-Semitic collective.

The trial for defamation was held on October 12th, 2018. During the trial, the prosecutor agreed with the CCIF and accepted the existence of defamation. However, on December 20th, 2018, the court reached a decision which stipulated that there had been no defamation on the part of Gilles Clavreul because it seemed that he did not attribute any specific point to the CCIF.

The other side was supported by people like Emmanuel Debono, Marc Knobel and Pascal Bruckner. As a matter of fact, the latter spoke again at length during his hearing on the term "Islamophobia", saying that the term was "a weapon of massive intimidation to prevent any criticism of Islam". Yet, the CCIF, through its fight against Islamophobia, combats discrimination against Muslim people or people perceived as Muslim.

The CCIF decided to appeal the decision.

By judgment of October 23rd, 2019, the Paris Court of Appeal (pole 2 - room 7) declared "that Gilles CLAVREUL, [had] committed a civil fault based on defamation... against the CCIF".
The Paris Court of Appeal also decided that the civil fault committed by Mr. CLAVREUL was tied to his duty, and thereby advised the CCIF to "seize the administrative court to obtain possible compensation in order to repair the damage they suffered".

**Appointment of Zemmour – Cnews**

On October 14th, 2019, despite the firm condemnation of his Eric Zemmour’s speech at the Right-Wing Convention, he still enjoyed a platform in the Face à l'Info show on TV channel CNews, on which he has been speaking as a "polemicist".

**Introduction of a bill on October 15th, 2019 to prohibit burkini-like clothing in public swimming pools open to the public and to prohibit applying any discrimination between sexes to opening hours’ schedules**

Excerpts:

“In the past, immigrants who came to France did their best to integrate into our society. Today, certain migratory flows lead to radically different behaviors. The people concerned create community-based groups that reject our lifestyle and that may even aim to impose their habits and customs on us. It is therefore regrettable that under the guise of an extravagant conception of individual freedoms, politicians should endorse such attitudes.”

“Therefore, the present bill aims:

- on the one hand, to prohibit public or private swimming pools intended for a collective use from applying any discrimination linked to the sex of the bathers to the scheduling of opening hours.

- on the other hand, to prohibit wearing a burkini or similar clothing for people who bathe in a public or private swimming pool intended for collective use.”

**Bill introduced on October 18th, 2019 aims to react against the community-based practices, such as wearing an Islamic veil in the assemblies of the local authorities and among the people who supervise young schoolchildren on school trips**

Excerpts:

“In the past, immigrants who came to France wanted to integrate into our society. Today, migratory flows are different and lead to community-based groups that reject our lifestyle.

Immigrants and descendants of immigrants must not impose their customs on us. On the contrary, if the interested parties come to our country, they must adapt to our lifestyle and to the rules of our society. This is what the author of this bill once again pointed out during the question session at the Senate on October 16th, 2019.

That is why we must congratulate the elected representative of the region of Burgundy-Franche-Comté who protested at a meeting of the Regional Council against the presence of a veiled woman who supervised young schoolchildren in the stands of the audience. This elected official had the merit of pointing out important gaps in our legislation and in the jurisprudence of the Council of State.”

**28 October 2019: Terrorist attack at mosque in Bayonne**

On October 28th, 2019, the terrorist attack on the mosque of Bayonne was carried out by a former National Front candidate (now National Rally). The suspect attempted to burn down the mosque and shot two men who were seriously injured.
29 October 2019: Senate votes for ban on religious symbols for parents who supervise children on school trips

On Tuesday, October 29th, 2019, after first reading, the Senate, which is supported by a right-wing majority, adopted by 163 affirmative votes to 114 adverse votes a bill proposed by Les Républicains that aimed to prohibit parents who supervise children on school trips from wearing conspicuous religious symbols.

During the debates, the unregistered senator Jean-Louis Masson, who required that “the problem of the Muslim community that isolates itself be tackled in its entirety” while raising the issue of immigration, compared Muslim mothers who wear a headscarf and supervise children on school trips to “Halloween witches.”
8 November 2019: Bill to ensure respect for the values of the Republic in the face of community-based threats

Excerpts:

“Firstly, the bill here thus aims for the legislation to clearly state that political parties and groups are required to respect these principles, both for their funding and for electoral matters as well as for the performance of their elective mandate. In the context of electoral campaigns, this requirement would result in prohibiting any clear or veiled hint of a discourse that is contrary to the principles of national sovereignty, democracy or secularism as well as any discourse that supports a section of the population's claims that are based on ethnicity or religious affiliation. These are serious behaviors because such claims indicate the candidates' intention to grant or to deny rights based on these considerations.

Therefore, the objective of the authors of the bill here is not to prohibit a candidate, if he feels the need, from mentioning his ethnic background or his possible religious affiliation, because mentioning this does not basically constitute a discourse that is contrary to the principles of national sovereignty, democracy or secularism. The ban concerns the contestation of our fundamental values and, ultimately, the stated intention of applying for elected office with the aim of damaging the uniformity of the Republic. Lists or candidates that were to disregard this requirement may lose all rights to public funding, have their election posters removed and could be merely excluded from the election.

(...) Article 1 rules out any candidate for the legislative elections who openly waged a community-based campaign, made statements that are contrary to the principles of national sovereignty, democracy or secularism in order to support a section of the population's claims that are based on ethnic background or religious affiliation. The party or political group that nominated the candidate will not be allocated any funding.

Article 2 prohibits filing, for elections using the list system, any list whose title declares even implicitly that they intend to contravene the principles of national sovereignty, democracy or secularism in order to support a section of the population's claims based on ethnic background or religious affiliation.

Article 3 is supplementary to the previous one: it prohibits electoral propaganda from serving such abuses, for instance during meetings or on posters or professions of faith of candidates. It would indeed be pointless to ban such abuses in the title of a list if they could then be yelled with impunity during the campaign. It is noteworthy that this article applies to all elections, whether or not they use the list system, because it is obvious that the respect for the values of the Republic by the candidates cannot depend on the voting system. In order to reinforce the effectiveness of the prohibitions that are issued, this same article 3, on the one hand, invests the prefect with the mission to have posters removed when they contain statements (or images) that are contrary to the principles of national sovereignty, democracy or secularism and that intend to support a section of the population's claims based on ethnic background or religious affiliation. And, on the other hand, the article provides the possibility for the judge, if referred to immediately by the prefect, to exclude a candidate who, during the campaign, has evidently contravened the principles of national sovereignty, democracy or secularism in order to support a section of the population's claims based on ethnicity or religious affiliation. Article 4 inscribes on the charter of the local elected representative the obligation to respect the values of the Republic, including the principle of secularism.”

November 10th: great national march "STOP Islamophobia"

On Sunday, November 10th, 2019, the CCIF was there alongside civil, political figures and associations to shout together:

- STOP racism from filling our screens all day long, with a general indifference and the complicit silence of the state institutions in charge of fighting racism.

- STOP discrimination against women who wear a headscarf, causing their gradual ostracization from all spheres of society.

- STOP violence and assaults on Muslims who find themselves progressively dehumanized and stigmatized, describing them as potential terrorists or domestic enemies.

- STOP these regimes for mass surveillance that lead to the outright criminalization of religious practice: the consequences are disastrous, especially for dismissed employees and distressed families, and they can no longer be tolerated. This criminalization comes at the expense of fundamental freedoms and the most basic principles of equality that are supposed to guide our country.
10 NOVEMBER MARCH: CCIF’S SPEECH

Many considered the march to be historic. Many of us today think so. Many of us believe this. But for it to be truly historic, we will have to take several steps together.

FIRST STEP: EMOTION.

We are here today because we are human and we are moved. We are here, Muslims, Jews, Christians, atheists, agnostics, believers, unbelievers, because we could not remain insensitive to the tears of this child who did not understand why his mother was being singled out. She immediately became, in a climate of Islamophobia, the symbol of hope and love that we want to give our children.

We are here because the two men who were seriously injured in the Bayonne supremacist attack represent France. They represent the reconstruction of France. They are part of the Great History of our country. They represent the "chibans" who always awoke early in the morning to prove that one can be a Muslim and live in peace in France. They awoke early to open the mosques at dawn, and they were confident about the future of their children and grandchildren. But over the decades, a lot has happened, and the very idea of freedom of conscience has considerably been confused. That is what moves us, and it creates in us much energy which we must try to channel.

SECOND STEP: AWAKENING

These shots alerted the Nation. They awoke a large part of our compatriots from the sleep that afflicted them. This sleep, induced by the media, had successfully implemented the idea that Muslims constituted a separate community within the country. And that it was therefore necessary to give them a specific treatment. And when these Muslims rallied to defend themselves, they were accused of being Islamists who desired to enforce sharia law in France. Islamophobia rose at the same time as those who began fighting against it; just like it has been intensely observable from those who desire to impede this march.

This march is not a historic march yet. It will take a real awakening for it to become one. We can rarely observe a historic change taking place. Sometimes it will take decades for historians to attest to upheavals like the ones we are going through. How to escape this paradox of history?

You have to open your eyes. And refuse to be only moved by the breaking news reported in the media. We must pay attention to the associations and organizations which, in the shadows, identify the attacks on freedom in our country. We must listen to the victims and stop discrediting them behind the argument of "victimization". That is how we will contribute, serenely and continually, to the awakening, and how we take action.

THIRD STEP: ACTION

Action takes courage. We have seen many stutter, hesitate, play on words, and hide behind strange arguments for not being here today.

On the other hand, we saw people who were dismissed or sacrificed because of the political stakes of this march. But what was blamed on these associations, on these figures, on these parties, that was not blamed on us and on many others who are here? To these absentees who had to be erased from this column, we show them our consideration and we testify before everyone to their adherence to the objective of this march: to sincerely rebuff the attacks on the freedom of conscience and to refuse that our country deviates from democratic values.

It is time for national unity. We call you all to unify. Despite our historical differences, let us make this march a gigantic work meeting that respects everyone’s views. The enemies of freedom fear only one thing: that we express unity and solidarity. It is now, or maybe never.

And the historians who will succeed us, those, who today are our young children, will say in 2050 or at the end of the century that they took part in this march. They will remember that on November 10th, 2019 a historic march took place against Islamophobia and that it has started a national movement which says: “stop, never again;” and that it has resulted in concrete legal, social, political and cultural actions.

Never again. Never again will we target people for their religious beliefs. We learned history. We will make new history.

DISCRIMINATION: IN ORLÉANS, A DRIVING SCHOOL MANAGER SUED FOR BANNING WEARING A HEADSCARF

On October 31st, 2019, one of the managers of an Orléans driving school appeared before the criminal court for introducing, in 2017, in their regulations the prohibition of "headgear" inside their cars and buildings. Two young Muslim women had filed a complaint with the CCIF’s support, the organization indeed took part in the trial. Despite the mediation set up by the CCIF, the manager persisted in her stance towards excluding women who wear a headscarf.

The Prosecutor of the Republic considered that these regulations specifically targeted Muslim women who wear a headscarf.
On November 28th, 2019, the driving school and its manager were sentenced for discrimination on the grounds of religion, refusal to offer a service in or to grant access to a place that receives the public. The manager decided to appeal the decision.

DECEMBER 2019

SENTENCED FOR VIOLENCE COMMITTED BECAUSE OF KNOWN OR SUPPOSED AFFILIATION TO ISLAM

In August 2018, Alice P., who wears a headscarf, was violently assaulted verbally and physically by a couple. She filed a complaint and the CCIF took legal action. In December 2020, the aggravating factor was confirmed, the couple was sentenced to pay €2,000 in compensation for bodily injury and €2,000 in compensation for moral damage.

CHRISTINE TASIN ON TRIAL FOR GLORIFICATION OF TERRORISM - CLOSING STATEMENT 4 MONTHS OF JAIL.

On June 20th, 2017, Christine Tasin, editor-in-chief of the “Résistance Républicaine” website, authored a publication that portrayed in a favorable light and praised the criminal act committed by Darren OSBORNE against a mosque in LONDON on JUNE 18th, 2017, which was described as a terrorist attack. Chiefly, she wrote in an article "LONDON Mosque attack: Did Darren OSBORNE kick off the ‘Reconquista’ published on the Résistance République website?". She further declared that taking action “is excusable” and that “in France this kind of action was inevitable in the short or long term because it is human”; the attacker being labeled as a “sweet Westerner who is trying to sound the alarm”. She concluded: “So, yes, it may well be that the day of June 18th, 2017 is a reminder of June 18th, 1940, which almost no one heard and knew at the time that it was the beginning of the Reconquista. They asked for it. Not us. But it will inevitably take place, and the name of Darren OSBORNE may well be associated with that of Charles Martel.”

At her hearing, Christine Tasin’s defense consisted of mentioning freedom of expression, she further declared that she understood the terrorist act but did not approve of it. However, in the article, Christine Tasin considered that the Muslim presence in France is an invasion. Therefore, mosques, women who wear a headscarf, and so on, must disappear completely from our country. That way, she praised terrorism. Consequently, the Prosecutor considered that the accusation was supported and he requested that Christine Tasin be given a 6-month sentence (including 4 months in jail) and a €5,000 fine.

On February 4th, 2020, the court sentenced Christine Tasin for condoning terrorism while stressing that she harbored a feeling of hostility towards Muslims.

MOHAMED ALASHARM ON HUNGER STRIKE AND UNDER HOUSE ARREST FOR MORE THAN 4 YEARS - IMPETUS TO RALLY

Mohamed Alasharm on hunger strike and under house arrest for more than 4 years - impetus to rally

Letter

Wednesday, 18 December 2019

"Today, I am starting my 30th day of hunger strike, I have been hospitalized for 3 days now. This was my 4th hospitalization since the start of this strike, because yes, I suffer from headaches, daily dizziness, back pain and so on.

I feel very weak and tired, to such an extent that I have lost 41 pounds in 30 days. My initial weight was 171 pounds, today I weigh 130 pounds. Despite everything, I will continue this strike against the premeditated, strange and intolerable injustice from which I have suffered for more than 4 years.

In the country of rights and freedoms, I was put under house arrest without evidence, without a fair trial, without any justice. I also want to express my gratitude to the free press of this country that covered the start of my hunger strike but suddenly ceased. Today after 30 days, I feel like I am living in a mysterious world.

I sometimes wonder: ‘but where has humanitarian conscience gone?’ As it has been absent for years as far as I am concerned. Despite this long wait, despite the fact that my case has taken a political turn, I am still waiting for a fair and equitable trial so that the truth..."
may come to light, in the country that welcomed me and whose motto is Liberty, Equality, Fraternity.”

Mohammed ALASHRAM
Looking back on a revealing year

As a legal service, our advisory work brings us to be among the first witnesses to Islamophobia. This first-hand experience was gained through daily efforts and galvanized us into developing a broad and increasingly piercing look into the different traits of the face of Islamophobia, and is now accustomed to them. This same look allows us to offer an analysis of the phenomenon of hate, of which we can identify the founding causes as well as the inevitable consequences. As our figures show, 2019 is a continuation of the ending decade: Islamophobia keeps prevailing and does not fall back. Moreover, the year was marked by incidents that reveal new facets of the discrimination against which we are fighting. This singularity demanded a clear and accessible look back at the state of affairs.

The institutional architecture of Islamophobic racism

It appears indubitable that Islamophobia cannot be understood as a simply punctual form of racism whose only causes are ignorance and feelings. This form of racism cannot be isolated and singled out and attributed to emotional causes. Not only is it a misinterpretation of its conception, but it is also a minimization of its impact, which in turn better denies it. Islamophobia owes its origin and form to other reasons. The strength of a building relies on the solidity and depth of its foundations. Therefore, attributing the scope and persistence of Islamophobic racism only to mere hateful emotiveness is false. In fact, the constant efforts of political and media institutions constitute the principal foundation that needs studying and analyzing.

At first glance, media institutions may appear very composite. However, when the focus is placed on the treatment of Muslim citizens, a common line seems to pursue. If some news outlets try to maintain an impartial stance, the majority of opinions entertain suspicion and calumny. This year was marked by the re-emergence of the fantasized theory of “new Muslim anti-Semitism”, according to which a direct connection could be established between feelings of hate towards Jews and the practice of Islam. Also, an alleged form of Muslim misogyny will prompt the media to chastise a Muslim bus driver, wrongly accused of refusing to let two women get on his bus for their wearing a skirt. The media no longer ponder: they always assume the worst, favoring fantasy over rigorous demonstration. Sentiments as serious as anti-Semitism or misogyny cannot be imagined: they have to be evidenced. Nothing warranted the existence of a “typical” form of Muslim anti-Semitism, nothing assumed that the driver had a misogynistic behavior; however, this void did not prevent those theories from being displayed publicly, which strengthened much prejudice that is already deeply rooted in the collective culture, while it is already well known that most of the public considers the practice of Islam as incompatible with the values of French society.\footnote{IFOP Survey, October 2019.}

Nevertheless, in the media, the major event that occurred this year is another one. It happened at the start of the school year in September, when the media announced the guidelines to be followed through the year. During a speech at the Right-Wing Convention broadcasted live on the LCI television channel, Éric Zemmour sought to demonstrate that Muslims were colonizing France and Muslim beliefs displayed serious intolerance, even more so than Nazism. He suffered from no censorship and did not face any serious opponent. However, he spoke on a TV channel that enjoys a large viewership, which can only further help establish the national reach of the alarming and stigmatizing discourse of a man who had already been convicted.\footnote{Mr. Zemmour was sentenced on September 17th, 2019 for incitement to hatred.}

By political institutions, we actually mean the state and the various bodies of legislative, executive and judicial powers. The state makes and sanctions the law. In here too, when issues concern Muslim citizens, a clear line is drawn. Even if ideologically opposing parties succeed one another in government, little change occurs: a right-wing government voted the restrictive laws against the headscarf in public education (this year, two researchers at Stanford University demonstrated the serious consequences of those laws) and the niqab, whereas a left-wing government authorized the indiscriminate and massive staging of police raids. The legislative work produced to prevent Muslims from displaying their religious practice continues from one mandate to the other, and undisturbedly follows its course. This year again, restrictive bills were brought forward in June and October, they sought to prohibit mothers who supervise children on school trips from wearing a headscarf as well as in the local authorities’ buildings, they also sought to prohibit burkini clothing in municipal swimming pools. The measures introduced by the state of emergency are now common and were institutionalized, which spurred some unjustified and drastic administrative measures, prompting victims to carry out desperate actions. For instance, that was the case of Mohamed Alashram, a Palestinian political refugee who has been unfairly placed under house arrest for 4 years now, he eventually went on a hunger strike to try to assert his fundamental rights. The public institutions’ agents are given new means that are both legal and discriminatory. In that sense, we must
apprehend the harsh, almost belligerent and yet unnoticed address to the prefects by the Minister of the Interior on November 28th, 2019.

The state does not only express itself through the exercise of its sovereign powers. The holders of the most influential state functions express themselves too, seeking to convey their own political views. We do not criticize the expression of those views: we criticize their regrettable content, whose discriminatory scope is absolutely excessive. The Minister of Education said that wearing a headscarf was not a desirable prospect in society, further marginalizing Muslim women who wear a headscarf. However, the harshest words were not his. The President and his Minister of the Interior delivered a speech in October, and both speeches terrified us. October 8th, 2019, Emmanuel Macron founded the new “society of vigilance”, the objective of which is to sanction anyone who “steps away from the values of the Republic”. Even beyond rightly wondering what is the true content of these values, that are indeed relentlessly highlighted but never described, it is the criteria establishing the “stepping away” that must be denounced: the infamous “weak signals”. Praying, reading the Koran, sporting a beard or wearing a headscarf, being observant during the month of Ramadan, not shaking hands with a woman or a man all constitute peaceful and common practices among Muslim citizens. Nonetheless, they are now perceived as deviant and punishable behaviors. Authorities need only notice them and then write them on the famous “white notes”[13, 14], which are not accessible nor contestable by the accused, thus disregarding the adversarial principle that normally guarantees the defendant’s rights. A citizen’s simple behavior that originates in their religious identity becomes a criminal offense. We must firmly recall this here: “radicalization”, which should designate a non-religious ultra-violent ideology, is in reality identified through the normal practice of Islam. By applying these fallacious criteria, to be radicalized would simply mean being a Muslim.

Everything that we have just described are both discursive and normative elements: they proceed from the media and the political institutions. It is because they constitute the foundations of Islamophobia that we definitively establish that this form of racism is institutional.

**The rise of a new culture**

It is about understanding the attempts of a new secular culture which is particularly intrusive and curtails freedoms. The religious practice must be suppressed, extinguished, we would even say “veiled” if we wanted to have a sour laugh... Will a Muslim life have to be a discreet one?

Of course, this oppressive atmosphere of doubt and suspicion has already paved the way for violent far-right groups. Instructive documentary “Generation Hate” has finally shed light on the dangers of that ideology. The Minister of the Interior consequently acknowledged that a serious danger existed, yet he did not propose any real concrete solutions[15]. Besides, we can only regret that it took a foreign media to raise awareness of a French societal issue.

The institutions are causing a section of the population to feel anguish and, as a result, they ready them to follow a path traced by these same institutions: if people wish to feel safe and serene, they must denounce indiscriminately. The society of vigilance is a society of denunciation, a common practice shared by all and for the fantasized benefit of all. This new denunciatory movement, which we have already been observing for long, constitutes the new culture of intrusion and displays a new trait of the face of Islamophobia.

**Ordinary hate**

This culture is a fundamentally common, shared culture. It is rooted in the daily life of an entire country: it is part of the order of the new society of vigilance that ostracizes. The society of vigilance influences all circles: it pressures a large company into quitting selling a hijab running, it suspects any veiled student of cheating, it refuses access to a city council, to a flea market or to a wellness salon. Even the most trivial situations are potential sources of discrimination. If tomorrow Muslim citizens had to isolate themselves, it would not be because they reject “republican values”. It is primarily because they would want to protect their own freedom and dignity.

This year’s major event did not occur in France, but it is nonetheless relevant for our fight and for our analysis. Obviously, it was the terrorist attack that took place in Christchurch, New Zealand on March 15th, 2019. This deadly tragedy clearly epitomized the extreme violence that can be triggered by the sentiment of hatred against Islam and its believers, as much as it highlighted its now global character. Far from being limited to a state or a region of the world, Islamophobia is indeed an issue that interconnects Europe, the United States, India, Burma or even China. Everywhere, Islamophobia follows the same pattern: it is established by the institutions and...

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[13] These are documents pertaining to intelligence services, they don’t have any header, date, reference or signature. They’re intended to protect the confidentiality of sources; anonymity also prevents anyone from taking responsibility for the claims made in these notes. Recent practice has also shown that these white notes sometimes contain mistakes, such as references to sentences that have not been pronounced, or to actions that are materially impossible.

[14] 9 May 2019 hearing as part of the Commission of Inquiry on the fight against far-right groups in France.
carried by a worried, suspicious culture of exclusion. Only the degree of brutality varies.

As a reminder for French Muslim citizens, international Islamophobia also draws inspiration from the work of French intellectuals. The killer from New Zealand indeed cited the hateful and vindictive theories of figures like Camus, Zemmour or Finkielkraut to justify his iniquitous act. Of course, the killer gave great credit to Camus’s infamous theory of the “great replacement”, according to which the native European populations are about to be “replaced” by a population of immigrant descent, that comprises both defiant and barbaric individuals.

Unsurprisingly, the attack will provoke dishonorable reactions: “minimize” and “underestimate” are the watchwords of French institutions, which are very reluctant to recognize the increasingly aggressive and brutal reality of anti-Muslim racism.

While Christchurch produced contrasting reactions, the Brest terrorist attack produced little reaction.

**The Structure and Aim of Our Fight**

In the face of this growing and organized danger, the CCIF must respond by devising as much of a structure for the organization. It is necessary to establish strong connections with some serious and useful institutions such as the Defender of Rights, who enables to uphold the law that protects our freedoms and our good reputation. The CCIF fights in the judicial field and uses the law as a means to maintain religious freedom, freedom of conscience, inclusive secularism and equality between non-Muslim citizens and Muslim citizens. Our relentless work helped to have the discriminatory nature recognized concerning the dismissal of an employee by a large company after she came to work wearing headscarf. It also helped have many Islamophobes sentenced for physical and verbal assault. The CCIF fights tirelessly to put an end to mass filing. We provide a media outlet with as many articles and analyses as possible. We propose cultural creations like the film Soumaya, to oppose this new culture of exclusion and we challenge prejudice. But our work remains insufficient: our actions are by nature delayed, since they are often taken after the discrimination occurred. We are fully aware that prevention is better than cure. There is an urgency to establish a global and effective synergy to prevent the fight against Islamophobia from becoming our jar of the Danaids.
Part 2

Statistics – Analysis
CCIF’s figures, and their meaning

(1) A new and unique database

In 2019, the CCIF updated its system to record occurrences in Islamophobia. In order to obtain the most acute view possible of the issue of Islamophobia, information had to be gathered about the facts, the victims’ profiles and the CCIF’s action. Thanks to implementing an innovative IT tool within anti-racism organizations and to CCIF volunteers and employees that put in delicate work into welcoming victims, it was possible to collect an unprecedented set of data and use it as a basis for a more detailed analysis of Islamophobic incidents recorded by the CCIF. But just like the figures delivered by the Ministry of the Interior, the Islamophobic incidents that get reported to the CCIF are only a small part of what actually occurs on French soil. Between the incident and the moment that institutions take over the case, there is a whole series of social factors (fear of retaliation, lack of confidence in institutions, unawareness of one’s rights and of anti-racism associations, etc.) which favor or hinder either filing a complaint or making contact with the CCIF. Among these factors, the scope of the CCIF’s activity should be noted as well. When a local office exists or shuts down, the probability that an Islamophobic incident would be reported is respectively increased or reduced. Just like the Ministry's statistics indicate the police activity, the CCIF's indicate its scope across the country, the people’s knowledge of its existence and the resources available to help the victims.

In 2019, the Ministry of the Interior recorded 154 anti-Muslim occurrences, whose breakdown details that 63 “actions” (harm caused to people and property: damage, theft, physical violence, etc.) and 91 “threats” (verbal threats, threatening gestures, written statements, leaflets, letters, etc.). Those figures are significantly lower than those of the CCIF, knowing that not all Islamophobic incidents reported to the CCIF necessarily bring a complaint or are sent to the Public Prosecutor. Thus, in 2019, the CCIF recorded 1,532 files of various types: 941 reports, 516 requests for information, 15 testimonies and 60 other files. Those reports correspond to situations that the CCIF considers to be Islamophobic, that is to say that make up a verbal and/or physical assault on a natural person or a legal entity on the grounds of their known or supposed affiliation to Islam. Among the 941 reports, 789 have one or more facts that occurred throughout 2019, which corresponds to 1043 Islamophobic facts (damage, violence, slurs, discrimination, etc.). Therefore, all of that information makes up the whole of this report, unlike the CCIF’s former practice.

Indeed, so far, the CCIF had counted reports that were filed over one year, regardless of the date of the events. For instance, an Islamophobic slur that took place in December 2017 and was filed in January 2018 was counted in the reports filed in 2018. Based on the date of the events, and not on the date that the report was filed, the CCIF aligns its counting method along the public authorities' counting method as available in the annual report of the National Consultative Commission on Human Rights. The downside of this change is that it makes it difficult to compare CCIF statistics over time, but the CCIF chose to do so in order for the data to better mirror the reality of a year of Islamophobic incidents.

(2) Islamophobic incidents reported to the CCIF in 2019

2.1) Characteristics

The 789 reports correspond to 1043 facts, some of which can be combined in a single report (for example discrimination can be associated with a slur); acts of discrimination (618), slurs (111), incitement to racial hatred (99), defamation (93), physical violence (68), damage or desecration (22) and incidents related to the fight against terrorism (32). We can thus see that the overwhelming majority of the reported facts correspond to Islamophobic discrimination (59.3%), that is to say any distinction made between natural persons on the basis of their known or supposed affiliation to the Muslim religion. The discrimination occurs in a wide variety of situations (access to a sports club, to a job, etc.). 369 acts of discrimination occurred within the context of a public service and 197 within the context of a private enterprise. Therefore, public services, as in previous years, are one of the main areas where Islamophobic incidents take place. Among the discrimination occurring in a public service, the field of education (primary, secondary and higher) especially prevails (48.3%).

<table>
<thead>
<tr>
<th>Type de faits signalés en 2019 (non exclusif)</th>
<th>Nombre</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discrimination</td>
<td>618</td>
<td>59.3</td>
</tr>
<tr>
<td>Intimidation &amp; discrimination</td>
<td>151</td>
<td>14.5</td>
</tr>
<tr>
<td>Provocation, invitation à la haine raciale</td>
<td>99</td>
<td>9.6</td>
</tr>
<tr>
<td>Violence</td>
<td>68</td>
<td>6.5</td>
</tr>
<tr>
<td>Total</td>
<td>1043</td>
<td>100.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Discrimination dans un service public</th>
<th>Nombre</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auvergne</td>
<td>59</td>
<td>18.1</td>
</tr>
<tr>
<td>Enseignement primaire</td>
<td>64</td>
<td>19.8</td>
</tr>
<tr>
<td>Enseignement secondaire</td>
<td>90</td>
<td>28.9</td>
</tr>
<tr>
<td>Enseignement supérieur</td>
<td>35</td>
<td>11.7</td>
</tr>
<tr>
<td>Main</td>
<td>33</td>
<td>11.1</td>
</tr>
<tr>
<td>Police ou gendarmerie</td>
<td>29</td>
<td>9.7</td>
</tr>
<tr>
<td>Transports</td>
<td>25</td>
<td>8.4</td>
</tr>
<tr>
<td>Licences</td>
<td>22</td>
<td>7.4</td>
</tr>
<tr>
<td>Services civils</td>
<td>22</td>
<td>7.4</td>
</tr>
<tr>
<td>Préfecture</td>
<td>27</td>
<td>9.1</td>
</tr>
<tr>
<td>Services sociaux</td>
<td>53</td>
<td>16.8</td>
</tr>
<tr>
<td>Total</td>
<td>359</td>
<td>129.8</td>
</tr>
</tbody>
</table>
Incitement to racial hatred, defamation and slurs (303 in total), in other words anti-Muslim hate speech, correspond to the second type of facts most reported to the CCIF in 2019. The 99 occurrences of incitement to racial hatred and the 93 occurrences of defamation are partly observable on the Internet and social media, which are a powerful vehicle of hate speech.

As for slurs, they were mainly cast orally (81 out of 111, or 93%) in the context of a face-to-face confrontation and they entirely show the symbolic violence suffered by victims of Islamophobia. The verbatim slurs show the intellectual confusion between, on the one hand, wearing a hijab or sporting a beard and, on the other one, the political violence with Islamic references. The amalgamation "Islam = terrorism" is a racist way of thinking that is at the heart of Islamophobic discourse. In addition, the verbatim slurs illustrate the overlap of Islamophobia with anti-Arab racism. Indeed, the textual elements of the slurs contain both terms referring to the Muslim religion and to being affiliated to the Arab or North-African community.

Islamophobic attacks or the harm caused to property and people (90 in total), in other words anti-Muslim hate crimes, correspond to the third type of incidents that are most reported to the CCIF in 2019. Among the 22 occurrences of damage and desecration reported, there are damaged vehicles (notably punctured tires), racist graffiti on the walls of mosques (built or under construction), cases in which chunks of pork were put in front of a Muslim place of worship, etc.

As for the 68 acts of physical violence, they are essentially assaults perpetrated by anonymous people who attack people who are assumed to be Muslims, including 25 cases with bare hands, 5 cases with a knife and 1 case with a firearm. 10 victims received an incapacity for work of less than 8 days, and 7 victims received one of 8 days or more.

(3) A CHRONICLE OF ORDINARY ISLAMOPHobic VIOLENCE

On May 7th, 2019, around 6 PM, the plaintiff went for a walk with her young children in a forest of the Paris region. They met an elderly lady accompanied by a dog who was very aggressive and barked at the children. The plaintiff asked the lady to leash the dog, which she refused to do. The plaintiff then realized that there was a problem and began recording. The accused lady hit the plaintiff in order to take away her cell phone. The plaintiff was afraid of losing her piece of evidence and did everything she could to get it back. The dog remained aggressive. The defendant called her a “dirty Arab”, and told her “go back to your country”, “you are Islamists”, “you are violent”.

“My husband (the victim) and I were shopping [March 2nd, 2019], when someone stopped in the middle of the alley and stared at us. We didn’t really care, as we are ‘used to’ being stared at. We carried on and this person followed us and stared at us insistently. The person stopped and made racist and Islamophobic comments. Asking us to leave France because we were a shame for this country. He carried on declaring that we were Islamists and that what we were doing was broadcasted on TV, that soon the revolution was going to start and the weapons were going to be made available to kill us. We did not understand those comments, and a client who witnessed the whole scene asked the person to calm down because we had done nothing. My husband asked the person for an explanation, asking him to look the other way and leave us alone. At that moment, he brandished a pair of scissors and threatened my husband to hurt him in order to show him what he was doing to ‘people like us’. Customers tried to intervene in order to stop this man before it escalated. But then, the man took the opportunity to jump and stabbed my husband in the neck. (...) To this day, I am afraid to go shopping by myself. I do not feel safe and we strongly condemn this act and formally refuse to let it become normal”.

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On April 5th, 2019, the plaintiff, who was wearing a headscarf, was in the parking lot of a supermarket, near her car, when a group of 3 people (2 women, 1 man) assaulted her. Two individuals of the group physically and verbally assaulted her with blows delivered to her face and her vehicle was also kicked, which resulted in the destruction of her rear view mirror. The victim was by herself, she received comments such as “remove your scarf” “go back to your country” “get away, get away”. She tried to find refuge in her vehicle.

Finally, the application of anti-terrorist legislation constitutes the last sort of incidents. Among the 32 cases, there were 16 cases of people appointed with an S card, 5 cases of people summoned by the intelligence services, a case of criminal association in relation to a terrorist enterprise, a case of ban on leaving the country, a mosque that was shut down and two cases of police raids. These cases related to “state security” are discussed in detail in Part 3.

2.2) Reports by period

When looking at the fluctuation in the occurrence in Islamophobic incidents in 2019, there are clear differences from month to month. Again, these fluctuations do not correspond to all Islamophobic incidents in France but only to those which have been reported to the CCIF. Only some months exceed the monthly average of 87 Islamophobic facts: March (123), September (88) and October (168). The two most
significant peaks occurred in March and October 2019, to such an extent that these months amounted to one third of all incidents of the year (27.9%). All the facts experienced an increase in March and October, just as, at the same moment, several national or local controversies made headlines in the media or broke out on the legal scene.

In October, the attack on the mosque of Bayonne (October 28th) closed a particularly violent sequence of events, there were indeed 14 acts of violence against people (in comparison with a monthly average of 6).

2.3) Victims’ profiles

The victims who reported Islamophobic incidents to the CCIF have a particular social profile: they are predominantly female, young active adults, with a graduate, who wear a Muslim religious symbol.

Among the 789 reports, there are indeed 548 women and 215 men. On average, victims are 32.1 years old, knowing that the most represented age group is the 25-35 year-old group (42 minors, 140 between 18 and 25 years old, 248 between 25 and 35 years old, 174 between 35 and 45, 59 between 45 and 65, and 5 between 60 and older).

There are nearly 40% of higher education graduates (312), 26.1% of secondary education graduates (206) and 1.4% who have not gone beyond primary education (11). 32.4% of the victims are employed (256), 20% are unemployed (158), 14.1% are students (11), 6% are stay-at-home (47), etc.

Some victims were recognizable in the public space by symbols denoting their religious affiliation to Islam: 329 women wore a hijab, 54 wore a jilbab, 25 wore a turban, 82 men sported a beard. But a significant number of victims (147) bore no conspicuous religious symbol.

Women may be over-represented among victims, but the proportion differs according to the type of Islamophobic fact. Indeed, women are mainly targeted by discrimination, damage, defamation, slurs and violence, while there is a relative “parity” for acts of incitement to racial hatred and occurrences related to the fight against terrorism.

Fact(s) concerned by the alerts

per month in 2019, non-exclusive

<table>
<thead>
<tr>
<th>Month</th>
<th>Discrimination</th>
<th>Insult</th>
<th>Provocation, incitement to hatred</th>
<th>defamation</th>
<th>violent</th>
<th>state security</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>180</td>
<td>160</td>
<td>140</td>
<td>120</td>
<td>100</td>
<td>80</td>
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<tr>
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<td>100</td>
<td>90</td>
<td>70</td>
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<td>140</td>
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<td>Apr</td>
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<td>May</td>
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<td>120</td>
<td>100</td>
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</table>
Words of hatred, poured into the daily and reported on our platform.

They are delivered here, raw.
Geographic distribution of reports
Part 3

International Department

2019 marked a turning point in the working methods of the CCIF with the consolidation of its international hub. The increased need to find allies and support beyond national borders has prompted the establishment of an effective international department and the performance of effective international action.

The international department works to raise awareness of Islamophobia at international and European levels as well as to have it officially recognized through several methods:

European advocacy: the CCIF’s international department, in concert with its European partners, is on a regular basis heard by European Union bodies (European Parliament, European Commission, etc.) on the various stormy and urgent themes of Islamophobia. Whether it concerns discrimination against Muslim women at work, dress restrictions adopted by the French State, online hate speech or damaging places of worship: the international department, in conjunction with various European actors, deals with a whole segment of Islamophobia which deserves to be discussed and resolved within these same European entities.

Meetings and talks: on a regular basis, the international department meets key international players in the fight against Islamophobia. Depending on the player, the motivations differ and result notably in diplomatic meetings or partnership meetings.

Concrete action and ongoing projects: the peculiarity of the international department resides in its long-term work. The collaborative and strenuous work requires discretion until the ongoing projects and actions come to fruition. If for the time being the actions of the international department seem abstract, they will eventually become clear as they will undoubtedly become pivotal stages in the fight against Islamophobia.

Looking back on 5 accomplishments of the international department:

January

On January 30th, 2019, the CCIF’s international department had the pleasure of inviting its Italian and French partners to the launch of the new anti-hate web platform "HATEMETER". Subsidized by the European Commission, the Hatemeter project aims to combat the spread of Islamophobic postings on social media.

As part of a test phase, the CCIF invited around twenty CCIF volunteers to improve the platform by adding content to it.

This instrument that aims to halt online hate will make it possible to identify, analyze and respond to any kind of tweets, posts, or other public statuses published by the users of social media.

April

The international department visits the OSCE in Vienna and offers France its recommendations

On April 1st and 2nd, 2019, the OSCE (Organization for Security and Cooperation in Europe) conference was held in Vienna to promote “the application of the principles of tolerance and non-discrimination, including the promotion and protection of freedoms of religion and belief”, in which the CCIF participated. It was an opportunity for our association to warn the French delegation and the delegations of the other participating states, the representative of the Council of Europe and the many actors of international civil society of the alarming state of Islamophobia in France. To do so, we offered recommendations to France and the OSCE. The international department of the CCIF recalled the importance to recognize Islamophobia as a specific form of racism and in doing so it would be possible to support the cause on a national and international scale. One of the recommendations focused, among other things, on the need for educational awareness campaigns. Also, France was commissioned to deliver a report on the results of the 15 March 2004 law and to update them every other year in order to draw conclusions. Finally, with a similar argument, the CCIF requested that France deliver a report on the consequences that Muslim women faced, especially concerning those who wear a headscarf, as a possible principle of neutrality at work was introduced into common law.

June

Meeting with the Ambassador of New Zealand. Following the tragic events in Christchurch, the
international wing of the CCIF met with the New Zealand ambassador on June 19th. This meeting was an opportunity to thank New Zealand for the way the country managed the attack which targeted two mosques in the city of Christchurch, as well as to ponder and contemplate a collaboration between the CCIF and the New Zealand state in order to fight against Islamophobia.

The international department also took part in the workshop on synergies and good practices to fight against racism and anti-Muslim discrimination in Madrid.

On June 25th, 2019 the workshop on synergies and good practices to combat anti-Muslim racism and discrimination was held in Madrid and organized by the Spanish Government, the European Commission and the European coalition, of which the CCIF is a member and which fights against Islamophobia and advocates the rights of Muslims on a European scale.

During the conference, the CCIF reminded France of what is necessary to do to fight against discrimination. For instance, including Muslim women in the struggle experienced by all discriminated women, or even reassess "the criteria of radicalization" because the current system is discriminating and dangerous.

The CCIF's international department also spoke to the members of the European Commission to remind them that Islamophobia can kill, as witnessed in the attack in Christchurch.

As a result, the coalition formulated a number of proposals. Among these proposals, they asked that the adoption of anti-racism laws including specific measures to fight against Islamophobia be supported. It was also suggested that there be an assessment and recognition of the discriminatory effect entailed by anti-terrorism and anti-radicalization measures. To do so, it should be guaranteed that the measures that are taken remain consistent with the respect for and the protection of fundamental rights.

The international department met with the Province of Barcelona. In 2017, the Catalan government rolled out its regional plan against Islamophobia. The plan has since been in operation. The Community of Catalonia is a pioneer in the field. Consequently, they should serve as a model for European States and the French State in particular. In this regard, the CCIF's international department went to Barcelona to meet with Lola Lopez Fernandez who is the Representative of the Community of Catalonia and instigator of the plan.

The Hatemeter platform has been tested in three NGOs of EU Member States in which the scope of the problem is considerable but no systematic response has been produced (France, Italy and the United Kingdom).

The HATEMETER platform is an online instrument designed to help researchers and actors on the ground (for example NGO operators, researchers, moderators) to analyze and combat anti-Muslim speech online. Twitter and YouTube are constantly monitored and, when keywords or hashtags related to anti-Muslim speech are detected, the corresponding messages are retrieved and stored in the project's database. We focus here on the analysis carried out on tweets to better
understand Islamophobic postings, which are displayed in the platform from various perspectives. Indeed, the analyses linked to YouTube were not tested during the pilot phases, they were then not included in the training kit, although they are visible in the final version of the platform (v. 3). From a technical viewpoint, the platform is based on a relational database and a Tomcat application server. The interface is based on existing Javascript libraries such as C3.js (https://c3js.org), D3.js (https://d3js.org) and Sigma.js (http://sigmajs.org).

The platform's features are divided into two main groups: data analysis and computer-assisted persuasion (counter-narratives). The first includes all analyses related to Islamophobic hashtags and keywords and to the network of users that participate in their spread. The second group allows a hateful post to automatically generate full answers.

The "DATA ANALYSIS" section introduces three graphical tools: "Recent trends", "Hashtag trends" and "Hate spreaders". There is a big difference between the first element and the others: "Recent Trends" performs real-time monitoring and therefore makes real-time use of Twitter APIs. The other ones, on the contrary, rely on the HATEMETER database, that is to say on the results of the monitoring of Islamophobic speech that has been in place since October 2018.

For each language, a group of academics and activists from organizations that fight against the stigmatization of the Muslim community defined, from the first stages of the project, a set of hashtags and keywords associated with Islamophobic messages. These hashtags and keywords were used as search terms to access the Twitter APIs on a regular basis and collect all postings containing these terms. The tweets collected were analyzed using textometry tools in order to extract the most relevant information related to online Islamophobic hate. This can include the metadata of the posts (user, date, frequency), content popularity (number of replies, i.e. number of replies to a message or tweet; and retweets i.e. share a tweet or message posted by another person) and the media through which the message is conveyed (the users who interacted the most with the keywords or hashtags).

The information extracted and structured in the previous steps is made available to the final users via an advanced graphic platform. This platform provides functionalities for the graphic exploration and analysis of data, enabling content monitoring, synchronous and diachronic comparisons, close and distant reading, data cross-referencing, network analysis, etc. The pictorial and graphic formats are used as much as possible in order to make the tool independent of language and countries.

Thus, the HATEMETER platform allows NGOs and researchers to monitor the news on Twitter around predefined Islamophobic keywords and hashtags or to search for terms defined in real time by the user. The system classifies the most recently used Islamophobic terms, indicating the dates and times corresponding to the latest publications on Twitter. Consequently, this tool is crucial to monitor and analyze Islamophobic activity online as well as to respond to it in a systemic and systematic manner.
2020 Recommendations

TO THE FRENCH STATE AND INSTITUTIONS

Incorporate into the apparatus of the fight against discrimination and gender-based violence, women who suffer from violence and discrimination because of their known or supposed affiliation to the Muslim religion.

Recognize Islamophobia as a specific form of racism and champion it as a national cause, as is already the case for other forms of racism.

Appoint an adviser on the “fight against discrimination” within every ministry to coordinate and monitor the fight as part of a joint action with civil society.

Mandate the CNCDH or independent bodies to assess public policies that prevent radicalization, and to assess the enforcement of the SILT law.

Put an end to the discriminatory nature of the “weak signals” in the context of an alleged case of "radicalization", a list of which was established by the Ministry of the Interior, and which are too often confused with normal symbols of religious affiliation.

Measure the impact of anti-terrorism laws upon human rights.

As part of the fight against cyber-hate, it is necessary to set up effective mechanisms of referrals in order to train and raise awareness among moderators of hate speech and at the same time to prosecute and punish the authors that incite hatred and violence.

Encourage genuine cooperation between anti-racism organizations, the police and the prosecution.

Implement a plan for securing places of worship, i.e. mosques.

TO THE POLICE AND THE GENDARMERIE

Reform the current system for receiving complaints. All data must be recorded on computers and the racial motivation for discriminating, notably the Islamophobic one (or the anti-Muslim one), must be systematically incorporated in the complaint.

Work in concert with civil society to effectively combat the under-reporting of racist incidents.

Produce a quantitative and qualitative report on the 11 October 2010 law and draw conclusions.

Set up professional training on the reception and service of the victims of discrimination (in particular discrimination based on racial background and religion), as well as on the speed of the investigation.

Systematically transfer to another prosecuting body investigations of insult and rebellion against public officials so that they cannot be conducted by police officials that belong to the same police service, or gendarmerie.

Involve the police in the awareness-raising process to combat Islamophobia by developing a training program.

IN JUSTICE

Systematically take into account the aggravating factor of racism, in this case religious affiliation, when it is confirmed, and ensure that the investigators gather evidence to that effect.

Promote cooperation between anti-racism organizations and public prosecutors’ offices to combat the high rate of shelved allegations in matters of discrimination, particularly concerning religion.
Take out criminal action without delay and under the highest penal qualification and pronounce firm and stiff sentences to prevent recidivism.

Systematically involve the victim in the alternatives to prosecution, including a reminder of the law, in order to offer them symbolic compensation through having their victim status recognized by the justice system.

Identify and evaluate the action of the Anti-Discrimination Units in order to strengthen their actions and their links with civil society, because, from one Prosecutor’s Office to the other, their action and involvement might be uneven.

Reintroduce the judge’s capacity as guardian of individual and collective freedoms in order to ensure better protection of citizens, particularly as part of the collection and recording of personal data.

IN THE FIELD OF EMPLOYMENT

Provide professional training and coaching sessions on anti-discrimination legislation in collaboration with the actors of civil society by including a component in religious discrimination.

Distribute educational guides to apprehending religion among all employers, and highlight that cases of religious claims in the workplace that lead to a deadlock are an extremely small minority. Promote the good practices related to promoting diversity (including religious diversity).

Present an overview of the consequences for Muslim women who wear a headscarf that occurred with the establishment of the private employer’s right to incorporate the principle of neutrality into their internal regulations. Challenge the charter for diversity to its respect and effectiveness.

TO JOURNALISTS AND EDITORS

Develop and facilitate mechanisms of referral to supervisory authorities when a speech that incited hate and discrimination occurred.

Cover the news related to Islamophobia, including acts of discrimination and acts of physical violence, and give those concerned the chance to speak in order to have their voice heard.

Encourage the involvement of experts from civil society and from recognized independent institutions in subjects related to Islamophobia.
SOUMAYA
Part 5
Scientific articles
According to statistics on Islamophobia in France, more than 70% of Islamophobic acts recorded are targeted at women. Upon examination, these acts reveal that most of the time these Muslim women are perceived as such because they wear a headscarf. In an effort to shirk responsibility, the discriminator – who denies targeting Muslims – says that he does not reject the person, but her clothing, reducing his posture to a question of body and image. As a result, one might think that Islamophobia would vanish if Muslim women, in a global movement towards a form of “neutrality”, accepted collectively to remove this fabric from their head.

Nevertheless, if one enters the debate through the notion of neutrality, one may quickly face a cultural problem: in a given time and space, what can be considered “neutral”? It is utterly difficult to answer this question without imposing a model body, a uniform and supposedly universal appearance to follow, the characteristics of which are in fact circumscribed in a very precise cultural history.

In French culture, the question of neutrality, in particular when it is conflated with the principle of secularism, is therefore based on an unthinkable, which the successive cases of “the veil” only reveal; this could explain the tension that arises in the debates around the issue. This unthought defines as “natural”, “normal”, “modern” or “universal” a certain “Western” relationship to the image, to the clothing and to the body. The ideological part of this relationship is brought to light and shaken by the mere presence of a woman who wears a scarf. It is as if she were becoming the reincarnation of a historical figure, a flashback that connects this modern-day woman to aesthetic motifs (drapes, veils, Madonnas) belonging to a certain construction of the Western past. Suddenly, this woman, when she enters, becomes an image (therefore also an object), a visual intrusion into a public space which would have gradually managed to get rid of these figures by capturing them in frames, museums, history textbooks and convents.

This “woman with fabrics” who “comes out of a frame” catches the eye, causing the paradox illustrated by art historian Bruno Nassim Aboudrar in his work *How the veil has become Muslim.* Starting from the principle that the function of the veil would be to hide, this work shows that in French and Western public space, the veil that Muslim women wear makes them particularly visible, to the point that some people suspect these women of wearing it to show themselves. A woman who wears a scarf and who sees this garment with a “modest”, “prude” aim and a way to make her body more discreet is constituted as an image, even a political symbol (of resistance on the part of those who

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1 We will use the term “scarf” when it comes to qualifying the clothing of these women, and the term “veil” when it comes to evoking the political affair, but also the aesthetic dimension of hijab (which translates better as “veil” than “scarf”). We will come back to it.

2 Bruno Nassim Aboudrar, *Comment le voile est devenu musulman,* (How the veil has become Muslim), Paris, Flammarion, 2014.

3 Hence the recurrent arguments which attribute to these women, by their mere presence, a proselitizing behavior.

4 See the recent appearance of “modest fashion”, or “pudic fashion”, whose qualifiers irritate those who see it as an attack on classic fashion.
defend it, of invasion on the part of those who fight it) – where does this paradox come from?  

**How the veil became a problem**

From a political and social point of view, the history of the veil in France is often said to start in 1989. This is the year when the "Creil affair" was publicized, whose thirtieth anniversary was celebrated at the start of the 2019 school year. In a column published on September 11, 2019 in Le Figaro Vox, Renée Fregosi titled her text: "Thirty years ago, the Creil scarves affair marked the beginning of the 'Islamist offensive in France'. The next day, Marianne published a very similar text, authored by several journalists, including Natasha Polony and Hadrien Matoux: "30 years ago, Creil, when the Republic capitulated".

Beyond the disconcerting discursive resonances between a right-wing (even extreme right-wing) editorial team and one which presents itself as being on the left, these forums demonstrate the French obsession that revolves around the clothing of these young girls who have now become the accompanying mothers we want to remove from the same schools, for the same reasons. These opinion pieces, in their tone, their arguments and even in some of their formulations, are nevertheless part of a much broader history, where the headscarf and the body of Muslim women have constituted a major cultural and political issue since at least the 19th century.

As we know, the veil is not unique to Muslim visual culture, which has historically been grafted onto the cultures that preceded it. We obviously find it in Christianity⁶, but more generally, the veil as a motif in art has always been present in Western sculpture and painting (see the drapé (drapería) in Antiquity, for example). As a "Muslim problem", on the other hand, the veil seems to be linked to colonial history, and can therefore be considered the result of a construction.

It is the Westerners, in fact, who are the first to look at the veil, that is to say, apply to this object which removes from their sight the body and the face of women, the visual order which is theirs, intolerant towards concealment.⁷

If we think of headscarves in a more general conception of a “Muslim lifestyle”, we can actually go back to the 16th or 17th century and read texts from Christian authors that reveal the concern about the visibility of Muslims. While we’re after the Reconquista⁸, decrees and actions will continue to affect Moriscos, those Muslims who have converted to Christianity in the early 16th century in order not to be expelled from Spain, but will nonetheless be expelled a century later for having kept close ties with the Arab-Muslim culture.

For instance, in 1600 in Valence, a few years before this deportation, one can read this message written by Franciscan father Antonio Sobrino:

It would be a great thing to take away from them all the external signs of the Muslims [...] They must be aligned with the old Christians: in dress and in costume, in language and writing, in common dishes, and in all that constitutes good Christian habits [...] It will be necessary that the Lord bishops exhort their chefs [...] to conform in everything to what is good and lawful for the old Christians: clothing, language, food and meat, moderate consumption of wine, etc.

Christoph Weiditz. Trachtenbuch, c. 1530-1540, Moriscan woman of Granada

At its core, the extremist take on secularism, as showcased in the Figaro and Marianne opinion pieces, is basically only the resurgence of this authoritarian policy, which wants to standardize its field of vision by relying on segregation. In Rodrigo de Zuazas' work on the Moriscos, we also discover the existence of a “blue crescent”⁹:

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⁴ It is not trivial, at this level, to note that the memory of the Reconquista is invoked today as the major fantasy of identity groups who want to throw Islam out of Europe.
⁵ Rodrigo de Zuazas, Morisques, p. 336.
⁶ Critics of the nationalist march against Islamophobia of 10 November 2019 have signaled the presence of stickers representing yellow crescents and argued that the comparison between Muslims today and Jews of yesterday would be inadmissible: the Jews had an obligation to distinguish themselves, while the measures against religious signs were intended to facilitate assimilation. The blue crescent of the 17th century seems to contradict this argument.
[... ] in the time of Jeanne la Folle, the Moriscos received orders to abandon their traditional clothes so as not to differ from other subjects of the crown. On the other hand, these same Moriscos were forced to wear “crescents of blue fabric on their hats, the size of half an orange”.

We can see how this history is deeply linked to questions of image, visibility and view. However, aesthetic and cultural approaches are never called upon to debate it. After thirty years, it is not surprising that almost nothing has changed around this issue. How is it possible that we read again and again more or less the same arguments, deployed over an entire generation, divided into two similar camps: in 1989 (Creil), in 1994 (Bayrou circular), in 2004 (law of March 15), in 2010 (law on the concealment of the face), in 2016 (the burkini case) and in 2019 (accompanying mothers)? In spite of everything, can we see some evolution? Has the view on the scarf changed?

In order to answer this question, it is useful to elaborate on the history of the views, images and representations associated to Muslims in French and Western culture in general. Cinema and television are currently the largest “image machines” available: on an industrial scale, they manufacture characters which project ideologically-laden representations straight into the viewer’s imagination. What are the characteristics of these representations? Is this process, which has historically and culturally manufactured this view on the veil (in an aggravated fashion during the colonial period and its paintings), reversible? Can we, in this sense, “look beyond” on the veil, so as to normalize its appearance, or even reconcile it with a common history?

How the veil questioned the view

The effect of forsaking culture, aesthetics, and even poetry in the debate on the veil is substantial: we hide its historical dimension, which is probably repressed by the anti-religious aspect that certain approaches towards secularism carry. Secularism, in itself, is often separated from its own history and from its inscription in a path of Christianity which, in France, separated God from the city. Paradoxically, in the public debate, it is because secularism has been conceived as a timeless, universal and absolute principle that it is nowaday instrumentalized to satisfy ideological ends.

However, just by rehabilitating the history of art, and in particular painting, photography and cinema, we can see how our contemporary view of images and bodies is inhabited by a visual culture rooted in a long history made of spirituality, religiosity, but also of colonialism and exoticism.

From its beginnings, cinema was part of an exotic vision: the Lumière brothers travelled to the four corners of the globe, carrying views from around the world thanks to the invention of the cinematograph. Their approach followed what had already been undertaken fifty years earlier in photography, at the time when anthropology and ethnoLOGY were considered as sciences in their own right. To constitute an inventory of the world, cultures, traditions, bodies: the ethnological enterprise is inseparable from the colonial enterprise, which had to scientifically demonstrate the hierarchy of races to justify its vision. Photography and cinema fueled this demonstration.

Just as with colonial painting, which made Muslim women’s bodies a major fantasy, unveiled women could naturally be found among the images brought back to France via photographs in the 19th century and movies in the early 20th century.

For the viewer, the point is already to enter these women, to reveal their intimacy, and to consider that these images can (and therefore must) express transparency, for the good of the eye, for the good of art, for the good of knowledge.¹²

¹² In October 2019, following the case of Fatima E., who was discriminated against during a session of the Conseil régional de Bourgogne-Franche-Comté (Regional Council of Bourgogne-Franche-Comté, the elected assembly of said region), some polemicists reversed the problem, accusing this woman of preferring to make her son cry rather than taking
In his film *Images du monde et inscription de la guerre* (1988) (Images of the World and the Inscription of War), the filmmaker Harun Farocki studies the relationship between optics and politics, demonstrating that the photo camera or video camera has been used as an instrument for fascism and colonialism, with great violence. In one of the film’s sequences, he addresses the issue surrounding identity photographs of Algerian women taken in 1960 by French soldier Marc Garanger. To produce these images (which have now left their administrative framework to be the subject of publications and exhibitions) it was necessary to reveal these women, which required removing the hair from them. In order for them to be identifiable, they should have nothing to hide (not even their hair), which is by the way what Nicolas Sarkozy, then Ministre de l’Intérieur (Minister of the Interior) did in 2003. This dimension of identification (invoked again in 2010 concerning the full veil) is directly questioned by the filmmaker, underlining the authoritarian drift that can result from a society that controls faces (he was already predicting facial recognition processes that are debated today). His gesture of resistance, when showing these identity photographs, is to cover them with his hand, to re-veil them, and to reverse the optical function of cinema and photography: while it is the arts that show, which penetrate, it gives them an ability to hide and protect from the view.

Where religious signs have never really worried. It was when children wanted to wear the headscarf at school, to study and to occupy high-ranking positions, that debates on the veil were born.

But Philippe Faucon’s approach also questions the production of the film: the woman who plays the role of Fatima, Soria Zeroual, wears a headscarf in real life. However, several scenes from the film show Fatima at home, without her scarf. It would be interesting to know how these scenes were negotiated: is it a wig? Or did Soria Zeroual agree to remove the scarf during the filming, showing her unveiled image to the world? In reality, the answer is of interest only insofar as it inscribes the film *Fatima* in a history of images still laden with colonial residues. Like Delacroix or Garanger before, Faucon – wanting good for this woman, there is no doubt about it – considers his status as an artist as granting him a right of view, penetration and disclosure.

At the same time that the Muslim veil has been debated, Muslim feminist movements have emerged in Europe, and also in Muslim countries. Having understood the paradox demonstrated by Bruno Nassim Aboudrar in his work, they wish to reverse this assigned view: the fact that the veil, which was first and foremost a garment of discretion or even concealment has become so visible or even visual to the point that it is now embedded in the very definition of women who wear it. French Muslim feminist movements also tend to reject this expression, “veiled woman”, which essentializes “the” woman by defining her based on the garment she wears. In addition to that, it sounds disturbingly like “raped woman” (*femmes voilées* vs. *femmes violées*) (which resonates with colonial crimes, but also with discourses that consider unveiled women as prey for rape). Thus, these movements propose this appellation: “Muslim women wearing a

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When it comes to fiction, the film *Fatima* by Philippe Faucon, awarded a César for best film in 2016, first raises a question about its subject matter. Although it is necessary to recognize that the treatment of the “woman who wears a scarf” is relatively positive compared to other films (and contributes to its normalization), it is quite revealing that the character of Fatima is an elderly cleaning lady: her occupation is one of a manual labour and part of the service trade, off her scarf: again, here, it is about putting words in their mouth.
Characters, making them live side by side, and pushing them to understand their metamorphoses.

However, in season 2, Nadia, who is attracted by another character going by the name of Guzman, follows the advice of her friend: in the restroom, she reveals herself, takes off her sweater, puts on lipstick, and enters the nightclub while starting a display of courtship. There follows a slow motion field-against-field, where Nadia and Guzman exchange glances in subjective shots (in which Nadia actually looks at the camera, the spectator). This 45-second scene alone was published on Twitter to generate a buzz and ended up being viewed millions of times by Internet users: without even knowing the TV show, a large part of the public will have witnessed Nadia’s unveiling process, constituted as a marketing argument that has nothing to envy to the voyeuristic processes that objectifies the body of Arab women (even in pornography).

We could carry out further analyses around other recent representations of Muslim women in Western cinema and in particular in mass market cinemas, advertisements, and all visual media. Doing so, we would uncover several films that replicate on screen the same issues encountered in media debates. But we would also discover that the woman who wears the headscarf is starting to become a recurrent figure in the western audiovisual landscape, not only in problematic ways, but also, especially among the Anglo-Saxons production, in an increasingly natural way, that is to say without paying too much attention to the question of why she wears the headscarf, where she comes from or “what she thinks about terrorism”.

These representations are all the more recent as they are generally discussed (positively or negatively, on social networks, in the traditional media, but also on identity websites) as exceptions to the universal rule: the almost complete lack of these women in most fictional universes. Among these recent media reactions, we can find these: “A veiled female doctor makes a very noticeable appearance in the cult series Grey’s Anatomy”; “More beautiful life: a high school student wearing a veil in the soap opera”; “Launched by Apple, a new veiled emoji divides internet users”; discussions surrounding the sport-oriented scarf launched by Nike (which makes it a noticeable advertisement), or in a less problematized way, the hacker who wears a scarf in the Mr Robot TV show, applauded precisely for the diversity of its cast.

Some day, it might be that we no longer look at the scarf and that it becomes “part of the decor” alongside other signs of religiosity. To achieve this, visual arts can help open the eyes and rehabilitate a certain historical, cultural and aesthetic awareness.
For an aesthetic and cultural approach

We now see how the image, the staging, and aesthetics more generally can be ideologically-laden, and in the specific case of the aesthetics of unveiling, this ideology often hides under a rhetoric of freedom. Here, the role of cinematographic criticism and analysis is decisive as they reveal what is unthinkable in our visual culture, buried in a history of images. Confronted with this industrial machine mass producing imaginaries, it appears hard to overturn these underlying ideologies from the get go: how can we induce other views and contribute to an approach which would at least help make the audiovisual landscape more balanced?

We develop a proposal, a perspective that could resist this powerful flow of images. Studying Art History can help reconcile cultural and aesthetic approaches. It would lead to building the cultural and theoretical foundations for content production geared towards investment in alternative aesthetics.

For instance, it has been shown that there are formal resonances between the scarf worn by Muslim women and that of Christian sisters. However, if we recognize in the latter a will to consecration, in public debate, it is excluded almost systematically that Muslim women claim to be consecrated. It is as if to consecrate themselves to God they had to separate themselves from public space (and therefore be far from the field of view; which again reveals the visual part of the problem).

However, by engaging in an aesthetic reflection about this phenomenon, we can connect the headscarf of Muslim women to a broader conception of the body, the clothing (as much for the man as for the woman, moreover) and more generally what Muslim visual culture shows and hides. The veil – hijāb6⁶ – would then be considered as a mode of visibility which emerges globally from the aesthetics of Islam, and which can cross all arts, from poetry to architecture, through calligraphy and pictorial art in general ¹⁷.

We find in Titus Burckhardt’s L’art de l’Islam (The art of Islam) a development on this subject, in which he offers, rather succinctly, what could be a Muslim theory of clothing (mainly of men, decentering the question usually directed at women). This theory very precisely poses the body like an image (therefore subjected to the gaze), questioning it from a spiritual but also social and political point of view. He first highlights that the Prophet Muhammad simply gave a few guidelines, the main one of which has been to exclude clothing that sticks to the body. Based on that, Titus Burckhardt deduces that “the traditional costume of all Muslim peoples is distinguished by its size; it hides the body, or a part of the body, while accompanying its movements ¹⁸". For him, this is where an image problem arises which directly relates to our demonstration: “The art of clothing is all the more important in the land of Islam as the art of the human image is absent in it ¹⁹”.

Following through, we would perhaps have an initial response to the contemporary paradox raised by Bruno Nassim Aboudrar (wishing to hide, the woman who wears the headscarf in France makes herself more visible): the idea that the garment ultimately has less the purpose to conceal the body than to dissipate its forms, for reasons which are above all figurative and aniconical rather than linked to reasons around desire and seduction between sexes (even if desire and image are obviously linked). Cannot we consider loose clothing for women as well as men as the graphic sign of the body in movement? That is to say to consider that the art of Muslim clothing has installed, in the space of real life (and not in art – hence the fact that colonial painting will be seduced by this motif, mixing it with nudity and thus unveiling), the draping of the toga as a plastic and ornamental form.

As an instrument of registration in the public space, we can especially understand the veil by the posture of certain Muslim women who, sometimes against the advice of their family circle, wear the headscarf out of resistance to a certain conception of the body whereas they believe that it is not a religious obligation (which, for some, makes them remove it when they are in a Muslim entourage, to trigger the opposite effect: a strictly intra-community approach which consists in provoking the reinterpretation of religious texts by revealing a tendency to essentialize the wearing of the headscarf, a tendency which is just as problematic as the colonial enterprise). As an act of resistance to a colonial history, most notably the memory of the unveiling ceremonies in Algiers in 1958 ²⁰, the wearing of the headscarf becomes an image, more or less elaborate, which acts both as to question the "debate on the veil" (which is strangely still not resolved in France) and as its response: that is to say as an argument for the person in question who, failing to be heard in the media, participates visually in the debate, in public

6⁶ The hijāb, word mediatically connoted because of debates on the veil, indicates in reality, in the Koran, a screen, a separation, which took a mystical meaning, in particular through this verse: “No human has the capacity that God speaks to him, except by revelation, or from behind a veil [hijāb]“ [Koran, 42: 51].


¹⁹ Ibid.

²⁰ See on this subject “L’Algérie se dévoile” (Algeria reveals itself), in L’An V de la révolution algérienne (Year V of the Algerian Revolution), by Frantz Fanon (1959).
space, in a form of strictly visual and scenic democracy.

Beyond the manifestation in the public place, which already represents a strong aesthetic gesture, one may want to invest in culture. The artistic field can contribute to the debate through the production of pictorial, literary, photographic and cinematographic works. However, one will have to accept to see the results of this investment only appearing in the long run, across generations. This new aesthetic, for a certain time, will trigger strong feedback, even resistance: a simple way for some to say "no" to widespread representations. But in the end, its effect could be very simple: to de-problematize the veil, by giving the visual tools to look beyond the veil.

In a week of debates on the veil in October 2019, Checknews (Liberation) listed 85 debates on the veil, 286 invitations and 0 women wearing the headscarf. The massive (especially visual) expression of these women unfolded on the day of the National March 10, 2019 against Islamophobia.
THE FOUR MISTAKES OF PREFECT GILLES CLAVREUL

Dominique Vidal, historian and journalist

In 2015, Gilles Clavreul labelled the Collectif contre l'islamophobie en France (the Collective against Islamophobia in France, CCIF) “anti-Semitic”. At the time, he was the head of the Délégation Interministérielle à la Lutte Contre le Racisme et l'Antisémitisme (then called the Interministerial delegation for the fight against racism and anti-Semitism, which now includes gender-related hatred (DILCRAH). The Cour d'appel de Paris (the Paris Court of Appeal) acknowledged defamation against the CCIF.

Here is how I testified at the trial that took place on September 18.

In calling the CCIF “anti-Semitic” Gilles Clavreul not only offends the truth, he also reveals how wrong his vision of anti-Semitism and his strategy to fight it are. These issues affect me both as a citizen and as a historian, but also as a descendant of two families scarred by the Holocaust: both my parents were victims of the Holocaust. My father survived the Auschwitz camp and my mother had to be in hiding in Chambon-sur-Lignon.

I believe Gilles Clavreul’s approach contains four major errors.

(1) It isolates anti-Semitism from other forms of racism and gives an alarmist vision of its development in our country.

No wonder he signed the Manifeste contre le nouvel anti-sémitisme (the Manifesto against the new anti-Semitism), where “murderous anti-Semitism” and “spreading terror” are mentioned. This is obviously wrong.

“Are Jews French like any others?” In 1946, only 37% of our compatriots answered this question affirmatively. In 2018, according to an Ipsos survey commissioned by the Commission nationale consultative des droits de l’homme (the National Consultative Commission for Human Rights, CNCDH), the proportion reached... 88.9%. The figures show that anti-Semitism as an ideology has been marginalized.

That being said, pollsters note the persistence of certain prejudices, although fewer. In the same Ipsos survey, 20% to 36% of French people share preconceived ideas such as “for French Jews, Israel is more important than France”, “Jews have a particular relation to money” or “Jews have too much power in France”. There are prejudices against the Corsicans, the Bretons and the Auvergnats as well. Shall we refer to it as racism against the Corsicans, Bretons or Auvergnats?

After the the explosion of anti-Jewish violence in 2002 explosion, it started to decrease. It is recorded every year by the CNCDH. There was a sharp increase in 2018: +74%. The Ministre de l’Intérieur (The Minister of the Interior) forgot to point out that the number of incidents of anti-Jewish violence in 2017 was 541, against 851 in 2014. The four previous years have shown a major decrease.

Alas, Jews were assassinated at the beginning of this century for being Jews: the four victims of Mohammed Merah, the four martyrs of the Hyper Kosher and also Ilan Halimi, Lucie Attal-Halimi and Mireille Knoll. Regarding the last three crimes, other factors — vilifying, dementia — obviously mingle with anti-Semitism.

(2) Gilles Clavreul uses the phrase “Islamic anti-Semitism”

This issue is the core of another trial. The historian Georges Bensoussan said on France Culture that “in Arab families, [...] anti-Semitism is suckled with the mother’s milk.” Prosecuted for “incitement to racism”, he has just been released without charges. Meanwhile, Bensoussan has been subjected to a warning from the Conseil supérieur de l’audiovisuel (The Superior Audiovisual Council, CSA, a public body regulating media in France). I believe that he has lost his duties at the Holocaust Memorial ...

1 Le Parisien, April 21, 2018.
2 iris.cmcdh.fr/.../23072019_version_corrigee_rapport_racisme.pdf
3 https://blogs.mediapart.fr/.../propos-du-proces-de-georges-be...
This debate was fueled by a survey of the Fondation pour l’innovation politique (the Foundation for Political Innovation, Fondapol, a French think tank)\(^4\). In Le Monde, the political scientist Nonna Mayer has strongly recommended to “speak about anti-Semitism with analytical rigor”.

Adding to her methodological criticisms, the researcher provided “a more general questioning on the relevance of the concept of ‘new anti-Semitism’ as related particularly to the works of Pierre-André Taquiéff”. As she stressed, Taquiéff “sees a hidden anti-Semitism in the criticism of Israel and Zionism”.

Who denies that there are anti-semitic Muslims? Even the Fondapol investigation itself allowed no generalization. In the survey, only 5% of the Muslims considered the figure of six million Jews exterminated in the Holocaust as “exaggerated”, and only 1% spoke of “invention”. 79% did not object to the election of a Jewish President of the Republic. More prosaically, 91% would not avoid having a Jewish neighbor, 87% a Jewish doctor. 85% said they had no particular reaction when they learned that a person was Jewish. Finally only 6% said they “often” heard those around them speaking ill of the Jews. Is the reverse true?

\((3)\) Gilles Clavreul actively campaigned for the adoption of a law criminalizing anti-Zionism in the same way as anti-Semitism.

Soon after the publication of the “Manifesto” quoted earlier, Clavreul made the point that “to the old anti-Semitism of the far right adds the anti-Semitism of a part of the radical left — the radical left that used anti-Zionism as an alibi to consider the executioners of Jews as victims of society”.

This position doesn’t take into account the numerous means our law can be used to combat racism and anti-Semitism. This dispute is in fact based on the anti-racist law of 1881, that of 1972 and the Code pénal (Criminal Code). Since they’ve been convicted, some people have used the word “Zionist” instead of “Jewish” to try and evade justice. This did not prevent Alain\(^6\) Soral from being sentenced to a year’s imprisonment last April. In July, one of Alain Finkielkraut’s insulters, who had called him “dirty Zionist”, was sentenced to two months’ imprisonment.

This means we do not need another law criminalizing anti-Zionism.

It would also be a historical misinterpretation: as of 1897, the majority of Jews have not responded to the Zionist movement’s call. Today, 71 years after the creation of Israel, six million Jews live there, while ten million live elsewhere. 600,000 to 1 million Israeli citizens no longer reside in their country.

Such a law would be a political mistake; it would reintroduce a crime of opinion which is foreign to our law. Do we want to return to the times of the Algerian War, when censorship ruled over all the daily newspapers? I am glad the President of the Republic finally dismissed this prospect. In fact most jurists opposed it and the President’s circle were reluctant. Not only did 57% of French people say they had a “bad image of Israel”, but 69% had a “bad image of Zionism”.\(^7\) Would they all be anti-Semites?

In the absence of a law, the president announced that France would “apply” the definition of anti-Semitism found in the International Holocaust Remembrance Alliance (IHRA). The deputies suggested dedicating a resolution of the Assemblée nationale to formalize this idea.

Reading this definition and the examples is enough to see that anti-Zionism is not named there. Frédéric Potier, the Prefect now in charge of DILCRAH, admits it: “The word ‘anti-Zionism’ does not appear there as such.”

This approach shows the contrast between Frédéric Potier and his predecessor. In an op-ed, Liberation notes: “The main difference between Frédéric Potier and his predecessor is mainly a matter of style: he favors a certain discretion, does not fight over social networks. He defines himself as a “minesweeper”, he claims to work “in the field”\(^9\).”

In its reports of 2017 and 2018 on “The fight against racism, anti-Semitism and xenophobia”, the CNCDH declared itself unfavorable to transposing into French law the definition of IHRA:

“...it is contrary to French constitutional law to make such a distinction between races. French law retains a global and universal definition of racism; such a singularization of anti-Semitism vis-à-vis other forms of racism could question the Republican framework. It

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\(^4\) www.fondapol.org/.../CONF2press-Antisemitisme-DOC-6-web11h51....
\(^5\) December 6, 2014.
\(^6\) Alain Soral is a far-right polemicist.
\(^7\) Alain Finkielkraut is a conservative intellectual and writer with controversial views on Islam.
could prompt other groups of victims of racism to claim such a recognition in turn;

• it might weaken the universal and indivisible approach towards the fight against racism, which must above all prevail in a context of exacerbation of identity claims;

• The CNCDH insists on vigilance in order not to conflate racism with legitimate criticism of a State and its policy, a fundamental right in democracy.  

(4) Gilles Clavreul engages in a hierarchical organisation of racisms by giving priority to anti-Semitism (a priority which the CNCDH opposes), thus taking the risk of fueling it.

This is no trial of supposed intentions. The interested party presented the following view in an interview published in Liberation: “All racisms are to be blamed, but anti-Arab and anti-black racism does not have the same forces as expressed in anti-Semitic violence. You must be able to pinpoint the idiosyncrasy of anti-Semitism.”

A technocrat, moreover the son of psychoanalysts, should easily understand that the focus on just one racism in France may cause negative reactions from victims of other forms of racism. When the media and the political world mobilize — justly — around attacks on Jews, but — unjustly — give less attention to attacks targeting other groups; When television provides — justly — programs devoted to the Holocaust, but — unjustly — hardly offers any on the tragedy of slavery or on the colonial wars, can we imagine how these double standards might affect those who consider themselves victims?

Contrary to the CNCDH which adopted the term “Islamophobia” in 2013 and defined it as “a quasi-phobia, that is to say an intense fear of Islam and Muslims in France, generating a climate of anxiety and hostility”, Gilles Clavreul even refuses to use it. For Gilles Clavreul, the CCIF or the brigade anti-nérophobie (the anti-negrophobia brigade) posit themselves “in a victims’ claim intended to have their group recognized as a group. They are trying France for being guilty of all crimes: slavery, colonization.” He believes that “as Republicans, we should rather congratulate ourselves that France has abolished slavery”.

How would he react if the same was said about Vichy?

In 1995, President Jacques Chirac finally recognized Vichy’s full responsibility in the genocide of Jews.

The hierarchical organisation of racisms is not the only area in which Gilles Clavreul claims seem very divisive. The same goes for secularism, on which he published a report. It gave rise to a number of reactions. Le Journal du dimanche (JDD) relayed: “many criticisms, starting with that of Jean-Louis Bianco, president of the Observatoire de la laïcité (Observatory of Secularism).”

And the JDD also clarified: “The choice of Prefect Gilles Clavreul as rapporteur was surprising. This close friend of former Prime Minister Manuel Valls (...) is also one of the founders of the Printemps Républicain (Republican Spring, a movement promoting a strict observation of secularism). In their Manifesto, it is written: ‘For us, secularism is the cement of the republican social contract ... Secularism is not only a matter of state neutrality.’ On this subject, Gilles Clavreul is not entirely on the political line defended by the President of the Republic (...) Emmanuel Macron had indeed claimed that ‘secularism must not be a state religion that replaces religions’.

Even the online newspaper The Times of Israel, which is neither anti-Israel nor leftist, notes that “Gilles Clavreul has found himself a certain ability to stir controversy on social networks.”

This is our concern: in accusing the CCIF of “anti-semitism”, he created one controversy too many.

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10 www.cncdh.fr/.../essentiels_rapport_racisme_2018_vdef_1.pdf
11 April 16, 2015.
12 Same.
14 July 24, 2018.
Looking Abroad: Why do the Gulf powers remain silent on Beijing’s repression of the Uyghurs?

By Kareem Salem

For centuries, Xinjiang, or East Turkestan, has witnessed conflicts between its Chinese authorities and its local population, mainly made up of a Muslim and Turkish-speaking ethnic group: the Uighurs. Xinjiang represents a strategic region for Beijing: the desert areas that make up some of the region allow the central government to use Lot Nor as a nuclear test zone (Mouton 2015). Bordering Pakistan, Afghanistan and the countries of the former Soviet Union, Xinjiang is a key strategic region, especially in the Silk Road construction project (Castes 2019).

However, under Xi Jinping’s presidency, Uighurs’ individual liberties have been severely reduced by the Chinese regime. The increased repression of the Uighurs takes place in a specific context: the Chinese government justifies these acts in the name of the fight against terrorism (Berrebi 2015).

The Chinese administrative police authorities have set up systems in the Xinjiang region which allow them to have considerable control over all aspects of Uyghur religious practices. Police measures are not only put in place for security purposes, but also to encourage the dissemination of Han and Chinese Communist Party ethnic values and principles. This policy has only reduced the individual freedoms of Uighur Muslims.

In fact, imams are required to abide by rules enforced by the Chinese Communist Party, in particular the obligation to follow “political studies” classes (Mouton 2015). Similarly, under the presidency of Xi Jinping and since 2015, the Chinese government has published a list of prohibited so-called “Muslim first names” in the Xinjiang province, including Muhammad and Fatima (Farelli 2018). The police also have the right to confiscate Korans and to prohibit Uighurs from fasting during Ramadan (Farelli 2018). Uighurs are often criticized by Chinese authorities for frequenting Islamic institutions and for praying (RTS Info 2019).

In addition, Chinese authorities regularly send Muslims who manifest their religious affiliation in public space to internment camps, in particular women who wear the veil or the headscarf and men who wear the beard (Amnesty International 2019).

In these internment camps, Uighur Muslims are forced to assimilate to the values of the Chinese Communist Party. Within these camps, they are pushed to participate in indoctrination sessions where they must denounce their religion (Thibault and Leplâtre 2019). People who refuse to submit are subjected to torture, including sleep deprivation and physical violence (Essa 2018). Estimates have revealed that around one million Uighurs are locked up in these camps, which represents 1 in 6 adults (Bendjeloub 2019).

Children are also sent to indoctrination camps or to prisons. In these places, Muslim children are forced to cut ties with their Uighur identity: they are prohibited from speaking their mother tongue and they are educated like Han Chinese (Thibault and Leplâtre 2019).

During this reinforcement of repressive measures taken by Beijing under the presidency of Xi Jinping, Arab-Persian powers in the Gulf have been particularly silent with regard to the treatment of Uighurs. Economic relations with China represent a significant share of those power’s gross domestic product (GDP), which explains the silence of the countries that make up the Gulf Cooperation Council (GCC).

Economic relations

The mismanagement of the wars waged by the Americans in the Middle East in the 2000s, particularly in Iraq and Afghanistan, as well as the economic crisis of 2008, has enabled Beijing to deepen its relations with the Arab powers.

The bilateral relations between China and the powers of the GCC are mainly geo-economic and geo-strategic. President Xi Jinping sees the Gulf region as a strategic crossroads between Europe, Asia and Africa. China has become a very important economic partner for the member countries of the GCC. For instance, strengthening bilateral relations between Beijing and Abu Dhabi have made China the United Arab Emirates’ first trading partner in Asia, where it invests in oil and gas, but also in finance and infrastructure (Khan 2019).
In addition, China is an important trading partner for the economic development of Saudi Arabia. For example, the Chinese public construction company China Railway Construction played a key role in the construction of a metro line in the holy city of Mecca (Bhaqa 2018).

Finally, Beijing is also an important economic partner of the State of Qatar, which since 2017 is under an economic and diplomatic blockade enforced by its Saudi and Emirati neighbors. In 2018, the Qatari gas company QatarGas signed an agreement with the Chinese oil and gas company PetroChina Company Limited for the transport of 3.4 million tonnes of liquefied gas each year to China for the next 22 years (Torchia 2018).

The Gulf Cooperation Council (GCC) countries are also associated with multilateral dynamics driven by China. GCC members are part of a Chinese multilateral bank called the Asian Infrastructure Investment Bank which allows the Gulf States to maintain the financing for infrastructure projects led by Chinese companies in their countries (Lin 2019). The integration of Qatar into this Chinese institution has enabled the Qatari authorities to consolidate the economic development of the state by obtaining new buildings, bridges and telecommunications infrastructure through Chinese companies (Hollingsworth 2017).

Through the commercial aspects of this agreement, Beijing wants to assert its will to dominate, and considers that the advent of a new superpower would only be a natural outcome (Mongrenier 2018). Chinese imports and investments in the region are part of this foreign policy.

In fact, the build up of bilateral relations with the leaders of the Gulf has enabled China to steeply increase its diplomatic influence over them. On July 14 2019, Saudi Arabia, Oman, Kuwait, Bahrain, the United Arab Emirates, and Qatar, alongside 34 other countries, signed a letter to the Secretary General of the United Nations underlining their support for the People's Republic of China in its management of "unrest" and the treatment of Uighurs in the Xinjiang region (Kharief 2019).

The support of the Arab powers members of GCC to the normalization of the practices committed by the Chinese authorities in Xinjiang is not a surprise in itself. The leaders of the Gulf Powers have the habit of putting in place repressive measures to strengthen their grip over their own societies. In practice, the emirs of the Gulf countries often resort to repressive measures. They arrest, fine or imprison social and political rights activists as well as dissidents who use social networks to share messages against the regime. (Human Rights Watch 2016).

In addition, following the Khashoggi affair, the Saudi monarchy does not want to fall into bad terms with the Chinese authorities. Saudi Arabia is trying to maintain its close relations with Western and Chinese powers in spite of a UN report which revealed the responsibility of Crown Prince Mohammad Ben Salman in the assassination of Jamal Khashoggi (Barthe 2019). This scandal scared off foreign investors and drove the Saudi stock market down 7%, wiping out all of the gains made in 2018 (Poletti 2018). Therefore, the Saudi kingdom does not want to worry about the persecution of Muslims in Xinjiang.

PERSPECTIVE

France is recognized by the international community as one of the world powers: it possesses a permanent seat on the United Nations Security Council and is a member of the Group of Seven (G7). From its position, it could further question President Xi Jinping on the issue of fundamental freedoms in Xinjiang.

France is one of the UN member states which signed a letter to the United Nations High Commissioner for Human Rights in July 2019. In this letter, the countries stressed the need for the Chinese government to respect its own laws and international obligations, to end the arbitrary incarceration of Uighurs and to allow for freedom of religion (Cumming-Bruce 2019).

The current period demands strong international measures to push Beijing to change its repressive policy towards Uighur Muslims in Xinjiang. This is necessary because millions of Muslim Uighurs die in internment camps every year (Rejhan 2019). Likewise, ancient mosques in Xinjiang are being demolished by the Chinese authorities, notably the Aitika Grand Mosque in Keriya (Passilly 2019).

China’s repressive measures go against universal principles. The destruction of places of worship violates the right to freedom of association and freedom of religion. In order to protect the rich diversity of communities that contribute to the enrichment of humanity as a whole, cultural property is specifically protected by international law. The International Criminal Court protects cultural property and had in particular condemned the Malian terrorist Ahmad al-Faqi al-Mahdi to pay 2.7 million euros in compensation for his role in the destruction of Malian cultural sites, including the Sidi Yahya mosque in Timbuktu (Moffett 2017).
Likewise, China is a signatory to the United Nations Convention against Torture which bans every State member from using, under any circumstances, the use of any devices which would lead to acts of torture (Article 2 of the 1984 Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment). In the wake of Chinese crimes against humanity, it is thus important that France and other international powers call on international legal bodies to put pressure on Beijing.

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SOCIO-EDUCATIONAL WORK VERSUS THE PHENOMENON
OF RADICALIZATION

By Yassmine Mouchouni, student in Educational Sciences, track “Intervention Framework in Fragile Contexts”, and social worker by training

and

Natidja Abdallah, intercultural clinical psychologist

THE FRAMEWORK FOR WORRYING
INFORMATION

Socio-educational intervention is a prerogative of social workers. To respect one’s singularity and dignity is paramount to social work, which is about building relationships with others. Social work aims to ensure that everyone has a place in the city by allowing effective access for everybody to all fundamental rights. Principles of solidarity, social justice, secularism, collective responsibility, respect for differences, diversities and otherness are at the heart of social work. Among the many missions of social workers, there is the evaluation of concerning information (IP) [Which stands for informations préoccupantes in French. IP will be used as a shorthand].

IP is defined as information “which may indicate that the health of the child, his security or his morals are in danger or in danger of being threatened or that the conditions of his education or his physical, emotional, intellectual and social development are seriously compromised or at risk of being compromised.”

Since March 5, 2007, French legislature requires that all persons working in child protection or support immediately transmit any IP on a minor in danger or at risk of being in danger to the président du conseil départemental (the President of the Departmental Council).

The IP can only be validated with the support of the child protection service, that is to say when the security, health, morals, education or development of the child are at risk.

In recent years, the violence and gravity of terrorist attacks have forced the French government to urgently organize security policies. During the same period, the concept of “radicalization” has emerged. On February 23, 2018, the government launched a radicalization prevention plan titled “Prévenir pour protéger” (“Prevent to Protect”). This plan seeks to identify and manage warning signs of violent behavior. Let’s note that the term “radicalization” as it is used by public authorities has no authoritative academic definition. Just like the Commission nationale consultative des droits de l’homme (the National Consultative Commission on Human Rights, CNCDH; the body charged with monitoring respect of human rights in France), the authors do not take this expression as face value. However, we will use this term for the sake of understanding and practicality.

The detection of radicalization is done through an index-based approach. This index is built with clues, also called “strong signals” or “weak signals”. Together, those clues are thought to increase the likelihood that an individual will become violent. On Tuesday October 8, 2019, Christophe Castaner – Minister of the Interior – listed several signals or clues that could indicate radicalization. For example: an exacerbated practice of religion during Ramadan; a regular or ostentatious practice of ritual prayer; having a beard or hyperkeratosis are among the signs listed to help identify a radicalized person. This prevention plan seeks to apply to the whole society; the family circle is not excluded.

1 Definition of social work adopted by the Ministère des Solidarités et de la Santé (the Ministry of Solidarity and Health) on February 23, 2017
2 Art. R.226-2-2 of the Code de l’action sociale et des familles (Social Action and Family Code)
3 Law n° 2007-293 of March 5, 2007
4 Article L.221-1, 5 of the Code de l’action sociale et des familles (Social Action and Family Code)
5 Opinion on the prevention of radicalisation – CNCDH, 2017
6 Translator’s note : the thickening of the epidermis in the forefront of a individual that can be associated with recurrent religious prayers.
These signals, which only describe a peaceful practice of Islam, are used as a reference. Observation of these signals will justify the intervention of a social worker.

Social workers’ main mission is child protection. Now, they are also tasked to detect so-called weak signals of radicalization and at the same time to support families. IP evaluation is another one of the social worker missions. Their mission is negatively affected by the lack of conceptualization behind the concept of radicalization and by the absence of training when it comes to the phenomenon itself.

A IP is the result of observation of these “signals” within schools, hospitals and by associations dedicated to child protection. Here, we will focus on the school environment, which is naturally on the frontline when it comes to child protection. In this case, the IP is transmitted to the Cellule départementale de recueil, de traitement et d’évaluations des informations préoccupantes (Departmental Unit for Collecting, Processing and Evaluating Information of Concern, CRIP)

This unit is part of the Aide Sociale à l’Enfance (Child Welfare Service, ASE). Before proceeding to a possible prosecution, it will evaluate the IP based on its merits or lack thereof. At this stage, CRIP only has factual elements describing the situation observed. The CRIP must therefore ask itself whether or not the information at its disposal is of concern for the child to the point of justifying a social assessment of his/her family.

If the information is deemed to be of concern, that is to say contrary to the interests of the minor in question, it will be transmitted to social workers for a more in-depth assessment. Here, it will now be a question of meeting the family and questioning all the people involved in the education and socialization of the child. These meetings are intended to clarify elements that are relevant to the protection of the child, such as his/her health, safety, morals, education and development, the state of its household finances, the quality of the relationships between its parents, etc.

Thanks to this first investigation, social workers will be able to assess the social and educational situation of the family. If the situation does not reveal any danger or risk of danger for the minor, the IP will be closed without further notice. On the contrary, if social workers can identify any form of educational deficiency or danger to the child, they will then recommend educational aid measures. Those measures might take place in an administrative or judicial framework, depending on the degree of dangerousness of the situation.

The analysis of the situation will determine whether the IP requires a prompt notification to the public prosecutor, for instance if elements uncovered during the situation are of extreme gravity. It is therefore important that this assessment is carried out by professionals with technical skills in the social, educational and medical fields.

The CCIF has witnessed several procedures which raise many questions. It is in this process of understanding this phenomenon that the CCIF put us in touch with people who have agreed to share their experiences, which we present below. We did separate interviews with social workers and clinical psychologists in order to collect their testimonies and to carry out an analysis of speeches by cross-referencing our observations.

This article intends to raise awareness in this field, and more particularly amongst professionals in contact with young people: so that they become aware of the extent of this phenomenon; question their professional practices and finally think about measures in order to respond to this new challenge for social action.

**Clinical Cases: Reported Deviations**

Mrs. X explains to us that her son Rayan, aged 10, was reported to the CRIP twice by his college. The principal was told that the child would like to be a “candidate for jihad”:

“...the first [report] was sent by the principal to the academic inspector which handed it over to child protection services, just as with the second report. [...] The worrying information found in the reports was never investigated.”

Despite very insufficient factual foundations, the school head did not seek to dialogue with the child and his parents, but did convey the worrying information with disconcerting ease. The CRIP, based on a weak testimony, will rule this information as being of concern with regard to the child’s protection and requiring a thorough social assessment of the family situation. This assessment will only result ultimately in a classification with no consistent result.

Mrs. B and her son, too, had to face a IP issued by the school principal, denouncing a possible “radicalization” of the child. The young boy simply claimed to be “Muslim”. In this case, the information deemed of concern ended up reaching the stage of judicial reporting. A social investigation was carried out by social workers in a court-appointed setting. In
parallel, a system of expertise was organized at the request of the child’s judge.

“My son said he was a Muslim, so the principal reported him as radicalized. We were summoned to the MDR,” and they asked him questions such as: do you listen to music at home, does your mother wear dresses? ... Then we went before the judge and she gave an AEMO measurement.

As a result of the assessment of the family, a measure of the Aide Éducative en Milieu Ouvert (Educational Support Open Environment, AEMO) has been advocated by social workers. This measure is often taken by the judicial authority when a child is exposed to serious and recognized danger. However, this IP, as one would imagine on reading the facts, has actually proven to be unfounded. Indeed, the principal himself will admit having made a “mistake” and that he had “perhaps exaggerated”.

“In this interview with the principal, he said ‘I may have exaggerated’. The principal admits that he made a mistake. Nevertheless, the judge took action. He made inconsistent remarks, he put in his report that [the child] was doing the prayer standing.”

In light of the information gathered, we can conclude that an investigation was decided on the basis of information which would not be indicative of a situation of danger for the child and which, according to the issuer of the alert itself, was “exaggerated”. It prompts the following question: how does the socio-educational assessment established by social workers lead to the referral of this family to the judicial authorities?

As our evaluation progressed, other criteria came to light:

“When I went to see the MDR, when I was called for the first time, I asked why I was there. She did not tell me clearly that it was in relation to religion despite the fact that all of her questions did in fact relate to religion. She tells me that my son doesn’t mix with other students very much. Suddenly, she did only focus on that. He does not mix with other students, so he is radicalized. He doesn’t talk to other people, so he’s radicalized. I asked her why I’m here: because my son is radicalized, right? She answered no, it’s because he’s all alone and he doesn’t work well at school. So because we don’t work well at school, we come before the judge now?

It’s ridiculous, tell me clearly that it’s about religion.”

This case illustrates that religious practice did indeed guide the assessment and is being used to determine whether socio-educational monitoring should be implemented or not. More specifically, signs listed by the Minister of the Interior are being used to guide social work. It is difficult for social workers to know for sure what “radicalization” as a phenomenon encompasses. As a result, it hinders them from drawing objective conclusions. In this situation, “radicalization” refers to a lack of socialization. However, can we really identify a person in the process of radicalization based solely on a lack of socialization and academic difficulties? Alerting the public authorities must be a last resort for social workers; they must above all set up a social and educational assessment based on the isolation and withdrawal of the minor. This fear of insecurity, this support based on the suspicion of lack of protection, leads to a managerial vision of social intervention, as stated by the sociologist Wajdi Limam.

In his article, Wajdi Limam wrote that when radicalization is evoked, it triggers replies such as “radicalization is a way of not naming what we are talking about”, “radicalization is a nice formula, to put it mildly”, among frontline social workers. This constantly indirect and suspicious approach demonstrates the prejudices and confusion among certain social workers that are in contact with the phenomenon of radicalization. For them, radicalization is viewed as a common practice in Islam.

This suspicion is so prevalent that even the respect of the legal procedure is impacted: for instance, families are denied the right to access their files even when applicable law would allow them to do so. In practice, the lack of institutional communication encourages families to claim their right to consult their administrative files. However, they are increasingly being denied this access on the grounds that the file has become “judicial”, that is to say only consultable in court under the conditions of article 1187, Codes of Civil Procedure. “When I ask to consult the documents

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10 Article 1187 of the Code of Civil Procedure

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7 Maison Départementale du Rhône : centre médico-social (Rhône Departmental House: medico-social center)
they tell me that I need a lawyer.” Said Madame B during our interview. However, according to the law n° 2002-2 of January 2, 2002, reforming the social and medico-social action, parents and even children taken under charge by the ASE have the freedom to access administrative documents and even to get a copy.

This suspicion leads to unjustified ignorance for targeted families as to what justifies the IP. As the specialist in children’s law Pierre Verdier points out, the rule should be administrative transparency: any citizen has the right to have access to information held by the administration concerning him or her.

The lack of information at the families’ disposal endangers the relationship between the social worker and its charges. This very relationship constitutes the basis for the social work. It is necessary to emphasize that if the social worker is subject to professional secrecy, this must never be “opposable to the user concerned by the information”.12 Because of these practices, which go against legislative texts, families rely on lawyers. On several occasions, parents also stressed the difficulties encountered during procedures.

The case of Mrs. D is similar to the other situations previously described. It gives a perfect illustration of the phenomenon of discriminatory reporting based on religious affiliation. Her eldest son was reported by his school because, “he talked about religion at school, he talked about hell and paradise to other children”.

“[Social workers] asked questions about our religious education, [but] in fact it was unclear. Questions such as ‘what do we teach our children?’ It is too broad. They mentioned hell and paradise. They said ‘but anyway hell and paradise don’t exist, it’s an invention of the Middle Ages’. The social worker said that. After that, I replied ‘okay, well … I believe it’. And then his colleague took over and said that we don’t have to get to the bottom of it. Then he asked him questions about the prayer and Ramadan. At that time, my son felt compelled to say ‘oh, I like to do prayers’.”

Sometimes social workers have even resorted to questioning the family’s religious and personal beliefs, which constitutes an expression of their fundamental freedoms. For instance, when they said: “in any case, hell and paradise does not exist, it is an invention of

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12 Law n° 2002-2 of January 2, 2002 designed to reform social and medico-social action (JO 03/01/02) ensuring in particular the access to any information or document relating to the care of a person by social and medico-social establishments and services


the Middle Ages”. During her interview, Mrs. B and her child faced a professional who sought to impose her ideology (“dominant ideology”). She puts on hold the principle of neutrality which she should apply concerning the ethical framework her function as a social service assistant requires. Indeed, one of the fundamental principles of the code of ethics of social service assistants is about respect for the person. This respect should not vary under any circumstances. Thus, the social worker must be at the people’s disposal, irrespective of their race, color, sex, situation, nationality, religion, political opinion and feelings that those people may inspire in them.

One of the specialized educators was able to remind his colleague about the essential objective of the intervention, that is to say child protection. However, despite this necessary reminder, the workers recommended that a judicial measure be put in place.

“Me and my husband [were] once [interviewed], and at home a second time. In total, two interviews lasting not even an hour. In the report given to the judge, they said that we did not seem authentic. For them, we did not tell the truth. Thus, after two interviews, we weren’t deemed as authentic and we had to go to the judge.”

In social investigations and expertise, the mobilization of several professionals remains necessary. On one hand, this allows for an unbiased process to take place and on the other hand to mobilize several sources and to draw a conclusion built on contextualised facts, which are objective and based on the family situation. This investigation must be carried out over a period of three months. During the socio-educational evaluation, Mrs. B and her family took part in two interviews with the professionals. At the end of these two meetings, the professionals recommended the use of a judicial measure. Is the information gathered through these two interviews really sufficient to allow the implementation of such measures? An extremely subjective assessment, based on deep suspicion and the fear of not reporting enough cases will lead to the judicialization of IP. As a result, during the hearing, while facing the children’s judge, Ms. B. relied on a lawyer for her defense.

“Only relying on the testimony of the children, the lawyer was able to point out contradictions. There were crazy things in these testimonies, it was like my son did not eat in the evening, and in compensation he had eaten a croissant. It was quite simple, the lawyer had all the elements, she proved that there was nothing in the file, she just noted that there was no endangerment. Certainly, there
were difficulties just like in all families, but that did not justify relying on the justice system.”

The layer’s intervention helped to highlight inconsistencies between the analysis made by the professionals and the actual situation of the family. The case was then dismissed by the child’s judge. Many reports are written by professionals to shield themselves from the potential reproach of not having reported enough cases. Their reports are not always made to defend the child’s interest. Thus, a critical analysis must be undertaken by professionals in their examination of the written reports signaling people.

ABUSIVE IPS AS THE RESULT OF AN ILL-DEFINED CONCEPT

According to sociologist Daniel Verba, as the social worker is exposed to new public policies, he must know how to position himself between protection and the fight against radicalization. In the wake of this “sectarian drift”, social workers claim that they lack the proper tooling and deem it essential to have better training on these issues. Obviously, alerting the public authorities must be a last resort for social practitioners. Indeed, they must above all engage their social and educational expertise, on topics such as isolation, withdrawal, and parenting.

This fear of insecurity alongside the suspicion-based social support are the results of a new society of vigilance. Social workers are becoming a new “family police”. In this new set up, the interests of the child and the rights of the parents are not respected. The IP becomes abusive: it no longer seeks the protection of the child, his security, health or even development. While trying to predict a phenomenon that is as poorly understood and presented as very dangerous, radicalization, their interventions become a tool for monitoring and protecting public order. Religious practice is cast as the antechamber for future violence, leading social workers to report it in order to preserve the common good. Most of the time, social workers are helpless and disoriented because this work of detection and reporting deviates from their traditional missions.

Indeed, as the very concept of radicalization is not scientifically defined, it turns out to be difficult to pursue an objective goal while trying to prevent a vague and uncertain phenomenon from occurring.

These findings lead us to foresee the emergence of a potential crisis in professional practices in the field of social work. Torn between the traditional role of the social worker and the urge to “report someone”, how does the professional manage those two missions as they risk to undermine the functioning and ethics of his profession? Above all, co-education and socio-educational support for children must respond to a logic of benevolence and protection against all danger. However, the complexity of this double injunction considerably impacts the practices of professionals. Religious facts and radicalization are seemingly confused, revealing the amalgams and stigmatizations that families of the Muslim faith are subjected to. Social workers say they lack the tools to deal with these policies and consider it essential to better train professionals on these issues.

Unfortunately, those institutional drifts take a psychological toll on families. According to sociologists Marwan Mohamed and Abdelallii Hajjar, discrimination affects the health of the individual: it “hurts souls, paralyzes, (...) demolishes, (...) and causes feelings of shame and humiliation”. Psychological support is therefore necessary in order to cope with these painful events.

PSYCHOLOGICAL APPROACH TO REPORTING

Let’s remember that in the context of preventing and combating radicalization, the role of social workers is to support parents without a priori judgment, taking into account the socio-cultural environment in which families live. When imbalance occurs, there is a need to help restore the family order.

They need to find solutions that create a climate of well-being both within the family and outside it.

On what criteria would this prevention of radicalization be based? Is there a standard/basis for

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15 Emmanuel Macron, speech of October 7, 2019.


the practice of Islam? What is the limit between the religious identity of one person and the physical/moral/mental harm done to another person? Work on the translation of the practices must be done. In this perspective, it is necessary and essential.

The meaning that is pinned to cultural and/or religious affiliation must be questioned.

Simply relying on the following questions is not enough: “Do you listen to music?”; “Do you play the PlayStation?”; “Do you have a girlfriend?; “Does your mother wear long dresses?; “Do you get up to pray at night?”

Those are some of the questions asked by teams of social workers during interviews with families. They are reductive and stigmatizing. Alas, would answering these questions a certain way be synonymous with radicalization?

Through these direct and oriented interviews, the targeted individual tends to pin itself to a specific identity, labeled as “radicalized”. This label can have psychological consequences later: withdrawal, general anxiety, limits on socialization, identity problems, stress, mismanagement of emotions, mistrust in building social relationships, stomach aches, insomnia, silence, anxiety, school phobia, psychosomatization.

These consequences can be revealed through the child’s relationship to religion: religious extremism or the choice to no longer practicing one’s religion; through the mother-child bond: guilt of the child vis-à-vis the situation, overprotection of the mother towards her family or even a questioning of the role of the mother.

The consequences can also be found in the relationship of the couple itself. In one of the clinical cases under review, the situation led to divorce proceedings.

Mismanaged interviews can also lead children to adopt risky behaviors: dropping out of school, delinquency, wandering, selling drugs, addictions, breakdown of family ties, etc. Even when the attempt to prevent radicalization is based on good intentions, it could lead to the breakdown of a family structure and do substantial damage. This is what we are highlighting through this article. Are institutions taking part in a constructive or destructive dynamic? What is a report? It is one done when a child finds himself in danger. It is meant to protect the integrity of the child. It can highlight silent or hidden abuse in the private sphere.

As a result, it is essential to work holistically on and with the family. Does practicing a religion affect the child’s well-being?

In recent years, several reports have been marked as abusive, not only in connection with the prevention of radicalization, but in general. They led to the break-up of several families.

What kind of danger leads professionals of the educational and social circles to flag a IP? What subjective emotions are they focusing on and why? It is necessary to investigate and rethink these sometimes abusive and unfounded acts. They are the markers of a professional practice, an individual or a personal thought.

Take for instance this school principal who made a report after he asked a child the following question: “What do you want to do later in your life?” To which the child replied: “I want to become a good Muslim and I would like to go to Mecca”. The child had good results at school and no behavioral problems. However, for this director, the child’s response warranted a report for risk of radicalization. It is not only a matter of making a report, it is a matter of embarking each professional in close contact with the children. There are what are called supervisions, practice analysis groups, or even team meetings when they are successful; they allow you to rethink your individual professional practice and to have other perspectives on a situation.

Often, social workers are confronted with an intercultural population and must find the in-between which could allow for exchange with individuals with different identities. Those exchanges are not meant to stigmatize but rather to reduce the cultural gap, to improve the “vivre-ensemble” (togetherness). In the previous case, it would have been wise to further question the child by saying, for example: “Yes, that is what you want to do later from a personal and spiritual point of view. But what about your professional goals?” This answer would deepen the reflections of the child and help us to learn more about him.

In addition, media often represents a source of fantasies and amalgams concerning Islam: the image conveyed in news reports on Islam is biased. Thus follows the fear of the unknown; representations of “Muslims as invaders” who would like to impose their religious practices on all of France. Everyday life or the fear of the “Other” prevents intercultural dialogue. Making the effort to meet, exchange, share, translate would allow us to avoid falling into these patterns of Islamophobia and incessant stigma.

Through the course of our interviews, we also stumbled on problematic statements in family files written by social workers: “There was a closed cupboard with strange things inside.”
During the visits, it is important to deconstruct the subjective reality of some social workers through dialogue. It would help restore a balance of thoughts.

Let us now talk about the patterns of Islamophobia and racism which trigger several defense mechanisms on the Muslims’ side: mistrust or the fact of not being in agreement with its intercultural identity (religious but also cultural). All of this sometimes induces an erroneous suspicion among professionals which leads to reports and IP.

At the same time, immigrant parents often rely on defense mechanisms. Their children born in France feel this discomfort transmitted from generation to generation within their family. It causes feelings of hatred, words that go beyond their thinking, a claim to identity, a revolt, a sense of guilt, etc. They sometimes want to speak for themselves and be what parents cannot; as family history is brought up, there is transmission of religion but children can sometimes spot inconsistencies when they see the parents’ discomfort.

In 1957, Léon Festinger developed the theory of cognitive dissonance which states that certain situations cause a person to act in disagreement with their beliefs. We can then notice a gap between what the person is and what he must be to fit the mold.

Since the dawn of time, migration has existed. In 1954, Anthropologist Kalervo Oberg talks about the 4 stages of culture shock:

1. the honeymoon, where everything is idealized in the host country;
2. the crisis, where we see that the cultural codes of the host country are too different from the country of origin, it is the disillusionment;
3. the adjustment, by trying to understand differences and by finding a happy medium; and
4. the bi-cultural ease, in which we manage to deal with different cultures and where we manage to create an intercultural identity.

This journey is long, and it is sown with attacks, leaks, identity strategies, withdrawal, mimicry, the lack of the country of origin ... It is important to spot this dynamic aspect in the psychological processes which can then allow us to act and to be aware of the ambient climate.

In addition, in France we can see that politicians have two models for dealing with cultural differences: assimilationism and multiculturalism. By extension, professional practices are built by the current world and its ideologies..

In this article, we are talking about culture in the broadest sense of the term, that is to say which encompasses origins, beliefs, professional cultures, representations, norms, laws, values, generational views, etc. Assimilationism introduces a vision of an identity assignment, a vision of culturalism (developed people vs. ruled people). It is the absorption of one cultural group by another. It means the rejection of the other culture, an adaptation. Multiculturalism is often conflated with communitarianism: everyone lives their own cultural difference on their own; ethnic labeling and assertion of a cultural identity different from that which the Other follows.

Through vestiges of colonization rooted in customs, immigrant parents rely on defense mechanisms such as identity strategies, especially in structures that relate to the state, in this case national education and the ASE.

We make the link here with the term secularism (laïcité in French) which is debated, but also with freedom of worship. It is difficult then for the child to build himself an environment which is structured and benevolent but which includes individuals that are not. A feeling of isolation, a constant impression of being singled-out does not allow the personal development of a child. Personal development takes place in different situations: school, family, spiritual, sports, and social areas, etc. A child may end up spending more time at school than at home. Thus, his school years will be extremely important for its individual construction through learning, managing emotions, socialization, surpassing oneself, etc.

“Society does not see the child, it only sees the Muslim”. Said a mother who shared her testimony with us.

**CONCLUSION**

This article is aimed at the national education, ASE, CCIF, parents of pupils, pupils and Muslim families. We must create an intercultural space where each norm/value/law is rethought in these different spheres. We cannot think of them separately. To co-exist, we must think of them in such a way as to create a space where everyone can feel that they have a place.

Patrick Denoux develops the concept of “interculturization” which allows a co-construction: Culture A + Culture B = Creation of a Culture C (third party), which allows us not to forget who we are while
finding a happy medium through dialogue, a new identity created together which allows interculturality.

Let us be aware of the impact of our words, of our actions. These are markers of ills, of internal malaise that each of us must consider in our individual perceptions by taking otherness into account. Each of us has a responsibility to our society, each of us is responsible for what is happening now. Let us establish intercultural dialogue between us, verbalize our emotions, our fears, our personal stories. Let’s exteriorize all of this, and do something productive, structuring and fulfilling.

When it comes to whom may deserve a IP, let’s not focus on a beard, a long dress, a prayer, some words, listening to music or not, a real or supposed belonging to the Islam.

Let us go further in the encounter with the Other, let us try to understand what things represent for each one in an individual and not only a generalized way.

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The Headscarf and Citizenship

Some reflections about the “Odoul affair”

Rafaelle Maison, Associate at the Faculty of Law, Professor at Paris Saclay University

Julien Odoul, an elected official of the Rassemblement National (National Rally, RN, a far-right political party) made a now famous request to exclude from the conseil régional de Bourgogne-Franche-Comté (regional council of Bourgogne-Franche-Comté, the elected assembly of the said region) a mother accompanying a school outing wearing a headscarf. This sad episode gives us an opportunity to reflect on the place of the headscarf in politics. Not only to lament the way in which the headscarf is used by political elites, with a few notable exceptions; not just to describe a new policy or “religious secularism” that is flourishing, as Joan W. Scott (The Religion of Secularism, Flammarion, 2018) aptly states, on the dominant Western imperative of sexual availability of women’ — uncovered — bodies.

What the episode specifically questions is the possibility for a woman wearing a headscarf to participate in political life. Because it is indeed the will to exclude from a place of political debate, and therefore, ultimately, the refusal to recognize in this woman a political subject, that was expressed by the regional council. Odoul clearly stated that this woman had no place in a “democratic forum”. She could still be on the street, or at home, but not in a political space. The otherness that she expresses - in the eyes of the elected officials of the Assemblée nationale (National Assembly, one of the two chambers of the legislative body in France) — is therefore tolerated by them in the civil or family field, but not in this matter of French citizenship.

One could think, however, at the risk of appearing excessively optimistic, that the episode of the conseil régional is a kind of starting point to counter flagrant discrimination. First, locally, several elected officials immediately reacted to the request of the Rassemblement National: the President of the conseil régional, Marie-Guite Dufay, strongly reaffirmed the provisions of French law in force and the individual rights of this woman to be present. Then the case gave rise to protests. The one in which I was able to participate, in Sens, Burgundy, permitted the voices of women wearing headscarves who spoke there to be heard. These local events are also part of a larger movement to condemn Islamophobia, which found a new form during the Paris demonstration commented on in this report. Finally, it is possible to note a keen sensitivity towards discrimination in young people, including among students who are not specifically victims themselves. The following article, from a Master’s dissertation, expresses it well. This work rightly emphasizes the variation in the interpretation of fundamental rights in protection bodies at the European level (European Court of Human Rights) and at the international level (Human Rights Committee); the texts on freedom of conscience are almost identical within the two, even if the requirement of equality and non-discrimination is more prevalent at the international level than the European.

It is therefore time to deepen this equality at the European level, in both the political and the economic sphere. In the political sphere, if the request of the Rassemblement National failed during the episode mentioned above, it is because we allow - fortunately - the observation of political debates by a woman wearing a headscarf. But it is also necessary to recognize the possibility of expressing oneself politically or in a trade union. Here, social reluctance (real or constructed) still seems to be strong in France in all domains apart from participation in associations. We must also consider what seems to be the last taboo: the possibility to run for election. As indicated in the Covenant on Civil and Political Rights drawn up at the United Nations in 1966, the right to vote and to be elected thus go hand in hand. Its article 25 specifies: “Every citizen has the right and the possibility, without the discriminations referred to in article 2 and without unreasonable restrictions: (...) b) To vote and to be elected during periodic elections (...) c) To have access, under general conditions of equality, to public service of his country”. How to recognize the right to vote without accepting the right to be elected? How to affirm that the woman who wears a headscarf is a political subject without also allowing her to represent her fellow citizens? To not accept her, does it not, ultimately, alter her political condition?

In the economic sphere, the current social movement challenging the pension reform is bringing the issue of citizenship in the workplace back into the limelight. It is from this perspective that the exclusion of women...
wearing headscarves from certain fields of work (public service first, then private companies) must be considered. In the “Baby-Loup” case, which will be discussed in the following Hélène Faure article, the applicant specifically referred to the provisions of the code du travail (Labor Code), whose recent modification in France (2016) has also been challenged by a large-scale social movement before the Human Rights Committee. For the applicant, the new possibility to include a “principle of neutrality” in the internal regulations of companies or associations (article L. 1321-2-1 of the code du travail goes against the principle of equality. This is not what is retained by European case law, since the European Court of Justice considers, in the context of its analysis of “indirect discrimination”, as a “legitimate objective (...) the pursuit by the employer of a policy of political, philosophical, as well as religious neutrality” (judgments of 14 March 2017, cases C-157-15 and C-188/15).

In these two fields, that of political expression and representation and that of work, the deepening of the fight against discrimination requires reflection on the consistency of perceptions, sometimes reproduced or aroused by French and European law. It is thus urgent to question the prejudices which hold women wearing headscarves by spiritual conviction as women under male domination, which paradoxically leads to deprive them, by law, of the means for their material autonomy and to deprive them, in fact, of their full political autonomy. The Human Rights Committee, which monitors compliance with the International Covenant on Civil and Political Rights of 1966, has rightly gone beyond the sole theme of freedom of religion to address that of discrimination against women in the workplace, considering that the firing in the Baby-Loup daycare case constituted “cross-sectional discrimination based on gender and religion”. It also refused to recognize a “national margin of appreciation” in France, which the European Court of Human Rights has repeatedly practiced. The concept of “national margin of appreciation” constitutes, ultimately, only a renunciation of an equal application of fundamental rights. It is, beyond the fragility of European equality texts, another means of maintaining discrimination.

In this regard, it is very unsatisfactory to see that the European Court of Justice tolerates internal regulations of companies excluding women wearing headscarves from work in order to meet the wishes of their customers. For the European Court of Justice in the Achbita judgment (judgment of 14 March 2017, case C-157/15, § 43), it is simply necessary to ensure that the company, in this case G4S Secure Solutions NV, could have, without “additional charge” offered the worker “a workstation that does not involve eye contact with (the) customers” (it is we who italicize) rather than dismiss her. In the Bougnaoui judgment, the company (Mircopole) sets out the reactions of these customers in its letter of dismissal, cited by the Court: “We asked you to intervene for the customer [...] on its site [...]. Following this intervention, the client told us that the wearing of the headscarf, which you actually wear every day, had bothered a number of his employees. He also asked that there be ‘no headscarf next time’ ” (judgment of 14 March 2017, case C-188/15, § 14). The woman wearing a headscarf should therefore not be seen at work, it is possible to dismiss her if the company cannot, “without additional charge”, assure her a position where she will not be visible. To admit, on the part of the European Court of Justice, of workplace policies of this type, is this not ultimately to accept racist opinions formulated by customers who do not accuse the worker of any professional error but cannot bear to see a difference? Does this not allow these opinions to flourish?

Racist opinion, within the meaning of another text of international law, the first major treaty on fundamental rights: the Convention on the Elimination of All Forms of Racial Discrimination (1965). Article 1 of this text specifies: “The expression ‘racial discrimination’ covers any distinction, restriction or preference based on race, color, descent or national or ethnic origin”. More broadly, the Committee responsible for monitoring compliance with this Convention considers that discrimination against members of a vulnerable group is noted even if the official justification for the discrimination does not explicitly proceed from a “racial” criterion.

European law therefore comes to reinforce exclusion on the whole, whereas it is opposed by internationally interpreted texts. This European legal reality of exclusion, based on an analysis of fundamental rights, can only maintain the secular confusion from which comes Julien Odoul’s intervention. It is therefore to international texts that we must return. They are the ones that can support the fight against a system fueling racist prejudices; they are the ones that can support the fight to have the French and European population recognized in its diversity and to guarantee everyone full civil, political and economic rights.
LEGAL READINGS OF THE VEIL

ANALYSIS OF THE ANTAGONISTIC POSITIONS OF EUROPEAN AND INTERNATIONAL BODIES FOR THE PROTECTION OF FUNDAMENTAL RIGHTS

Héloïse Faure

1 This article is drawn from a research thesis defended in 2019 as part of the Master 2 droit international et européen des droits fondamentaux (International and European Fundamental Rights Law) of the University Paris Saclay.
“How can the principle of equality of the sexes justify prohibiting a woman to behave freely, assuming it is her own choice?” This was Belgian judge Françoise Tulkens’ question in 2005, in her dissenting opinion attached to the Grand Chamber judgment in the Lejla Sahinić v. Turkey case. She then considered it necessary to remind the judges of the European Court of Human Rights that “not all women who wear a veil are fundamentalists”\(^2\). Although this point seems obvious, it occurs in a context where it is constantly questioned. Among the number of objects and clothes individuals wear due to their religious convictions, one sticks out in all its variations. It crystallizes controversies and disputes in certain States to the extent of prejudicing those who choose to wear it: the headscarf, the veil, the hijab, the niqab or the burqa that some of Muslim women wear. There is no need to go back very far to attest it: “I admit that I now understand why the other mothers wearing headscarves do not participate in school outings. At one point, when I heard everyone react, I said to myself: What are you doing here? Apologize and leave! I felt rejected in a way I had never been before.” These were Fatima B.’s words in an interview with Collectif contre l’islamophobie en France (Collective Against Islamophobia in France, CCIF). She had been called out by a member of the Rassemblement National (National Rally, a far-right political party) while attending the plenary session of the conseil régional de Bourgogne-Franche-Comté (Regional Council of Bourgogne-Franche-Comté, the elected assembly of said region) on October 11, 2019 as a chaperone accompanying a school outing. Proclaiming the principle of secularism and the fight against the oppression of women, far-right officials threatened to leave the meeting if the woman refused to remove her veil or leave the room herself. She eventually chose the latter, consoling her child who had burst into tears.

This scene gave rise to many – and stormy – media debates. As a result, over thirty elected Republican officials submitted a bill to the Assemblée nationale (National Assembly, one of the two chambers of the legislative body in France). The bill was to include school outings in the law of March 15th, 2004.\(^5\) Following the principle of secularism, this law governs the wearing of items or outfits demonstrating religious affiliation in public primary schools, high schools and colleges. A few days after the incident at the regional council, the current ministre de l’Education nationale (the Minister of National Education) Jean-Michel Blanquer said “the veil is not welcome in our society” because “what it expresses about the status of women does not suit our values”.\(^6\) The bill emphasizes that “children must be particularly protected” in school and that “national cohesion” in France relies on a strict compliance with the principle of secularism. The elected officials requested a hardening of the legislative framework by inserting a new paragraph in article L. 141-5 of the Code de l’éducation (Code of Education). It would extend the principle of religious neutrality to the parents of pupils who accompany school outings and trips by forbidding them “to wear items or outfits which make obvious a religious affiliation”.\(^7\) In the light of the context that surrounded this bill, it is plain to see what type of “conspicuous” sign is targeted by the ban, although no explicit reference to the veil is made in the provision. The question remains of the absence of a legal basis to justify elected officials forcing a woman to choose between her religious freedom and the option of accompanying her child on a school outing: it was her right to choose the latter in the absence of a provision forbidding her presence as a school chaperone, even dressed in religious attire. The study of December 19, 2013\(^8\) by the Assemblée générale du Conseil d’État (The Assembly of the Council of State, a body which gives juridical advices to the government on proposed laws) stipulates that, in principle, the requirement of religious neutrality does not apply to the users of a public service, a category where parents of students accompanying school outings belong. With or without a legal basis, the incident at the conseil régional shows that Muslim women are facing increasing pressure to give up showing signs of their religious conviction. Those daring to not comply with this requirement run the risk of being rejected and reduced to their piety, even dissuaded from being visible in public.

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\(^{2}\) ibid., § 10.

\(^{1}\) JOVIN (E.), *Sociologie de la femme voilée : du voile hérité au voile révélé* (Sociology of the veiled woman: from the inherited veil to the revealed veil), *Pensée plurielle*, no 21, 2009, p. 113-125.

\(^{3}\) Proposed law no 2348 aiming to include school outings in the law of March 15, 2004. Following the principle of secularism, this law legislates on the wearing of signs or outfits showing a religious affiliation in public schools, colleges and high schools. The proposal has been registered at the Presidency of the Ass. national on Oct. 22, 2019.


\(^{5}\) Proposition de loi (Proposed law) n° 2348, op. cit.

\(^{6}\) Proposition de loi n° 2348, op. cit.

\(^{7}\) CE, Ass. gén., « Étude demandée par le Défenseur des droits le 20 septembre 2013 » (Study requested by the Defender of Rights on September 20, 2013), 19 déc. 2013, p. 30-32, § 3.2.1 et § 3.2.3 : “For users of the public service and third parties to this service, who are not subject to the requirement of religious neutrality, restrictions on the freedom to express one’s religious opinions may result either from specific texts or from considerations linked to the public order or the proper functioning of the service.”

\(^{8}\) TA Nice (Administrative court of Nice), 9 June 2015, n° 1305386, § 2 : “Parents of pupils authorized to accompanying a school outing in which their child participates must be regarded, like the pupils, as users of the public education service.”
The revival of the issue of the prohibition of religious symbols in France shows, on one hand, the growing confrontation between the prohibitive norms – real or hoped for – of States giving significant weight to the “principle of secularism”. On the other hand, the right of women who wish to practice their religious freedom by wearing an outfit is often interpreted as incompatible with the values and dressing standards of Western societies. The fact that an individual – who is most likely a man – forces another individual – who is most likely a woman – to wear a religious sign against her will is to be fought. But what about the fact that the state can compel a great number of women belonging to a given religion to renounce the way they dress by personal choice, on the grounds that this choice prevents them from being equal to men and that it is incompatible with the principle of secularism? So that rather than analyzing women’s rights with regard to the “negative” aspect of freedom of religion (which is threatened in societies where individuals are forced to identify themselves in public by wearing certain signs and religious clothing), this question implies being considered in the light of the “positive” aspect of freedom of religion (which is jeopardized in societies where individuals are prevented from identifying themselves by wearing religious symbols). In such circumstances, those who decide to cover up to be in accordance with their religious beliefs risk being limited in their fundamental rights, if they refuse to shed their headscarves. The growing numbers of prohibitive standards– as is the case in France – translates into the exclusion, stigmatization and discrimination of Muslim women who do not submit to them. They are faced with a choice: renounce a practice which they consider their right to freely manifest their religion, or renounce taking an active part in society.

If the religious sign usually refers to “an object or a behavior (or a combination of object and behavior) intended to show the compliance with the religious conviction of the person who claims it”, Jean-Marie Wodziński, jurist and Council of Europe expert, considers that the veil worn by Muslim women implies a “subjective” dimension. Even replaced by seemingly non-religious substitutes such as a hat or a bandana, it remains understood as a religious sign because the one who wears it intends to manifest his or her religion. Furthermore, it is read by others as a political sign symbolizing “refusal to integrate into the host society” and even the expression of a communitarianism rejecting common values. In this instance, it is the perception of third parties that is decisive, regardless of the woman’s own will to wear a sign or other. Some go so far as to assert that supposedly ostensible religious signs “are reinterpreted through questions of domination, of one gender over another or of a majority over a minority”. Banning them would then indirectly prevent the domination of Muslim men over Muslim women, thereby freeing them of a grip they are unable to release themselves from, the wearing of the veil manifesting this inability. American anthropologist Laura Nader deplores the broadly shared idea that Western women “would be in a better position vis-à-vis their men than their sisters in undeveloped societies”. For Olivier De Schutter and Julie Ringelheim, the arguments in favor of banning the veil rely on the assumption that “this dress code cannot be the result of a free choice and that it would be the clear and unequivocal expression of the enslavement of women”. However a part of the feminist thought seeks to demonstrate that the wearing of the veil has multiple meanings, and deplores the erroneous interpretation which founds its prohibition, “that of a symbol of inferiority that women wearing it would take on”. Sociologist Christine Delphy believes that, in the French context, the ban on ostensible religious signs symbolizes the “refusal to recognize the claim of full citizenship (in several ways, one of them being the demand that Islam be treated on an equal footing with the other religions) for the French born from colonial immigration”. This leads us to reflect on the place women hold in Western societies as they

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11 CCIF, « Être musulmane aujourd’hui en France : Les femmes, premières victimes de l’islamophobie » (Being Muslim Today in France: Women, the First Victims of Islamophobia), 2014-2015 report, p. 13-42. The report reveals that Muslim women who wear the veil are kept away from social and political life, from the school and professional environments and that they have difficulty accessing care, health, leisure, housing and even goods and services.

18 Ibid.
seek to show their beliefs by wearing a religious symbol from a “foreign” culture. A sign which is no longer “a marker of the domination of men over women but the only sign of the oppression of women”.

For at least two reasons, the fact of being women and the fact of wearing a veil to demonstrate their religious conviction, some Muslim women face national provisions prohibiting them from wearing religious symbols. These prohibitive standards may aim to free them—by coercion—from a hypothetical family or religious constraint, but their main effect is to stigmatize them and exclude them from public space. Religious discrimination thus combines with gender oppression, since the injunction for emancipation is addressed only to veiled women and not to other women, and does not apply to men either, “to those in the dominant group, nor to those in the dominated group”.

It then seems illusory to ignore the intersectional problem, halfway between gender and religion, as well as the doubly discriminatory effects that underlie these prohibitions. The gendered and “racialized” stereotypes on which they are based particularly affect Muslim women who choose to wear the veil in Western societies, the risk being that they forget the fundamental distinction between enlightened choice and coercion. The adverse effects of these stereotypes on the Muslim community, women in particular, have been well documented. The United Nations Working Group charged with the issue of discrimination against women in law and in practice made a point of noting that States tended to adopt “national regulations restricting the rights, power and mobility of women based on essentialist views of particular cultures or religions”. Legal disputes concerning state interference in women’s right to freedom of religion should be approached in this light.

PRESENTATION OF THE LEGAL DEBATE

Disputes about the positive aspect of freedom of religion are regularly submitted to the bodies overseeing human rights treaties. Over the course of litigation, they engage in a downright “dispute over the formulation of the principles of good society”. When it comes to deciding on the validity of the restrictions the States can apply, the arguments of the judges of the European Court of Human Rights contrast sharply with those of the experts of the Human Rights Committee in the United Nations. In the European context, the general interest that the States put forward to justify the prohibition of religious signs is often used as a pretext to spread a negative judgment on how some women choose to express their belief in Islam or directly on the women themselves. In order to understand these variations, we must first examine the legal foundations the European Court of Human Rights and the United Nations Human Rights Committee rely on to assess the validity of state restrictions.

The freedom of thought, conscience and religion, provided for respectively—and in almost identical terms—in article 9 of the European Convention on Human Rights (1950) and in article 18 of the International Covenant on civil and political rights (1966) includes the right for individuals to demonstrate their religion “individually or collectively, in public or in private”. Individuals can exercise this right through worship, practice, rites, or education. However, this is not an absolute right: if the “forum internum”, that is the freedom to have a religion or belief, can in no way be restricted, this does not apply to the “forum externum”, or the freedom to express this religion through rites or practice which may in some cases be subject to national limitations. It is intended that the expression of religious beliefs—which involves the wearing of religious symbols—can be restricted under three conditions: the restrictions must be provided for by law, pursue one or several legitimate goals and be necessary and proportionate in order to achieve these goals. The latter are identified similarly in the two conventional instruments, in an exhaustive list; on the one hand, the protection of public interests which includes public order, public safety, morals and health; on the other hand, the protection of private interests which are the fundamental rights and freedoms of others. Consequently, if the European Convention and the United Nations Covenant guarantee freedom of religion and guarantee that individuals can legitimately express their beliefs in various ways, this

26 CESDH, art. 9 § 2 – PIDCP, art. 18 § 3.
freedom may, in the name of the protection of the interests mentioned above, be legitimately limited by states within their national laws. The balance between the right of individuals to express their religion and the possibly related state restrictions is at the core of the review carried out by the judges of the European Court and by the experts of the Human Rights Committee. In striking a balance between the right of individuals to express their religion and the need for the state to protect the general interest, the European Court must determine whether national restrictions are “necessary in a democratic society”, while the Human Rights Committee must determine whether these restrictions are “necessary” for the protection of general interest motives. Looking at the different interpretations of freedom of positive religion in the speeches of judges of the European Court and in those of the experts of the Human Rights Committee also means looking into the formation of these two bodies as well as the nature of their decisions. The European Court is a permanent judicial body. It is responsible for ensuring that the provisions of the European Convention on Human Rights of 1950 and its additional protocols are respected by the States which are parties to it and whose jurisdiction “extends to all questions concerning the interpretation and application of the Convention and its protocols”. The number of judges of the Court equals the number of States Parties to the Convention—47 to this day. These states are located exclusively on the European continent. Judges are elected by a majority of votes of the Parliamentary Assembly of the Council of Europe out of a list of three candidates submitted by each State party. Once elected, judges sit in their individual capacity and do not act for the interests of the State they are nationals of. The Court may be seized by individual petitions “by any natural person, any non-governmental organization or any group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights recognized in the Convention or its protocols”. The binding force of final judgments delivered by the Court is mentioned in the Convention; in the event of a conviction in the disputes they are parties to, the States commit to executing them and their execution is supervised by the Committee of Ministers, the statutory decision-making body of the Council of Europe.

The Human Rights Committee is the body responsible for ensuring that the rights set out in the United Nations International Covenant on Civil and Political Rights of 1966 are respected by the states party to it - 173 states, which represents almost the entire international community. Established by article 28 of the Covenant, the Committee is composed of eighteen independent experts selected from each state party to the Covenant, elected by an absolute majority of the votes of the representatives and sitting in their individual capacity. The elections must take into account “an equitable geographical distribution and the representation of the various forms of civilization as well as the principal legal systems”. On this point, the composition of the Human Rights Committee is naturally more diverse than that of the European Court, because the Covenant is a universal instrument which brings together a much larger number of state parties across the world. As for the states party to the Convention which admit the competence of the European Court to hear individual applications, 116 parties to the Optional Protocol to the Covenant commit to recognizing the competence of the Human Rights Committee to consider individual communications “from individuals within its jurisdiction who claim to be victims of a violation, by this state party, of any of the rights set out in the Covenant”.

While the final judgments of the European Court are binding on States, the decisions made by the Human Rights Committee in the context of the examination of individual communications, known as “findings”, do not explicitly have the same binding scope. According to the Committee itself, “the findings it adopts under the Optional Protocol have certain main features of a judicial decision”, although its function is not “in itself that of a judicial body”. The Committee nevertheless clarified that its findings and the examination from which they spring have a “judicial spirit” which is is shown in “the impartiality and independence” of the experts, in “the thoughtful interpretation of the wording of the Covenant”, as well as in the “determining nature” of its findings, which constitute an “authoritative decision”. In order to give them “the

27 CESDH, art. 9 § 2.
28 PIDCP, art. 18 § 3.
29 CESDH, art. 19 and art. 32.
30 Ibid., art. 20.
31 Ibid., art. 22.
32 Ibid., art. 21.
33 Ibid., art. 34.
34 Ibid., art. 46.
authority of the noted thing”, the Committee will moreover use a “body of elements”. It will be developed whenever individual communications are presented before it. Two obligations arising from the Covenant will be combined: on the one hand, the principle of the execution of treaty commitments in good faith, and on the other hand, drawn from article 2 of the Covenant, the obligation to guarantee the enjoyment of fundamental rights to individuals placed under the jurisdiction of States parties. Some authors stress that the discrediting campaigns intended to lessen the restrictive scope of the Committee’s observations disregard its essential role “in the development and enrichment of human rights standards for decades now”.

The differences in the interpretation of freedom of religion in the case law of the two bodies, far from being limited to disputes over the veil, have already occurred in the context of disputes involving other religious symbols. An example is the turban or kekki worn by Sikh men in France, some commentators having called it an “arm wrestle” between the European and international bodies for the protection of human rights. These disputes also showed the tendency of the Human Rights Committee to integrate the issue of non-discrimination in its reasoning. It would also more readily describe state interference as a violation of the right of Sikhs to show their religion freely and not to be discriminated against for it. The European Court doesn’t opt for the interpretation favorable to individual freedoms, it prefers to hide behind the justifications of states by granting a “patent of conventionality” to measures prohibiting the wearing of religious symbols. The States can thus hide behind the patent and not alter their national laws in favor of injured individuals, thereby ignoring the findings of the Human Rights Committee.

In case of state interference with their right to freely express their religion, Muslim women who choose to wear a headscarf do not have the same chances of success if they submit their dispute to the European Court of Human Rights or to the United Nations Human Rights Committee. In order to better understand this variation, we will now examine the way in which the two bodies generally interpret reference texts which contain such variations.

**Freedom to EXPRESS RELIGION according to the European Court of Human Rights**

If freedom of religion implies freedom to have a religion and freedom to express it through worship, education, religious practices and rites, the European Court of Human Rights speaks in favor of a strict interpretation of protected behaviors in Article 9 of the European Convention on Human Rights, which “does not always guarantee the right to behave in public according to our faith”. With regard to the externum forum for freedom of religion, the term “practices” does not mean “any act motivated or inspired by a religion or belief”. Judge Françoise Tulkens considers the protection of religious practices as only “subsidiary” and notes the Court’s difficulties in positioning itself when it comes to “external signs of religious practices, such as clothing, for which the range can be very different according to the faith”. However, the Court readily recognizes the importance of freedom of religion, which is “one of the foundations of a democratic society [contribute] to pluralism [...] consubstantial with such a society”. It admits that this freedom is vital for “forming the identity of believers and their conception of life”, and that it is also “a precious commodity for atheists, agnostics, skeptics or the indifferent”. The Court nevertheless considers that the forum externum on freedom of religion can be legitimately limited by restrictions “capable of reconciling the interests of the various groups and ensuring respect for one another’s convictions” in democratic societies where people share diverse beliefs. The Court thus seeks a balance between the right of

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42. CHANET (C.), « Le système des communications et l’avenir du contentieux » (The communications system and the future of litigation), op. cit., p. 273.
45. Ibid.
47. Ibid. – See also: ECHR, High chamber., Leyla Sahin v. Turkey, n° 44774/98, Nov 10, 2005, § 105.
51. Ibid. – See also: ECHR, High Chamber, Leyla Sahin v. Turkey, op. cit., § 106.
women who wish to express their religion by wearing a religious sign on the one hand and the right of those not belonging to this religion on the other hand, who would supposedly like to be protected from all external religious influence.

As regards the prohibition of religious symbols, the European Court tends to hide behind the margin of appreciation of the national authorities. Although the legitimate aims pursued by an interference are listed exhaustively in Article 9 of the European Convention, the Court considers that a restriction “inspired by a goal that can be related to one of the provisions listed” may be compatible with the Convention. The Court is aware that its control is weak and describes its practice in the matter as “succinct” ; the legitimacy of States to interfere with the rights of individuals is rarely questioned, especially in the context of disputes over the prohibition of religious symbols. The Court says that the State is a “neutral and impartial organizer of the exercise of various religions, cults and beliefs”, which implies the obligation to ensure that “opposing groups tolerate each other” rather than “eliminating the cause of tensions by suppressing pluralism”. The Court believes pluralism calls for a spirit of compromise that implies accepting “various concessions, which are justified in order to safeguard and promote the ideals and values of a democratic society”. It acknowledges that restrictions can be necessary in order to protect the rights and freedoms. It shows the “constant search for a balance between everyone’s fundamental rights, which is the core of the proportionality check in litigations involving restrictions on the right of women to express their religion, on the grounds of protecting general interest.

The ban on religious symbols occurs in a highly political context where the proportionality check of the European Court is rarely in favor of the applicants. Insofar as such disputes involve “questions on the relations between State and religions, where acute disagreements can exist”, the Court withdraws and relies on the “national decision-maker” and on the broad national margin of appreciation which it grants “to the extent and methods” of the regulations related to the wearing of religious symbols. As it is impossible to “find a uniform European conception of the meaning of religion in society [and] as the meaning or the impact of acts of public expression of a religious conviction are not the same as far as time and the context go”, the Court relies on the lack of consensus in the practice of the States. It also relies on a role it considers subsidiary to justify the margin of appreciation that national authorities have, more able as they are to decide locally in accordance with their “direct democratic legitimacy”. The nature of the disputes over the prohibition of religious signs brings the Court to leave a clear field for States to assess the need to restrict the religious freedom of individuals. Along the same lines, the Court admits that the requirements of democratic society allow “limiting the wearing of the Islamic headscarf if it interferes with protecting the rights and freedoms of others, order and public security”, whether this religious sign is seen as a source of pressure on others in a university when worn by a student, or as a proselytising symbol necessarily imposed on women when it is worn by a primary school teacher. The Court’s restrictive interpretation of the right protected by Article 9 of the Convention, an interpretation that is not very protective for Muslim women who wish to wear the veil, is not the one chose by the Human Rights Committee of the United Nations.

**Freedom to express one’s religion according to the United Nations**

The Human Rights Committee specifies the content of the right to freedom of religion guaranteed by Article 18 of the International Covenant on Civil and Political Rights of the United Nations of 1966. It adopts a broad conception of rites and practices by explicitly including attire. Freedom to express one’s religion “encompasses a wide variety of acts”, such as “wearing distinctive clothing or headgear” and explicitly protects “wearing a headscarf that covers all or part of the hair [which] is a common practice for many Muslim women, who see it as totally part of the expression of their religious belief”. The same is true for the full veil, the religious practice “of a fringe of the Muslim religion”. As regards the review of the legitimate aims presented in Article 18 of the Covenant, the Committee says, contrary to the European Court, that “the grounds for restriction
which are not specified therein are not admissible\textsuperscript{66}, since they are exceptions that should be interpreted strictly and not abstractly\textsuperscript{67}. It specifies that interferences with the right of individuals to freely express their religion “must only be applied for the purposes for which they were prescribed and must be directly related to the specific objective which inspires them and be proportionate to it”, while emphasizing that they must not be imposed “for discriminatory ends, nor in a discriminatory way”\textsuperscript{68}. The Committee thus draws attention to the discriminatory dimension of the measures prohibiting religious symbols implemented by states\textsuperscript{69}.

In the face of state restrictions on the religious freedom of Muslim women, the Committee was also inspired by the work of the United Nations special rapporteurs on freedom of religion. One of them, Asma Jahangir, defined general criteria which, in her words, imply “taking into account consideration of conflicting fundamental rights and the interests of the public put forward in national forums”\textsuperscript{70}. As an example of conflicting fundamental rights, she quotes “the right of men and women to exercise all their civil and political rights equally, as well as the right to be protected from all forms of discrimination [and] the right of everyone to education”\textsuperscript{71}; for women who choose to wear the veil, the restriction of their religious freedom may also cause parallel restrictions on other fundamental rights. She believes that the ban on the wearing of religious symbols “based on mere speculation or presumption rather than on demonstrable facts is considered to be a violation of the religious freedom of individuals”\textsuperscript{72}. The control of the legitimate aims put forward by states to justify these restrictions will be more strict, since they must be based on recognized elements. The Special Rapporteur proposes five criteria which should enable international bodies to determine whether the “principle of commensurability” is respected by a national measure which restricts the wearing of religious symbols: the measure must preserve the legitimate interest allegedly threatened, restrict the right in question as little as possible, be proportionate by maintaining a “fair balance between conflicting interests”, promote religious tolerance, and finally “avoid the stigmatization of a particular religious community”\textsuperscript{73}. This last criterion is particularly taken into account in the Committee’s interpretation of Article 18 of the Covenant. It encompasses a wide range of religious practices by including the possible discriminatory effects that the prohibition of religious symbols can have women Muslim women.

**Variations in the Principle of Non-Discrimination**

According to Article 14 of the European Convention on Human Rights, the prohibition of discrimination implies an obligation for states to guarantee individuals the rights and freedoms recognized in the Convention “without any distinction whatsoever, based in particular on sex, race, color, [...] religion, [...] national or social origin, membership of a national minority [...] or any other situation”\textsuperscript{74}. Within the framework of the European Convention, the prohibition of discrimination is first of all restricted to the rights and freedoms which it recognizes, in the absence of general ratification of a text that prohibits it more widely, namely Protocol No. 12 adopted in 2000. In interpreting the rather limited text of Article 14 of the original Convention, the European Court provides states with a margin of appreciation. According to it, the Convention “prohibits treating people in comparable situations in a different manner, unless there is an objective and reasonable justification”\textsuperscript{75}. A distinction is discriminatory when it does not pursue legitimate aim(s) and when there is no relation of proportionality between the means employed and the aim pursued by the contested measure\textsuperscript{76}. According to the European Court, this is where states have some leeway to appreciate the need for distinctions in treatment as regards similar situations\textsuperscript{77}.

The approach is very different at the international level and the position of the Human Rights Committee is also explained by the more protective nature of the United Nations Covenant. States party to the Covenant have the obligation to guarantee individuals “equal and effective protection against all forms of discrimination, in particular of race, color, sex, [...] religion, [...] national or social origin [...] or any other situation”\textsuperscript{78}. The Committee specifies that this is an “autonomous right [which] prohibits any discrimination in law or in fact in any area regulated and protected by public authorities”\textsuperscript{79} and defines discrimination as “any distinction, exclusion,
restriction or preference based in particular on race, color, sex, language, religion [...] and having the effect or aim of compromising or destroying recognition, enjoyment or exercise by all, under conditions of equality, of all human rights” (we underline) 80. The opposition between the European Court and the Human Rights Committee regarding the prohibition of religious signs, based on these textual and interpretative variations, will be illustrated by three emblematic cases.

**Prohibition of religious symbols in higher education establishments**

Wearing a headscarf may conflict with the rules of public higher education institutions. To ensure secularism and denominational neutrality in public education, some universities develop clothing standards that apply to all students. In practice, they tend to have targeted effects on female Muslim students who wish to wear the headscarf. Those who refuse to remove it face a painful renunciation: the right to education, or the right to freedom to express their religion.

Karaduman v. Turkey gives an idea of how flexible the European Court of Human Rights is. It happens that students are required to renounce certain religious practices by producing an identity photograph showing them without a headscarf, in order to be issued an official document of their university diploma, without the Court finding interference in their right to freedom of religion 81. Endorsing the developments of the Turkish Constitutional Court, which considers the headscarf a possible challenge towards those who do not wear it 82 and bearing in mind the “requirements of the secular university system”, the Court concluded that “the fact of regulating students’ attire, as well as denying them the services of the administration, such as the issue of a diploma from the moment they do not comply with these regulations, does not as such interfere with the freedom of religion and conscience” 83. The protection of the rights and freedoms of others and the constitutional value of the principle of secularism in Turkey justify that universities can compel students to conceal their religious symbols, so as not to pressure those adhering to other practices and to guarantee “the mixing of students of various beliefs” 84. Preventing a Muslim student with a headscarf from obtaining her diploma seems unlikely to favor the right to education and to any religious mixing.

The European Court confirms its position in the important Leyla Sahin v. Turkey judgment of 2005. The veil the applicant wore denied her access to courses, tests and administrative services of the university on several occasions 85. Before the Grand Chamber, the applicant considers it an unjustified and disproportionate interference with her right to religious freedom guaranteed by Article 9 of the Convention and her right to education guaranteed by Article 2 of Protocol No. 1 to the Convention, as well as discriminatory treatment within the meaning of Article 14 of the Convention. Regarding religious freedom, it is when balancing conflicting interests that the Grand Chamber develops an ambiguous argument. If the applicant defends that “students are adults with proper judgment, with full legal capacity and that of freely deciding what to do” and that wearing the veil refers in this case to “a choice based on religious conviction”, the Court relies on the national context and the constitutional value of the principle of secularism in Turkey. This principle gives particular importance to “the values of pluralism, respecting the rights of others and, in particular, equality of men and women before the law.” It also underlines “the impact of the wearing of this symbol presented or perceived as a binding religious obligation can have on those who do not wear it” 86. The Court hides behind the margin of appreciation of the national authorities and concludes that there has been no violation of Article 9 of the Convention 87.

Regarding the right to education, while the Court agrees that the right to access higher education plays “an essential role in promoting human rights”, it does not prevent it from concluding a non-violation of the right of the applicant, because she “could reasonably foresee that she might be denied access to courses and tests if she persisted in wearing the Islamic headscarf” 88. Lastly, the Court didn’t identify discriminatory treatment against the applicant, on the ground that the regulations regarding the wearing of the veil “do not aim at [her] belonging to a religion but intend to protect the order and the rights and freedoms of others and clearly preserve the secular character of

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80 Ibid., § 7.
81 Comm. EDH, Karaduman v. Turkey, op. cit., p. 7. In the same way, see also: ECHR, (dec.), Kose and others v. Turkey, n° 26625/02, 24 Jan., 2006 ; ECHR, (dec.), Araç v. Turkey, n° 9907/02, 19 Sep. 2006.
82 Comm. EDH, Karaduman v. Turkey, op. cit., p. 6.
83 Ibid., p. 7.
84 Ibid., p. 6.
85 ECHR, High Chamber, Leyla Sahin v. Turkey, op. cit., § 17.
86 Ibid., § 101.
87 Ibid., § 115.
88 Ibid., § 121.
89 Ibid., § 122 - 123.
90 Ibid., § 136.
91 Ibid., § 160.
educational establishments". In this judgment where the proportional relationship between the aim and the means employed is nonexistent, Judge Françoise Tulkens alone notes that the ban on wearing the headscarf within the university grounds is not based on relevant and sufficient grounds, and that this solution suggests that "wearing a headscarf would be a mark of alienation of women", while "the very voice of women is missing, women who wear the scarf as well as those who choose not to wear it". This line of case law will be refuted by the Human Rights Committee. When confronted with disputes involving similar facts, it prefers to opt for solutions favorable to the applicants' interests.

The Human Rights Committee interprets Article 18 of the United Nations Covenant so as to favor the interests of female students who wish to wear the veil while pursuing their studies. In the case of Hudoyberganova v. Uzbekistan, where there was talk of excluding a student wearing a hijab, the Committee recalls that "preventing a person from wearing religious attire in public or in private" could amount to a violation of the Covenant if it restricts the freedom of individuals to have or adopt a religion, a freedom that allows "no restriction whatsoever". Measures restricting the wearing of religious symbols which could limit individuals' access to education are incompatible with Article 18 of the Covenant. The strict proportionality check of the Human Rights Committee brings it to consider that Uzbekistan, which did not sufficiently justify the need to limit the applicant's right to freely express her religion, even though this restriction had the effect of limiting her right to education, is in violation of article 18 of the Covenant.

In the Sezymi Türkáns v. Turkey case, where the complainant was prevented from enrolling in university because she refused to uncover her head, the Human Rights Committee goes even further. It claims that Turkey has not sufficiently shown how the restriction on the applicant's right to religious freedom pursued a legitimate aim, or how it was necessary and proportionate to achieve such a goal: such a restriction, which has no clear justification as to the objective which it pursues and which disproportionately affects the complainant, who was thus forced to give up her university studies, constitutes a violation of Article 18 of the Covenant. The Committee notes that the restriction amounts to intersectional discrimination against the complainant, disproportionately affecting her as a Muslim woman who chose to cover her hair, and is in violation of the law, notably Article 26 of the Covenant.

**THE PROHIBITION OF RELIGIOUS SIGNS WORN BY WOMEN WORKING WITH CHILDREN**

When the prohibition of religious symbols regarding veiled women who, due to their occupation, are in contact with young children, States base these restrictions on the effect a religious sign could have on easily-influenced minors. In such a case, the European Court of Human Rights holds the protection of the rights and freedoms of others above the applicants' interest in being able to freely express their religious beliefs while the Human Rights Committee prefers to favor respect for their religious freedom and their right to non-discrimination.

In Dahlab v. Switzerland brought before the European Court of Human Rights, the applicant considers that the ban on her wearing her veil while performing her duties constitutes a violation of her right to freedom of religion protected by the Article 9 of the Convention. She emphasizes that attire does not "cause any obvious disturbance within the establishment" where she teaches. On the other hand, considering that a "Muslim man could teach in public school without incurring a ban of any kind", she finds that she is discriminated against.

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92 Ibid., § 165.  
96 Ibid., § 5.  
97 CCPR, Raihon Hudoyberganova v. Uzbekistan, op. cit., § 6.2.  
against on the grounds of sex in violation of article 14 of the Convention. In a quick check of the legitimate aims put forward by the State, the Court notes that the restriction of the applicant's religious freedom is justified by "the necessary protection, in a democratic society, of the right for pupils to receive public education in a neutral religious context". While the Court notes that the content or the quality of the applicant's education was not affected by her religious practice, it switches to a concise analysis of the meaning of the wearing of the headscarf, stating that it is a "strong exterior sign" imposed upon women, the sign being incompatible with the principle of equality between sexes, all the more when it occurs in a class of young impressionable children. The argument of the proselytizing effect of the veil alone almost leads to the inadmissibility of the application. The Court adds that it appears "difficult to reconcile the wearing of the Islamic headscarf with the message of tolerance, respect for others and above all equality and non-discrimination that all teachers must transmit to their pupils in a democracy". In this decision, it is the applicant's status as public school teacher and the vulnerability of the pupils under her authority that led the Court to declare the application obviously ill-founded as regards Article 9 of the Convention. On the applicant's right to non-discrimination, the Court considers that the prohibition she had to comply with by removing her headscarf while teaching "does not apply exclusively to the female sex" and that it would also have applied "to a man wearing clothes obviously related to a different religion in similar instances". The Court concluded that the contested measure did not constitute discrimination on the grounds of sex and declared the application manifestly ill-founded as regards Article 14 of the Convention. When the European Court faces the principle of neutrality of public education, combined with vulnerable users, it considers that it cannot compete with the claims of the States and prefers to hide behind a negative view of the headscarf worn by Muslim women, regardless of their behavior.

The Human Rights Committee adopts a position favorable to the interests of Muslim women who wish to be able to work while wearing a religious symbol. In FA v. France - known as the “Babayloup affair” - it delivers a decision on the prohibition of religious signs in a private kindergarten. The complainant is an educator dismissed on the ground of serious misconduct for refusing to take off her veil at work. She considers that she suffered a violation of her rights under Articles 18 and 26 of the United Nations Covenant. The Committee considers that the ban is an interference with her right to religious freedom, then proceeds to a strict review of the grounds invoked by France to justify it. Far from supporting the thesis that "children should never be approached by a veiled woman", the Committee underlines that the State is having a hard time justifying precisely in what way the applicant's headscarf is incompatible with the proper functioning of the kindergarten whose goal is, almost ironically, "to develop action for early childhood in the underprivileged milieu, and altogether work for the social and professional integration of the women in the neighbourhood [...] regardless of political and religious opinion". Since the complainant's integration is threatened here, the Human Rights Committee underlines the inconsistency of the French arguments, which have not sufficiently demonstrated that the educator's wearing of the veil infringed the rights and freedoms of others. The State also failed to show how proportionate the woman's dismissal was to the objectives pursued, as it stigmatized a religious community, which is incompatible with Article 18 of the Covenant and constitutes a violation of the applicant's right to religious freedom.

In order to determine whether the contested measure discriminates against women who wear the headscarf, the Human Rights Committee - explicitly rejecting the negative assessment given to this religious symbol by the European Court - considers that France has not sufficiently shown in what respect the veil is a "strong outward sign". Since the kindergarten's rules were intended to prohibit ostentatious religious signs, they particularly affected the applicant who had chosen to wear a veil in accordance with her religious beliefs. In the experts' view, this constitutes differential treatment. If France maintains that the internal regulations did not target any particular religion or gender and that its objective was to "protect children from exposure to any religious influence other than

106 ECHR, dec., Dahlab v. Switzerland, op. cit., p.14. Conversely, in Italy, the Court considered that a crucifix fixed on the wall of a classroom was essentially a passive symbol in ECHR, High Chamber Lautsi v. Italy, n° 30814/06, March 18 2011.
109 Ibid., p. 15.
110 Ibid., p. 16.
112 Ibid., § 8.3.
113 Ibid., § 8.7.
114 Ibid., § 8.8.
their own \textsuperscript{118}, the Committee notes that there is no evidence of an incompatibility between the complainant’s religious practice and her work which could justify her dismissal for serious misconduct. Consequently, the contested measure “was not based on a reasonable and objective criterion and constitutes intersectional discrimination based on gender and religion” \textsuperscript{119}. Some commentators emphasized here that the qualification of intersectional discrimination against Muslim women by the Human Rights Committee constitutes a major “step in the conceptual history of the non-discrimination law” \textsuperscript{120}, especially as regards the reluctance of the European Court in the matter.

THE CASE OF THE BAN ON THE CONCEALMENT OF THE FACE IN PUBLIC

There was a new “arm wrestle” \textsuperscript{121} between the European Court and the Human Rights Committee concerning the validity of laws on the prohibition of the concealment of the face in public with regard to the right to religious freedom and non-discrimination of women who wear the full veil.

The SAS v. France \textsuperscript{122} of the European Court of Human Rights relates to the French law on the prohibition of the concealment of the face in public. The concealment can be sanctioned by a fine or “a citizenship internship” \textsuperscript{123}. The applicant wears a full veil to “be in accordance with her personal faith, culture and beliefs”. She considers she is subjected to an unjustified and disproportionate interference with her right to religious freedom and to private and familial life, the interference being contrary to Articles 9 and 8 of the Convention. With it, she finds herself discriminated “on the grounds of sex, religion and ethnic origin” which is contrary to Article 14 of the Convention. Regarding Articles 8 and 9 of the Convention (freedom of religion and right to private and family life), if the Court accepts that the law at stake constitutes a permanent interference in the rights of the applicant, which leaves her no other choice but to give up her religious practice or to face penal sanctions \textsuperscript{124}, it grants a broad range of appreciation for France to determine the need for such a restriction when it comes to controversial societies, where the practice of European States doesn’t show any consensus. The Court hides behind the principle of subsidiarity to say that it “certainly is the State’s responsibility to guarantee the conditions for individuals to live together in their diversity” \textsuperscript{125}. Stressing the importance of the human face in social interactions, the Court considers that preserving “living together” justifies the disputed measure, thus conferring a binding legal scope to this “plastic concept”. On the proportionality of the interference, while the Court accepts that the wearing of the full veil has to do with a minority of Muslim women in France who “perceive this prohibition as an attack on their identity” \textsuperscript{126}, it switches to an argument favorable to State interests. Although generalized, the prohibition concerns only the fact of hiding one’s face and does not directly target the religious connotation of the outfit. If it entails criminal sanctions, they remain “light”; the ban ultimately aims to defend an essential interest of the French State, a choice of society aiming to “protect a modality of social interaction between individuals” \textsuperscript{127} which does not constitute a violation of Articles 8 and 9 of the Convention \textsuperscript{128}.

In Article 14 of the Convention (non-discrimination), although the European Court admits that the contested measure has “specific effects” \textsuperscript{129} on Muslim women who wear the full veil, it resumes the arguments developed in Articles 8 and 9 of the Convention to say that the prohibition is justified with regard to the protection of the rights and freedoms of others in guaranteeing how to live together, and finally concludes that there was no violation. Part of the doctrine deprecated the “superficial” control of the Court over the potentially discriminatory effects of the law on the prohibition of the concealment of the face in public \textsuperscript{130}. Far from being unanimous, the Court’s

\textsuperscript{118} Ibid., § 8,13.
\textsuperscript{119} Ibid.
\textsuperscript{120} HENNETTE-VAUCHEZ (S.), « Pour une lecture dialogique du droit international des droits humains. Remarques sur les constatations du Comité des droits de l’Homme dans l’affaire Baby Loup, et quelques réactions qu’elles ont suscitées » ("For a dialogical reading of international human rights law. Notes on the Human Rights Committee’s findings in the Baby Loup case, and some of the reactions they have elicited"), op. cit., p. 8.
\textsuperscript{121} IQRI, « Burqa : Bras de fer entre l’ONU et la ECHR », op. cit.
\textsuperscript{123} Law n° 2010-192 from October 11 2010 prohibiting the concealment of the face in public space, op. cit.
\textsuperscript{124} Ibid., § 80.
\textsuperscript{125} Ibid., § 108 - 110.
\textsuperscript{126} ECHR, High Chamber, SAS v. France, op. cit., § 156.
\textsuperscript{127} Ibid., § 142.
\textsuperscript{128} DIEU (F.), « Le droit de dévisager et l’obligation d’être dévisageable, pour “vivre-ensemble” » (“The right to stare at someone and the obligation to be afeist, to ‘co-exist’”), JCP A, n° 7, 2015, p. 2056.
\textsuperscript{129} Ibid., § 125 - 153.
\textsuperscript{130} Ibid., § 157 - 158.
\textsuperscript{131} Ibid., § 161-162.
\textsuperscript{132} NIEMINEN (K.), « Eroding the protection against discrimination : procedural and de-contextualized approach
findings of non-violation led Judges Nussemerberger and Jäderblom to express their disagreement in a joint dissenting opinion, where they denounced a position which “sacrifices individual rights to abstract principles”, deploring that the ban, which represents “the sign of selective pluralism and limited tolerance”, failing to liberate allegedly oppressed women has the contrary effect of excluding them even more from society and making their situation worse.

Called in turn to rule on the ban on wearing the full veil in public in France in the case of Sonia Yaker v. France, the Human Rights Committee once again broke with the judges of the European Court. The applicant was checked and found guilty of the offense of wearing an outfit intended to conceal her face in public. She was ordered to pay a standard fine of 150 euros; her appeal was dismissed, as was the application which she brought before the European Court, on the ground that it was inadmissible. Before the Committee, she defended that her conviction and the prohibition on which it was based, because of its discriminatory nature in that it “deprives those who wish to wear the full veil of that possibility”, were similar to a violation of her right to religious freedom and to non-discrimination. On the review of the legitimacy of the aims pursued by the contested measure, namely the protection of the rights and freedoms of others in the sense of the preservation of the requirements of “living together”, if the Human Rights Committee admits that the State may have an interest in “promoting sociability and mutual respect between individuals, in all their diversity, in its territory and that the concealment of the face can be perceived as a potential obstacle to this interaction”, the notion of “living together” remains a “very vague and abstract” concept: France was unable to justify how the rights and freedoms of others would be “affected unfairly” by wearing the full veil and not by the concealment of the face in public in ways not covered by law. Here the Committee recalls that the Covenant guarantees neither the right to interact with any individual in public, nor the right to not be disturbed when wearing the full veil, in order to reach the conclusion that “living together” cannot be regarded as a “legitimate aim” in the sense of Article 18 of the United Nations Covenant. At the stage of the proportionality control, since the disputed law leads to criminal sanctions for individuals who hide their face in a certain manner in public, the Human Rights Committee maintains that France could have means less prejudicial to the applicant’s right and that such a severity could not be considered “necessary” and proportionate. In view of these elements, the general ban on the concealment of the face in public and the applicant's criminal conviction for failing to comply with this ban because she wore a full veil as an expression of her right to religious freedom constitutes a violation of Article 18 of the United Nations Covenant.

Regarding the violation of Article 26 of the Covenant (non-discrimination), the Committee notes that despite the general terms of the litigious law, it “provides exceptions for most contexts of concealing of the face in public, thus limiting the applicability of the ban on the full Islamic veil and not much more”, even though this religious practice is that of a minority of Muslim women. If this “seems to presuppose that women who wear it are forced to do so”, the Committee recalls that, in general and as far as the author is concerned, this practice can be based on an enlightened personal choice. Furthermore, it points out that the non-compliance with this law by Muslim women who wear the full veil has adverse effects on their lives, namely “confining them to their own homes, preventing their access to public services and exposing them to abuse and marginalization”. In addition it can lead to criminal sanctions. This cannot be considered measured as French criminal law already penalizes the act of forcing someone to hide their face.

The targeted and disproportionate negative effect of the application of the disputed law on a specific category of Muslim women adhering to a minority’s religious practice, in comparison with individuals who would have the legal right to conceal their face in public, allows the Human Rights Committee to conclude that this difference in treatment is an unreasonable distinction which constitutes “cross discrimination based on sex and religion in violation of Article 26 of the Covenant”. In their joint concurring opinion, five experts welcome the “high threshold required by the Committee to justify a ban relating to clothing chosen by women”, especially when this

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135 Ibid., § 14.
136 Ibid., § 21.
138 Ibid., § 2.4, 2.6. 2.11 et 3.1.
139 CCPR, Sonia Yaker v. France, op. cit., § 8.9.
140 Ibid., § 8.10.
141 ibid., § 8.11.
142 Ibid., § 8.12.
143 Ibid., § 8.13.
144 Ibid., § 8.14.
145 Ibid., § 8.15.
146 v. pén., art. 225-4-10.
148 Joint concurring opinion of the members of the Ilze Brands Kehris Committee, Sarah Cleveland, Christof Heyns, Marcia
prohibition affects their ability to move freely in public.
**How measures against terrorism and radicalization impact discriminated groups in France**

**Introduction, Framework, Challenges and Conclusions**

Chaïb Benaïssa, ENAR Researcher – European Network Against Racism

**Introduction and framework for the investigation**

This short article is based on a communication delivered during the sixth edition of the annual symposium ‘Islamophobia in a French context’. The symposium is part of a research and documentation project on Islamophobia organized at the University of California, Berkeley. The article itself is part of a qualitative study for which we have just completed the collection of data on behalf of the European Network Against Racism (ENAR). Its goal is to document how measures against terrorism and radicalization affect individuals and groups at risk of racism in France. This research is part of a larger project in which ENAR collects data on the impact of measures against terrorism and radicalization in several member States of the European Union. Its main goal is to fill a gap: at the moment, in France in particular, very few studies relate directly or indirectly to the question of the effects of anti-terrorism on individual experience and collective perceptions. There is one notable exception however: the (quantitative) study by the Centre d’Études sur les Conflits. Another study funded by the Open Society Foundation tasked the House of human sciences Foundation to investigate the consequences of recent terrorist attacks and political and social of the measures adopted. The study is ongoing and its results are still not yet available.

The present study examines the effects of counter-terrorism policies on populations potentially exposed to racism and discrimination, in terms of their experiences, perceptions and behaviors.

Our survey aims at collecting data from individual experience, collective perceptions, and behavioral changes in relation to these policies. The subject is to increase the understanding of the impact of anti-terrorist legislation and policies in general, and on Muslim communities in particular. The subject of this research is also to better understand the experience of members of groups victims of discrimination. The goal is to contribute to inform political decision-makers and civil society organizations working in this field, as well as actors of anti-terrorism and those fighting against radicalization, by providing them with feedback on the effects of their action.

Our starting point is a working hypothesis, to focus on discrimination - however with the aim at testing it against the empirical data collected in this survey. Here we define discrimination as an unfavorable treatment based on criteria relating to religious and/or ethnic affiliation, real or alleged. Discrimination is indeed part of a long history of struggles for equal rights and recognition of discrimination, from the March for equality and against racism in 1983 to the consecration by the State of a vision of an unequal society, through the implementation of a policy to fight discrimination at the turn of the 2000s. Discrimination is abundantly documented in France still to this day. A recent study commissioned by the government, carried out with 103 large companies,

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1 These are IRDP, for “the Islamophobia Research and Documentation Project” at the Center for Race and Gender in UC-Berkeley.
2 https://www.enar-eu.org/ The European Network Against Racism (ENAR) is a pan-European anti-racism network which supports racial equality and facilitates cooperation between actors within the anti-racist civil society in Europe. Its mission is to work specifically in the fight against racism and discrimination based on color, ethnic origin, national origin, nationality, religion, culture, language and legal status.
3 A study funded by the Open Society Initiative for Europe (OSIFE) foundation, jointly conducted in 2018 by researchers from the University of Leiden (Netherlands), the École Normale Supérieure (Paris), the University of Geneva and the Centre d’Études sur les Conflits (Paris), presents for the first time figures on the impact of counterterrorism policies on Muslim populations in France.
4 https://www.opensocietyfoundations.org/

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following the Testing method points out that “North African candidates have nearly 20% fewer answers to their job applications than French candidates”. Discrimination based on religion which targets Muslims was also specifically documented. A recent survey carried out by the Institut français d’opinion publique (French Institute of Public Opinion, IFOP, an international polling and marketing firm) at the request of the Délégué interministériel à la lutte contre le racisme, l’antisémitisme et la haine anti-LGBT (Interministerial delegate for the fight against racism, anti-Semitism and anti-LGBT hatred, DILCRAH) the government agency fighting racism and discrimination) and the Jean Jaurès foundation, shows that Muslims in France are subject to a very high level of discrimination due to their origins but also specifically to their religion. According to this study, 42% of all Muslims have been victims of racist behaviors in the past five years. Discrimination and Islamophobia are a part of the daily life of a great number of Muslims in France. Thus, what seems to characterize the Muslim populations in France is the experience of discrimination. But how one could clearly distinguish between general discrimination based on origin or religion, happening at school or in contact with social workers or the police, from discrimination 6

6 Testing consists of sending CVs of fictitious candidates in response to real job offers, and measuring the response rates according to the different profiles. https://www.legifrance.gouv.fr/affichLoiPublice.do?idDocume nt=JORFDOLE000017758538&type=general

7 See in particular Marie-Anne Valfort, Discriminations religieuses à l’embauche : une réalité (Religious discrimination in hiring: a reality), Paris, Institut Montaigne, 2015; Mireille Eberhard, Patrick Simon, “Perceptions et expériences des discriminations en Île-de-France” (Perceptions and experiences of discrimination in Île-de-France), Ardis-CGET-DDD, 2015. Part of the dossier is about the nature and forms of discrimination against Muslims, and in particular the process of racialization of the religion that is at work with Islam.


which results from policies against terrorism and radicalization and which disproportionately affect Muslims?

**Survey system**

This is a qualitative survey carried out over seven months which takes into account the summer vacation period when people are not available. The survey consisted in semi-structured interviews with a sample of twenty-five people of different categories on one hand, and the meeting of three focus groups on the other hand, each of them made of seven to twelve people whose social characteristics and/or ethnic or religious affiliation, real or alleged, were potentially strongly related to racism and discrimination.

In order to take into account the point of view of the people mainly concerned by the investigation, we chose to interview a sample of people involved in both public decisions relating to anti-terrorism and fight against radicalization, representatives of civil society organizations and of the protection of rights, representatives of Muslim organizations defending the rights of researchers, practitioners, psychologists and social workers in a closed as well as open environment, such as the Director of Seine-Saint-Denis Service de Sauvegarde (Safeguarding Services) who, in April 2015, directed the dispositif de prévention et le traitement des dérives vers l'extrémisme violent (the unit for Prevention and treatment of abuses towards violent extremism) in Seine-Saint-Denis; the head of the Prévention, de la Paix publique et de la Sécurité civile de la Ville d'Argenteuil (Prevention, Public Peace and Civil Security of the City of Argenteuil); through its representative for the fight against violent extremism, radicalization and discrimination; the president of an association supporting education in an quartier prioritaire (a priority area of the city designated for economic or social development by the authorities), the director of the Centre Français de la Recherche sur le Renseignement (French Research Center on Intelligence, CF2R), people with direct experience of anti-terrorist measures (victims) 12, and lawyers. The Focus groups brought together individuals targeted in view of their appearance or their real or supposed belonging to a group, an ethnic group, a nationality or a religion for racism or discrimination. The meetings were held in collaboration with the Chef de service de Sécurité (Head of the Security Service) of a large city in the urban area of Paris and his team of mediators, as well as with members of the Association des étudiants musulmans de France (Association of Muslim Students of France) and, finally, members of an association of educators of problem youth in Val d'Oise. We will not dwell on how these various discussion groups were set up and their main characteristics. We will just recall the context of the survey in terms of its social and political issues, and the few conclusions that we were able to gather following the meetings with the focus groups.

**Challenges**

The main challenges of this survey are obviously linked to its context. It is important to point out first that this investigation occurs at a time when measures that have been put in place were still effective. We refer to the set of measures deployed in the aftermath of the 2015 attacks as part of the security system of the state of emergency in November 2015, which were extended six times, up to March 2017.

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10 Commission Nationale Consultative des Droits de l'Homme (National Consultative Commission on Human Rights, CNCdH), the défenseur des droits (The Human Rights Defender), Amnest International, Comité Justice et Libérés (the Justice and Freedom Committee), the association “Coexister” which works with young people on issues of social cohesion, living together, racism and discrimination related to religion or belief.

11 Collectif contre l'islamophobie en France (Collective against Islamophobia in France, CCIF), the Coordination against racism and islamophobia (CRI), the collectif des Etudiants musulmans de France (the collective of Muslim Students of France).

12 These people were searched and placed under house arrest, and were later exonerated. They have therefore directly suffered the impact of measures to combat terrorism and radicalization.

13 Methodology and way in which these different discussion groups were constituted: For the group of mediators it was an exclusively male group made up of people aged 30 to 40 from North African or South African countries. For groups of young Muslim students, these consisted of two groups of boys and girls aged 20 to 27 from different regions (Strasbourg, Lille, Guingamp, Saint-Etienne, Lyon, Paris region ...). This is a real novelty. The first group consisted of 4 girls and 4 boys. The second was made up of seven girls and six boys. Finally, the group of specialized educators was made up of people with and without migratory ancestry, aged 27 to 44. The questions asked fell into three main sets of themes: general questions about security and links to the police, questions about knowledge of policies and measures to combat terrorism and radicalization, and finally, questions relating to the direct or indirect impact of these measures on the lives of individuals.
This research takes place in a very tense social and political context in France. The question of the place of Islam and Muslims in French society has been brought up constantly in the last thirty years and the issue called the “first affair of the veil” at school stills trigger passionate discussions and controversy. Recently, public and media space have been saturated with debates on Islam.

Here are some milestones of this recent political sequence:

There was the so-called “Zemmour” affair, named after the far-right polemist and pamphleteer who supports the thesis of the grand remplacement (the great replacement, the idea that minority groups will eventually overcome in number the majority group, becoming the de facto majority). Zemmour gave a very violent speech towards Muslims during a far-right meeting organized on Saturday September 28, 2019 by people in the Marion Maréchal Le Pen’s circle. This meeting was broadcast in full on a 24-hours news channel. In his speech Zemmour openly called to fight against “an occupying army whose uniform would be the djellaba” comparing Muslims to Nazis. There also was the Julien Odoul affair, named after this elected official who attacked a veiled woman. She was accompanying fifteen children to attend the plenary session of the conseil régional de Bourgogne-Franche-Comté (the regional council of Bourgogne-Franche-Comté, the elected assembly of said region), in Dijon, as part of a civic operation led by a neighborhood house in Belfort, France. The scene was filmed and caused an uproar. There was also the broadcasting and withdrawal by the Cergy Paris Université (University of Paris Cergy) of instructions to facilitate the identification of forms of “radicalization” using elements such as “wearing the veil”, “changing appearance or clothes”, “having a beard without a mustache”, “wearing a djellaba”, “recurrent absence during prayer times”, “disregarding the authority of women”, or “stopping the consumption of alcoholic beverages”... etc. Various public declarations of political leaders aggravated these situations: the ministre de l’Éducation nationale (the Minister of Education) saying that the veil is not welcome in our society and asking that a report be made on the refusal of little boys to shake hands with little girls at school; the ministre de l’Intérieur (Minister of the Interior) pointing “the regular and ostentatious practice of prayer” and “the exacerbated practice of religion in Ramadan” as “problematic practices”; and finally President Macron’s homage speech following the attack of the Paris police headquarters in which he calls for the creation of a société de vigilance (society of vigilance).

In the fight against terrorism and radicalization, questioning the effects that the measures have on discrimination or racism is really not a priority for decision-makers: in the French context, the very term “islamophobia” is contested. As a result, all our requests to the various operators of the State, both on local and national levels, have remained unanswered: the prefectures of the department, the Délegation Interministérielle à la Lutte Contre le Racisme, l’Antisémitisme et la Haine anti-LGBT (the interministerial delegation to the fight against racism, anti-Semitism and anti-LGBT hatred, DILCRAH), the Ministre de l’Intérieur (The Ministry of the Interior) through its Bureau Central des Cultes (Central Bureau of Worship), the comité interministériel de prévention de la délinquance et la radicalisation (The Interministerial Committee for the Prevention of Delinquency and Radicalization, CIPDR), the Direction générale de l’enseignement supérieur et de l’insertion professionnelle (The General Directorate of Higher Education and Professional Integration, DGESIP) and the the direction générale de la recherche et de l’innovation (Directorate General for Research and Innovation, DGI) via its Project Manager - equality and diversity policies, fight against racism and anti-Semitism. Most of them refused to answer our questions, arguing that the subject of the research—which some may have interpreted in terms of “perception of discrimination or evaluation of public policies relating to radicalization”—was not related to their field. CIPDR discreetly refused, having previously asked us for our interview guide in order to

14 In 1989, the exclusion of three college-aged girls refusing to take off their veils in the classroom provoked two months of media hysteria and intellectual and political debates. It is more than a controversy belonging to the past, as this event laid the groundwork for a debate that continues today. https://www.liberation.fr/france/2017/08/14/la-france-face-aux-foulards-retour-sur-l-affaire-de-creil_1486789
15 Grand daughter of the founder of the far right Front National party.
“make sure that the request was submitted to the right interlocutor” and ended up dismissing us with no other explanation but that of appropriating the terms of a research. The interview guide was supplemented with answers to questions on the very document, along with the latest radicalization fight plan of February 23, 2018. The press kit was added, as well as a forum published in a major evening newspaper by the secretary general of the CIPDR. In it, CIPDR draws up the summary of its action after three years in the organization. The condescending reaction to our request for an interview reveals the lack of knowledge and the ignorance of social sciences methods. It also shows the lack of interest in research, especially when its subject focuses on better understanding the many challenges faced by anti-terrorist policies such as ensuring that their implementation is not discriminatory. Therefore, it is surprising that in the post-attack context where successive governments and their administrations wished to foster research work contributing to a better understanding of the processes of radicalization, little attention is paid to the work which links the study of these phenomena to the mechanisms of discrimination and racism. Or, all studies show how anti-terrorist policies can, along with other factors, nurture radical engagement. It is all the more so considering these mechanisms are among the priorities of public action to fight discrimination, in particular through the DILCRAH and of the Défenseur des droits (the Human Rights Defender).

Summary of the focus groups

In this article, we will describe only a few of the conclusions that we were able to gather from the focus groups as regards with the relation between these policies and individual experience, collective perceptions and behavioral modifications. We were surprised to discover that some of the counterterrorism measures were known to the participants. Questions around knowledge of policies or measures fighting terrorism and radicalization revealed that a majority knew what was at stake and even quoted l’état d’urgence (the state of emergency), administrative searches or even house arrests. Some people recounted an indirect experience (in their circle) of actions and measures taken in relation to terrorism.

Most of the participants reported a direct or indirect discriminatory experience related to their real or supposed belonging to Islam. Some testimonies are significant like the following testimony of a young woman. During the state of emergency, she was forbidden access to her bank account and told it would be closed because she was suspected of money laundering. For several months, she was also the target of verbal and psychological attacks from the director of her business school to pressure her to remove her veil.

As she was accompanying her friend to the library, a woman witnessed an elderly man attacking her friend. The man tore off her veil and none of the people who witnessed the scene reacted. The girls were shocked, and didn’t report the incident to the police or the authorities. When asked why, one of the girls first explained that she was shocked such an attack could occur in a public space, all the more a library, a supposedly calm and peaceful place. She also said that the idea of complaining to the police never crossed her mind. She was afraid of being judged or taken for a liar. Shame was a part of the reason too. The feeling of “not being at home” adds to the stigma: not feeling legitimately acknowledged as a French woman of Muslim faith in the French society:

“You tell yourself you’re in France, there could be a reason that it bothers them. At some point you even say to yourself it is possible that I am a problem. I went through several phases with my hijab. At some point it’s true you wonder why such relentless. Actually, it may really be a problem. Maybe. It’s like girls who are victims of harassment in public transportation, they file a complaint, and they’re told that ‘yes, it’s your fault’ … I have the impression that it’s a bit the same.

18 Unlike questionnaires which aim to be processed statistically and thus ask everyone the same questions formulated in exactly the same terms, presented in the same order, the interview guide is as its name suggests a “reminder” aimed at listing the themes or aspects of the theme that must have been addressed before the end of the interview and therefore is not intended to be used systematically or linearly, but is useful for guiding and pacing the discussions. See Jean-Claude Combesse, La méthode en sociologie, Collection Repères, La Découverte, 2007.

19 In the aftermath of the November 13, 2015 attacks in Paris, on November 16, 2015, the French authorities activated a State of Emergency, which introduced new possibilities for search and house arrest, the strengthening of surveillance equipment and military arsenals, the prevention of radicalization and the recruitment of security and surveillance personnel. The 2015 declaration of emergency was accompanied by a derogation from the European Convention on Human Rights and the International Covenant on Civil and Political Rights.
We can’t really be confident. We are afraid of being humiliated. In fact it never even occurred to me to go and file a complaint … I told my loved ones about it, that’s all.”

Respondents share a great distrust towards the State’s institutions and French society in general. In particular, the police are considered to be on the same side as those who attack them. They express the lack of confidence in the protective role of the police very strongly.

“Today we are taking matters into our own hands. We no longer trust the State.” FG1

“When I hear security I immediately think of the police. I tend to feel much less secure in the presence of the police than in their absence. Because of my identity, because of history, because of police violence. Many things feel threatening to me in the presence of the police, I do not feel protected by those who are supposed to protect us”. FG3

“I tend not to feel safe when the police is nearby. Because I was a victim of racial profiling. My brother was a victim of a police error, all that. So I really tend not to feel safe in their presence at all”. FG3

“Somehow I can understand the choice of not going to the police because I have the impression it is a global feeling. But we don’t trust that authority very much. We know that there are shortcomings made by authorities. A mistrust grew towards them because one has the impression that one will never be understood or even heard. At some point we say that it’s a waste of time, that I will not be taken seriously … it will just affect me even more emotionally and that in the end the result will be the same”. FG2

We were able to collect a whole series of testimonies relating to a very strong feeling of discrimination due to the real or supposed belonging to Islam.

“For years now we have been victims of discrimination. That is to say that someone who has a foreign sounding name, well, he’s going to work twice as hard. In a lot of instances, housing, work, all that stuff … For us it’s like a fatality. In the sense that it’s been like that for 30 years anyway, our uncles tell us, they are 50, 60 years old now, they already had the same problem at the time. They tell us that at the time they already had to work twice as hard to get the jobs. So we are a bit in the same system”. FG1

“My wife trained to be a nanny at home. A lady came to see how it was going. She has lots of neighbors who kept children at home. My wife wears a veil. The lady tells her to go to Cergy to finalize that. 15 days later, she gets a negative answer. She saw her at home with a skirt, it was fine, but the veil wouldn’t do”. FG1

“The first time we organized an event with our association, I was summoned to the prefecture. I thought it was a joke. It was for Eid. For Christmas everyone knows that it is Christmas. For Eid we have a party. Here. They summoned me, they asked me how is your party, there are 5000 people. They freaked out. ‘You gathered that many Muslims, how is it with security and everything ?! Security for us was well organized. There were a dozen people with the commissioner, it was like an interrogation. They did not even see the party. They were scared.” FG1

“French for three generations, our children were born there, we are victims”. FG1

“We have double penalty: as we are Muslim, when we arrive in a place, people look at us, there is suspicion.” FG1

Looking at individual experience, we can say that the respondents feel more exposed to anti-terrorism (police) and to the fight against radicalization (educators, social workers) than French people. A significant part of respondents feel discriminated against by anti-terrorism: they feel targeted deliberately, most often because of their religion.

“Every time we talk about radicalization, we talk about Islam, no! There are radicals among Christians, Jews”. FG1

From the viewpoint of collective perceptions, the majority of respondents consider that anti-terrorism measures intrude little in their private life. They believe, however, that anti-terrorism measures disproportionately target Muslims.

From the point of view of the impact on daily life, the majority of answers relate to freedom of expression and relationship with the media: among the interviewees, many said that they no longer read or watch certain media because of the negative way in which they talk
about Muslims. Especially when the media is reporting on terrorism issues.

“When you know that most of the channels that the French watch will show a completely contrary image. What can I do about it? And even all this hype... I try to never watch TV because it affects me. The day after the attacks, I had a feeling of guilt. I very well know that I have nothing to do with these people...”.

Many also say that they have become cautious about what they can say on social networks and “avoid saying what he/she thinks” on controversial foreign policy or society issues.

Others have reported a change of habit as regards going to the mosque. They might go less frequently because it worries their parents.

The experience of discrimination is the heart of the problem

It seems it is less a matter of age, socio-professional category, gender or religion that affects trust significantly; having been discriminated against represents the major issue. Having been discriminated against seems to lower the confidence in institutions: the more a person has been discriminated against, the less he/she has confidence in institutions - all institutions combined. Furthermore, having been discriminated against is the main factor explaining the impact of anti-terrorism on daily life. Experiencing more discrimination makes respondents more likely to experience negative contact with anti-terrorism.

This research on the impact of the measures fighting terrorism and radicalization on individuals and groups at risk of racism confirms that discrimination seems to increase the impact of these policies. In other words, those who are already discriminated against are more likely than others to experience the effects of the policy of the fight against terrorism and radicalization in a discriminatory way.

Within the three focus groups, a question arose about the increasingly difficult living conditions people of Muslim faith or family culture in France experience. The participants seemed to agree on the logical consequences of such a situation. They summarized it in the form of an alternative: to leave or to stay.

A discussion began on the different modalities implied by leaving or staying.

Three paths stood out:

The first one, adopted by a minority, consists of simply leaving France, a process called as the Hijra. One of the participants explained that his parents had chosen the Hijra in Saudi Arabia for similar reasons and he explained his presence in the Focus Group by the fact he had come to France to study. He said he would return to Saudi Arabia after completing them. Other participants did not exclude this option.

The second option, relatively popular among participants, was to stay in France and to live somewhat withdrawn from society, with little social contact.

The third option, also relatively widespread, was to stay in France and fight to assert one’s rights as a Muslim French citizen.

Finally, a fourth path might have appeared but did not emerge because of the very profile of the participants and their commitment: assimilation. In this case, it would mean renouncing religion as a structural element of social or national identity.

Conclusion

Our analysis highlights the extent to which discrimination affects people because of their social, ethnic or religious affiliation, real or alleged. The subjective feeling of inequality – that is for one to be perceived and treated unfavorably as different or foreign by others – is at the heart of the social experience of Muslims, especially for young people. However, it is difficult to clearly distinguish discrimination experienced on the grounds of origin or religion from that which targets Muslims in the context of policies fighting terrorism and radicalization. The former seems to function as a catalyst for discrimination, which in turn acts as an aggravating factor on the impact of these policies, i.e. those who are already discriminated against are more likely to feel the effects of this fight against terrorism and radicalization in a discriminatory way. The issue of the social impacts of measures fighting terrorism and radicalization in France should be viewed in the context of the following double relationship: on the one hand, between the dominant representations in society
as related to the outburst of a specific form of terrorism and the public response to fight terrorism and to prevent radicalization,

and, on the other hand, the relationship between the “construction of a Muslim public problem” and the public speeches on immigration and integration.

Our analysis also highlights the fact that the approach to the public treatment of the phenomenon of radicalization through its link with Islam – to the detriment of all other forms of manifestation of radicalism – prevents seeing its social and political foundation, while masking the reality of the discrimination suffered by the Muslim populations.

Finally, the investigation recorded the negative impact of counterterrorism policies: they participated in the construction of a “suspicious Muslim identity” by spreading a logic of suspicion against Muslims. This shows that one cannot separate institutional responses from effects on individuals. Institutional action produces by assignment concrete effects both on the logics of categorization of groups and individuals and on the way these groups and individuals perceive themselves, contributing in return to the making of identities and subjectivities.

Unfortunately, 2019 was again marked by an increase in Islamophobic incidents, as registered by the CCIF. The number of incidents increased 17% compared to 2018, and 77% compared to 2017.

This year, it was found that Islamophobia operated in a new manner. Indeed, in 2019, the State decisively and firmly favored an approach that emphasized extreme security and restricted fundamental freedoms. Yet, those freedoms are essential to our Constitution.

Today, this form of racism spreads unashamedly, whether it occurs in France or elsewhere in the world. At once, it can discriminate, humiliate, or kill. From the mother that volunteered to supervise children on a class trip at a Regional Council in France, to the believers of a New Zealand mosque, it is hardly deniable that Islamophobia pervades everywhere.

Because the language of Islamophobia evolved. This last year, new terms have been coined and they express concepts as stigmatizing as they are violent. With expressions like “Hydra of Islamism”, “weak signals” or “society of vigilance”, Islamophobia displays a language that one can try to only grasp. These harmful words spread and become normal, to such an extent that we are now faced with terrible questions: is the simple religious practice of Islam criminal? Has reason disappeared in the face of the indifference showed to the unfair treatment of Muslim individuals?