

Report on Anti-Muslim Hatred and Discrimination

GIN-SSOGIE is providing input for the upcoming report of the Special Rapporteur on Freedom of Religion or Belief on Anti-Muslim Hatred and Discrimination for the upcoming 46th session of the UN Human Rights Council. The Special Rapporteur would like to continue examining in depth the manifestation of intolerance, hatred and discrimination against persons based on their religion or belief. In this specific report, he would be examining *anti-Muslim hatred and discrimination* in accordance with his mandate to identify existing and emerging obstacles to the enjoyment of the right to freedom of thought, conscience, religion or belief, including gender-related dimensions of the phenomenon.

GIN-SSOGIE aims, through its input, at underlining the discrimination and violence lived by Muslim lesbian, gay, bisexual and trans (LGBT) people and women as a result of such deeply embedded systemic violence, within one national system, that of France (including the UN).

Background information

[GIN-SSOGIE](#) is a global organization headquartered in South Africa, focusing on LGBTI rights at the intersections of faith, religion, politics and culture. As a member-led organization, with 400+ members around the world, it is working to provide safe spaces to convene, document best practices, develop resources, and together create local, regional, and international strategies for the inclusion and mainstreaming of LGBTI identities.

Introduction

Over the past fifteen years in France, and especially since the 2015 attacks in Paris, the image of Muslims and Islam has deteriorated. This is a trend which has been observed in many countries around the world, including in Europe. For this reason, this case study will focus on the case of France.

Even though for a large majority of French people, Islam does not carry with it the seeds of violence but, on the contrary, would be a religion as pacifist as the others, yet, nearly two-thirds of French people say they do not know the Islamic religion well. According to the French government, in 2019, openly Islamophobic acts have fallen again, reaching their lowest level since 2010¹. But neither left-wing (“liberal”) sympathizers, nor people who know Muslims well share this view. Furthermore, the French believe that Islamophobia, like anti-Semitism, is on the rise in France. A majority of them feel that it has been more difficult to be a Muslim in France in recent years².

Indeed, acts qualified as Islamophobic, racist or anti-Muslim, have progressed in connection with these tense identity representations: the mainstream media has seized on this issue to make it a favorite, redundant, sometimes omnipresent topic; intersectional discrimination, towards Muslim homosexuals for example, or Muslim women wearing a headscarf, has increased in the public sphere, which has contributed, indirectly, to their community and socio-political

¹ DILCRAH - <https://www.gouvernement.fr/bilan-2018-des-actes-racistes-antisemites-antimusulmans-et-antichretiens>

² Odoxa - <http://www.odoxa.fr/sondage/limage-musulmans-de-lislam-aupres-francais/>

exclusion³. More generally, injunctions of justification and identity assignments are now common, towards Muslims, who are supposed to be more committed than the rest of the population against terrorist violence⁴. This has led many French intellectuals, mostly from the left, to engage in this field of the fight against Islamophobia and anti-Muslim acts⁵.

Historical perspectives

France's relationship must be understood in a long-term historical context, rooted in France's colonial history: the French colonisation of Muslim majority regions and countries in Africa and the Middle East.

Secularism was then already weaponized to justify the "benefits of the colonisation" (for example the femonationalism described in detail in Fanon's work "L'An V de la Révolution Algérienne" which analyses how the colonizer used to organise a public "deveiling ceremony" of Algerian women as a symbol of their liberation). Anti-Islam and Islamophobic discourses today in France are rooted in a context of structural postcolonial racism as it is again weaponized to dominate marginalised poor and POC migrant communities in France.

Discriminatory laws and practices, both in public and private services

This historical process has been deeply institutionalized. One example in France is a law known as the symbol of Islamophobia: the "Ban of Religious Attire in Public Schools" passed on 15 March 2004. This was the result of 2 decades of multiple polemics targeting hijabi women, and the first time that one of France's most fundamental laws (the 1905 French law on the Separation of the Churches and State regarding the French concept of "Laïcité" and freedom of belief) was reviewed. The (hidden) primary targets were (and remain) Muslim people and more specifically hijabi Muslim girls, banned from the school system, banned in the name of so-called "feminism". This was the beginning of a series of femonationalist laws. For more info, please refer to:

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/FRA/INT_CCPR_ICO_FR_A_17451_E.pdf

Since then, there have been a series of law spreading the ban in further areas of the public life and gradually shrinking the rights of Muslim people (especially women) to work, access education, and move freely in the public space (for example, the ban on hijabi women as caretakers, the ban on hijabi mothers in school outings). All these laws present the same political and theoretical frame of work: "the liberation of women and further marginalised gender minorities from Muslim men" (femonationalism + homonationalism).

In 2020, taking advantage of the COVID-19 crisis and the public health state of emergency, a new law has been discussed, proposing to further question Muslim communities' liberty of

³ Libération - https://www.liberation.fr/debats/2019/11/01/le-10-novembre-a-paris-nous-dirons-stop-a-l-islamophobie_1760768

⁴ CCIF - <http://www.islamophobie.net/rapport-2020/>

⁵ Edwy Plenel - <https://www.midilibre.fr/2014/09/16/edwy-plenel-pousse-un-cri-d-alarme-pour-les-musulmans,1051631.php>

expression and association. The new law will, among other things, allow the dissolution of associations that would be considered as jeopardising the “nation’s safety and its values”. A first association is being targeted and threatened with dissolution: CCIF “The Collective Against Islamophobia in France (CCIF)”, which is the biggest anti-Islamophobia and antiracist NGO in France and which publishes a yearly report on the impact of Islamophobic violence in France (and offers legal counselling and network support). For the first time, Muslim people are directly mentioned in the proposal (as opposed to previous laws that hypocritically pretended to address “all religion”). This year, the French government ordered the administrative dissolution of the CCIF and one other organisation, for inciting communitarian hatred⁶. They had made the fight against state Islamophobia their main target. These two organisations have also been accused, for several years, of being, respectively, in the hands of Salafists and Muslim Brothers. These accusations are regarded as defamatory, even dangerous, according to some senior French state servants⁷.

Added to this, there is the fight against so-called "Islamic" terrorism⁸, which further muddies the waters of discrimination against the vast majority of Muslims in France, who live their spirituality in peace⁹. The CCIF concluded its 2020 report by highlighting “*the negative impact of anti-terrorism policies by participating in the construction of a suspicious Muslim identity, by disseminating a logic of suspicion against Muslims*”, and the role of the French State in these socio-political, first, and then identity, dynamics.

Today, it remains a difficult task to distinguish racial from religious, real or perceived, discriminations. However, it seems clear that for more than fifteen years in France, political but also theological institutions, in the eyes of a majority of young Muslims especially¹⁰, have no longer succeeded in fulfilling their role of integrating all, including Muslims, within a republican, secular, so-called "universalist" system¹¹, which in theory neither recognizes nor discriminates against any spiritual tradition. Instead they have contributed, at least indirectly, to the fabrication of subjective and, consequently, discriminatory identities.

Counter-terrorism measures, legislation opposing preventing violent extremism, de-radicalisation programmes, migration and integration policies, anti-foreigner or citizenship laws

Since the 9/11 attacks, the general atmosphere of Islamophobia has been spreading around the world, including in France. In the country, the situation has become worse with the “Charlie Hebdo attacks” and “Bataclan attacks” in 2015. Using these attacks and the public fear they created, the government declared a “State of emergency” (which hasn’t been declared since

⁶ Barakacity and the CCIF (collectif contre l’islamophobie en France). https://www.liberation.fr/france/2020/11/25/le-ccif-en-ordre-de-bataille-contre-sa-dissolution_1806590

⁷ <http://www.regards.fr/politique/article/pourquoi-il-est-faux-de-dire-que-les-freres-musulmans-sont-derriere-le-ccif>

⁸ https://www.lemonde.fr/idees/article/2020/11/14/les-musulmans-de-france-ordinaires-ceux-qui-sont-amarres-a-la-republique-en-prennent-plein-la-figure-alors-qu-il-faudrait-les-conforter_6059703_3232.html

⁹ <https://www.cairn.info/revue-francaise-de-sociologie-1-2010-2-page-219.htm>

¹⁰ <https://www.ifop.com/publication/droit-au-blaspheme-caricatures-liberte-dexpression-les-francais-sont-ils-encore-charlie/>

¹¹ <https://fr.sputniknews.com/france/202006101043929829-il-sagit-dun-racisme-detat-le-cran-remet-en-cause-le-modele-universaliste-francais/>

the war against Algeria) allowing, among other measures, authorities to conduct unconstitutional and unlawful searches, profiling (potential “terrorist” aka racial profiles are filed in a special list of “threats against the Nation’s safety” and arrests). Another example of anti-foreigner or citizenship law (2015-2016) is the project (which was cancelled) of a law that would have extended the deprivation of nationality to those binationals born in France accused of terrorist acts.

Social attitude, hate speech, attacks and violence against Muslims.

There is a widespread State Islamophobia and regular Islamophobic discourses (generally in response to “polemics” that regularly target Muslim people and Islam: against halal fast food, against prayers in the street, against the construction of a mosque with a minaret), spreading into ordinary Islamophobia (as shown in newspaper cartoons for instance, at school). Islamophobia is now closely entangled with racism, sexism, anti-Black racism, classism and global North/global South power dynamics.

Islamophobia in France has increased, especially since the terrorist attack in 2015. According to the CCIF, 446 Islamophobic acts were recorded in 2017. In 2019 these acts increased by 77% (see document attached). 70% of Islamophobic acts in France were committed against veiled women. Thus this discrimination is based on gender and religion.

Regarding LGBTI Muslims most particularly, they are often “stuck” between a widely secular LGBT movement which holds very little awareness of religion/Muslim specific matters, and families/communities which hold strongly to traditional values, who are often conservative, and who face difficulties in accepting them. They thus suffer from discrimination and violence from multiple parts of French society. Some organizations such as Shams France attempt to provide support but they are themselves the target of very violent attacks by conservative religious groups¹², and have very little support and even understanding from the French government and administration. There is a need for widespread information including about inclusive Islam amongst the French population.

Good practices in identifying and tackling anti-Muslim hatred, undertaken by civil society and international organisations

- Creation of Muslim women-focused groups with a deeper understanding of intersectionality and the lived realities of further marginalised communities within the Muslim community (either NGOs such as Lallab - a Muslim-women led organization - or grassroots groups of Muslim women and/or LGBT Muslim people such as the Calem Institute).
- Community events led by further marginalised communities within the Muslim community (Women and/or Black people and/or LGBT) for example empowerment and community organizing, trainings, retreats, get-togethers, strategic meetings (as done by Lallab, Les Topines, Nta rajel).
- Media awareness raising and campaigning with public figures speaking against Islamophobia (Leila Slimani, Rokaya Dhiallo, Edwy Plenel – see Annex below and Calem Institute document, attached).

¹² Their president is currently facing death threats and under strict governmental protection.

ANNEX

Edwy Plenel gives a "cry of alarm" for Muslims

Posted on 09/22/2014 at 10:46, updated on 09/16/2014 at 9:52 a.m. Available online on the *Midi Libre* newspaper's website - <https://www.midilibre.fr/2014/09/16/edwy-plenel-pousse-un-cri-d-alarme-pour-les-musulmans,1051631.php>

The journalist and essayist Edwy Plenel published on Thursday a plea book "For Muslims" (ed. La Découverte) in the form of a pamphlet against those who, in his eyes, stigmatize them. It is a short sentence from the philosopher Alain Finkielkraut that aroused the ire of the founder of the information site Mediapart and led him to write this short essay "against the tide", drawn with a lively and committed pen: "There is a problem with Islam in France". "My book is caused by the fact that in the media system, in intellectual circles, among academics, it is accepted to target Islam and Muslims in general as our problem of civilization", explains Edwy Plenel. The author continues with his vindictiveness the former Minister of the Interior Claude Guéant, who had considered a problem "the increase in the number of faithful" Muslims - they would be 3.5 to 5 million in France according to estimates. Or Manuel Valls who, before joining Matignon, had according to Edwy Plenel asked the question "of the compatibility of Islam with democracy".

"For minorities"

"From Claude Guéant to Manuel Valls, under the partisan dissimilarity, from an extreme right to a right-wing left, we are therefore confronted with the continuity of xenophobic and, particularly, anti-Muslim obsessions", writes the pamphleteer. The title of his work refers to "For the Jews", an article that Emile Zola wrote in 1896, twenty months before his famous "J'accuse" in defense of Captain Dreyfus. "Today, and this has been won with a hard fight, we cannot say without causing a reaction that there is a concern for civilization which would be Judaism, the Jews in France. Well I demand the same for these compatriots (Muslims, Editor's note) who are at the heart of what our people are ", says Edwy Plenel, specifying that his book could have been entitled "For minorities" or "For France".

"I defend our compatriots who have nothing to do with it"

"I do not defend those who betray their religion by committing crimes, I defend our compatriots who have nothing to do with it and who are at the same time stigmatized or forgotten", confides the essayist. While dreaming of a return to "original secularism" registered in the law of 1905 which, "far from a tension in the face of the affirmation of minority cults, signified their recognition", he writes.

"For Muslims", La Découverte, 144 p., € 12