

THE DENIAL OF MUSLIM WOMEN'S RIGHT TO WEAR RELIGIOUS CLOTHING AS A FORM OF DISCRIMINATION AND INJUSTICE

position paper

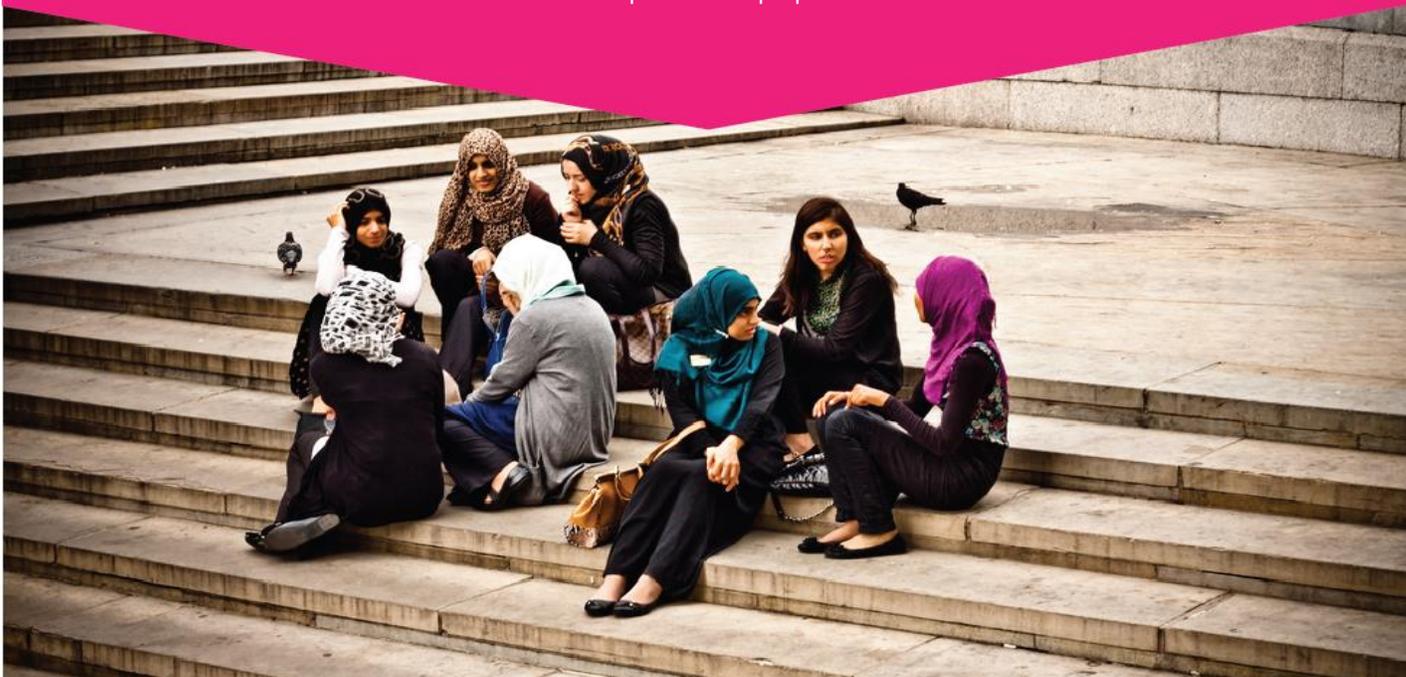


Photo credit: Garry Knight, [Young Muslim Women, Enjoying the afternoon at Trafalgar Square](#)

INTRODUCTION

This position paper outlines the main issues faced by Muslim women in Europe due to the restrictions on their freedom of thought, conscience and religion – all of which are compounded by what has become the controversial subject of Muslim women's clothing. It provides an overview of the current situation for Muslim women in Europe, the multiple underlying issues affecting them and proposes solutions that will help protect their fundamental rights in a pluralistic, democratic, Europe.

In publishing this paper, the European Forum of Muslim Women (EFOMW) aims to advocate for Muslim women's rights in Europe, particularly through influencing EU decision-

making. This is a critical issue given the rise of Islamophobia in Europe, an alarming development and one that disproportionately affects Muslim women,^{1,2,3} particularly those who are easily identified by their appearance. A number of European countries now have laws and policies that directly restrict Muslim women's choice of clothing while Muslim women also face indirect pressures from political discourse, social norms and media coverage. As this paper illustrates, Islamophobia for Muslim women in Europe is a complex mix of direct acts of violence, discrimination, social exclusion, media prejudice, structural sexism, and for those from an ethnic minority background, racism.

¹ Bayrakli, E. & Hafez, F. (2016). European Islamophobia Report 2015 (1st ed.). SETA.

² Šeta, Đ. (2016). Forgotten Women: The impact of Islamophobia on

Muslim women (1st ed.). ENAR.

³ Restrictions on Women's Religious Attire. (2016). Pew Research Center's Religion & Public Life Project.

The European Forum of Muslim Women (EFOMW) was established in 2006 with the aim of protecting European Muslim women's rights and promoting their inclusion in our pluralistic societies. Representing over 17 grassroots Muslim women's organisations across Europe, our aim as an umbrella body is to convey their concerns at the European level and advocate for positive change. The issue of the intersecting discrimination faced by Muslim women emerged as common theme in our work and a critical issue of concern for our member organisations. With the rise of Islamophobia in Europe and its various implications for Muslim women, we felt an urgent need to address the issues raised in this paper and propose solutions. This paper therefore constitutes the basis for our advocacy work on the issues of freedom of religion, gender equality and the protection of fundamental human rights.

EXECUTIVE SUMMARY

This position paper explores the restrictions placed on European Muslim women's freedom of thought, conscience and religion. Specifically, it examines the restrictions on Muslim women's clothing and the multiple forms of discrimination this embodies. In advocating for Muslim women's freedom of choice, the paper proposes solutions that will help protect their fundamental rights in a pluralistic, democratic, Europe. The denial of Muslim women's rights is taking place in the context of rising Islamophobia in Europe – a problem that disproportionately affects women who can easily be identified as Muslim. A number of European countries have laws prohibiting religious clothing and Muslim women also face indirect pressures from political discourse, social expectations and the media. This paper illustrates that Islamophobia for Muslim women in Europe is a complex mix of direct acts of violence, discrimination, social exclusion, media prejudice, structural sexism, and for those from an ethnic minority background, racism.

Restrictions on religious dress are often justified within the framework of neutrality that applies to people of all faiths, but in reality they are directed only at Muslim women and form part of a wider discourse that claims Islam is incompatible with western values. Opinion polls in a number of European countries show that Muslim women wearing a headscarf are increasingly viewed as either oppressed or threatening. The stigmatising and stereotyping of Muslim women denies them a voice, ignores the diversity among them and fuels the kind of hatred that leads to harassment and violence. This is evidenced in the rising number of violent attacks on Muslim women who wear a headscarf, as well as their experience of discrimination at work and other spheres of life.

This paper illustrates that Muslim women in Europe face a violation of their fundamental rights, with discrimination on the basis of both their religion and gender. Numerous examples show that Muslim women bear the brunt of this intersectionality of discriminations in their daily lives, while also living in societies where gender-based discrimination is still a mainstream problem. However, uniquely for Muslim women, gender-based

discrimination is often masked as an attempt to promote gender equality by claiming, for example, that veiled women cannot be free. These arguments deny Muslim women self-determination and rarely allow them to speak for themselves.

In contemporary Europe, we are now faced with a situation where prejudice on the basis of religion or gender is considered illegal but an exception is made for Muslim women. Politicians and feminists who would not consider it acceptable to interfere in any woman's sartorial choices frequently make judgements about Muslim women's dress. Far from speaking to Muslim women and hearing their views, politicians across Europe now interpret their choice of clothing as a symbol of oppression or political affiliation. This stereotyping of Muslim women somehow 'justifies' the denial of basic freedoms and human rights that are extended to the rest of the population. The generalisations made about Muslim women are sexist, Islamophobic and do more to restrict women's freedom than the perceived structures they attempt to criticise.

Freedom and equality are achieved in a pluralistic society when one social group respects the choices of another social group, however different they may be from their own. In publishing this paper, the European Forum of Muslim Women urges the EU to recognise this and take firm steps in raising awareness among its member states about the denial of Muslim women's rights. Unless this issue is tackled as a serious human rights violation, the stigmatisation and exclusion of Muslim women will continue to reinforce social divisions, increase isolation and create further tensions in Europe. In an effort to address this, the European Forum of Muslim Women will use this paper to form the basis of its advocacy work on Muslim women's rights in the hope of promoting a truly coherent, pluralistic Europe that extends the principles of freedom and equality to all its people, regardless of faith, gender or any other aspect of their identity.

Muslim women in Europe and the denial of fundamental rights

The denial of Muslim women's rights in Europe is most evident in the context of restrictions on their freedom to dress according to religious beliefs, particularly when it comes to wearing the hijab, niqab or burka.⁴ According to a Human Rights Watch report, "Laws or policies limiting women's ability to wear religious attire were particularly common in Europe, where 18 of the region's 45 countries (40%) had at least one such restriction in 2012-2013."⁵⁶ A recent example of this is the controversy in France around a woman's right to wear a burkini⁷ on a public beach.

On paper, these restrictions are about principles of neutrality and apply to all religions and individuals independent of their gender. In political discourse – they are directed only at Muslim women, with discussions focussed on the different types of Islamic clothing. These debates, taking place in many European countries, have singled out Muslim women, created a narrative that stereotypes them and denies them a voice of their own. They also occur in the context of the recurring political theme of the lack of compatibility between Islam and the west. A Muslim woman wearing religious clothing is perhaps the most visible embodiment of Islam in western societies and for some, her appearance threatens fundamental 'European values': gender equality, secularism, progress and the rule of law.

"Muslim women are perceived to embody a homogeneous group supporting domestic violence and terrorism, homophobia, gender inequality, traditional gender roles, etc." This is reflected in a number of public opinion polls carried out in European countries. A survey in France in 2014 found that 79% of respondents saw the headscarf as a problem for 'vivre-ensemble' (living

together) – a number that was 11% lower the previous year. An opinion poll in Sweden found that 64.4% of Swedes believe that Muslim women are oppressed. In the UK, a poll showed that 30% of British people believe in reality - in public debate, in the media and the hijab to be a threat⁸.

The framing of Muslim women and their religious clothing as antagonistic to European societies has succeeded in marginalising them, fostering discrimination and encouraging hate speech. Consequently, visibly Muslim women are subjected to verbal abuse – both in person and through the media – and violent physical assault. It is no

According to a Human Rights Watch report, "Laws or policies limiting women's ability to wear religious attire were particularly common in Europe, where 18 of the region's 45 countries (40%) had at least one such restriction in 2012-2013."

surprise that attacks on Muslim women have seen "spikes in France and the UK after major international incidents, as was the case after the attacks in Paris in November 2015." According to a Pew Research Center report, Europe stands out as the region with the most reports of women being harassed for wearing religious attire, with incidents recorded in 21 out of 45 countries in 2012-2013.⁹

The Pew Research Center report also highlights the indirect pressure on Muslim women to conform to perceived societal norms even in countries where laws do not discriminate against them. It states, "Failure to comply can lead to harassment or acts of hostility directed at women by private individuals, organizations or social groups."¹⁰

As this paper explores, Muslim women in Europe are

⁴ In this paper, 'hijab' refers to headscarf, 'niqab' to face covering and 'burka' to full body covering with loose garments.

⁵ Questions and Answers on Restrictions on Religious Dress and Symbols in Europe. (2016). Human Rights Watch

⁶ Restrictions on Women's Religious Attire. (2016). Pew Research Center's Religion & Public Life Project.

⁷ A 'burkini' is a women's swimsuit that covers the body and usually also the hair.

⁸ Šeta, Đ. (2016). *Forgotten Women: The impact of Islamophobia on Muslim women* (1st ed.). ENAR.

⁹ Restrictions on Women's Religious Attire. (2016). Pew Research Center's Religion & Public Life Project.

¹⁰ Restrictions on Women's Religious Attire. (2016). Pew Research Center's Religion & Public Life Project.

According to a Pew Research Center report, Europe stands out as the region with the most reports of women being harassed for wearing religious attire, with incidents recorded in 21 out of 45 countries in 2012-2013.

subjected to discrimination and stigmatisation as a result of national laws, political discourse, media coverage and social pressures. This raises the serious issue of the violation of Muslim women's fundamental rights and the role of the state in matters of religion – particularly its interventions in the wardrobes of women. Of particular concern is that the restrictions on Muslim women's clothing discriminate on the basis of both religion and gender, not to mention other factors like racism that often come into play. Women who are visibly Muslim therefore face multiple challenges as a result of the complex discrimination against different aspects of their identity.

Restrictions on Muslim women's clothing and the role of Islamophobia

The numerous laws that have emerged to restrict people from wearing religious clothing are an aggressive and intrusive interpretation of secularism.

Most European nations have legislation in place to prevent discrimination on the basis of religious beliefs. Freedom of religion and thought is a fundamental human right which in secular Europe is reflected in the principle that the state remains neutral in religious affairs in order to guarantee religious freedom. However, the numerous laws that have emerged to restrict people from wearing religious clothing are an aggressive and intrusive interpretation of secularism. Bans on religious clothing in certain places do not protect secularism but undermine its neutrality principles because, as we see time and time again, only a small segment of the population is affected by such laws, namely Muslim women.

Upon examining these laws, it is evident that they have

three common features. Firstly, they are relatively new. The first major law restricting religious dress in Europe was in 2004 in France, banning Muslim girls from wearing headscarves in public schools. Secondly, these laws have all come forth as a response to what is perceived as a 'Muslim problem.' While not referring directly to Muslims they have emerged in the context of political discourse about Islam, with Muslims being the only group affected by such laws. Thirdly, these laws often make dangerous connections between events such as terrorist attacks and a Muslim's public display of their faith.

One example of such laws is what came to be known as the 'burkini ban' in France. The municipal by-laws forbidding the burkini and the headscarf on public beaches did not mention either item of clothing explicitly; rather they referred to "ostentatious religious attire that may disturb public order" and stated the Nice terrorist attack as justification. In effect however, and as far as public opinion is concerned, the laws only affect Muslim women, thereby discriminating against them and denying them access to a public space. It is difficult to see the laws as anything other than Islamophobic considering the context in which they emerge and in this case, the fact that there is no record whatsoever of any public disorder incident involving a burkini-wearing woman.¹¹

Islamophobic discourse – and the laws that result from it – have a direct impact on Muslim women's lives, not only in terms of restricting their freedoms but in how they are perceived by wider society. Many opinion polls show that Muslim women in European countries are viewed as stereotypes, from being pitied as victims of an oppressive faith to being hated as supporters of 'Islamic' terrorism. An example of this is the social experiment conducted by Belgian university student, Silke Raats, in October 2015. She wore a headscarf to university to gauge people's reactions but received such a barrage of Islamophobic abuse that she had to cut her experiment short. Amongst the comments she received were suggestions that she should be sent to Syria (despite having no connection to the country) and concerns that she might start throwing bombs. This example shows that it is not only laws that restrict Muslim women's lives but social pressure that is

¹¹Burkini ban violates basic freedoms, top French court rules. (2016).

BT.com.

rooted in Islamophobic prejudice. Similarly, a young Irish Muslim girl recounts, "I was walking with my friend to my home, a stranger (man) came to us and he spit on us, and he abuses us verbally. He saw us wearing hijab (scarf on head), he spit on us and said bad words to us, he said that he saw something on TV about Muslims but I have no idea about what he was talking."¹²

Examples like these show that the rise in Islamophobic discourse in the media and political spheres has created a toxic climate in many European societies and it is Muslim women who bear the brunt of such prejudice in their daily lives.

Restrictions on Muslim women's clothing as an expression of sexism and gender inequality

Feminists, politicians and the media frequently advocate against women's oppression by criticising the headscarf and in doing so, silence Muslim women, deny them their right to choose what they wear and to practice their faith

Muslim women are the main victims of Islamophobia in Europe but they also live in societies where sexism and gender-based discrimination are still rife. As a result, they face multiple prejudices and this intersectionality of discriminations needs to be acknowledged and relentlessly addressed.¹³

The General Recommendation No. 19 of the Committee of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) states that "Gender-based violence against women is violence that is directed against a woman because she is a woman or that affects women disproportionately,¹⁴ and includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty." Multiple reports have shown the disproportionate impact

of Islamophobic acts on women. In the Netherlands, a study found that of all the Islamophobic hate crimes reported, 90% of the victims were women. In France, a study by the Collective Against Islamophobia in France (CCIF) found that almost 100% of the victims of physical aggression in cases of Islamophobia were women.¹⁵

Ironically for Muslim women, the gender-based discrimination they face is often a result of gender equality arguments. Feminists, politicians and the media frequently advocate against women's oppression by criticising the headscarf and in doing so, silence Muslim women, deny them their right to choose what they wear and to practice their faith. An example of such rhetoric was when the French Prime Minister, Manuel Valls, spoke at a rally in 2016 referencing Marianne, the symbol of the French republic, declaring, "She is not veiled because she is free."¹⁶

His suggestion was that veiled women are not free, a statement that completely disregards the opinions of women who choose to wear religious clothing and are able to speak for themselves. In another instance, Elisabeth Badinter, a prominent French feminist, claimed in April 2016 that the hijab was incompatible with gender equality.¹⁷ Such statements appear to be concerned with gender equality but ignore one its basic principles: self-determination, the right to make choices without interference or pressure from others.

This kind of sexist rhetoric by public figures infantilizes women and denies them freedom and autonomy. It stigmatizes Muslim women, adds to the social pressure they face and ignores the fact that for most European women who wear religious clothing it is a personal choice based on their own convictions, faith or spiritual journey.

¹²Bayrakli, E. & Hafez, F. (2016). European Islamophobia Report 2015 (1st ed.). SETA

¹³Şeta, Đ. (2016). Forgotten Women: The impact of Islamophobia on Muslim women (1st ed.). ENAR.

¹⁴Convention on the Elimination of All Forms of Discrimination against Women. (2016). Un.org.

¹⁵Şeta, Đ. (2016). Forgotten Women: The impact of Islamophobia on Muslim women (1st ed.). ENAR.

¹⁶Sims, A. (2016). 'She is not veiled, because she is free!' - French PM suggests naked breasts represent France better than burkinis. The Independent.

¹⁷Samuel, H. (2016). Islamic veil akin to "enslavement of women", says French Prime Minister. The Telegraph.

Furthermore, evidence shows that laws and social pressures that restrict women from wearing religious clothing are far from liberating; in fact they isolate Muslim women from the rest of society. Muslim women are, and can be, great assets to their societies but too many are lost to divisive policies and prejudiced rhetoric.

Research by the Pew Institute found that a ban on teachers wearing the headscarf in parts of Germany led Muslim women to abandon their careers. This in effect leads to Muslim women losing not only their jobs or vocations but their independence and financial security. As for the minority of women who are forced by their families or spouses to wear the headscarf, such laws do not empower or protect them from oppression; rather they further isolate them because they serve as an excuse to further prevent women from leaving the home or fully accessing the rest of society.

Another worrying aspect of the sexist discrimination faced by Muslim women is that it is deeply rooted in a tradition of men dictating how women should dress. In 1830, Lord Cromer, British Consul General in Egypt stated that Egyptians were morally and culturally inferior in their treatment of women and that they should be “persuaded or forced” to become “civilized” by disposing of the veil.¹⁸ This is the same man that founded the Men's League for Opposing Women's Suffrage – and just one example of an ongoing tradition of men in positions of power interfering with women's choice of clothing.

Men have also historically dictated what some women should wear in the workplace, and Muslim women are often worst affected by such policies. There are many cases of Muslim women being told to remove their headscarf by their employer even if the law allows it, not to mention more implicit forms of discrimination that prevent some visibly Muslim women from being employed

or progressing in their careers. One Muslim graduate in Spain, who finished near the top of her university class in pharmacology, found it difficult to find a job because she did not want to remove her veil.¹⁹ In another case, currently being examined by the European Court of Justice, French IT engineer, Asma Bougnaoui, was dismissed by her employer for refusing to remove her headscarf following a client's request.^{20 21}

These examples show that sexism and gender inequality are still rampant in European societies with employers feeling no hesitation in interfering with female employees' wardrobes in a way they would not do with male staff.

Discrimination against Muslim women as a tolerated and institutionalised violation of human rights

They speak for Muslim women rather than with Muslim women, giving further credence to the idea that Muslim women are a homogenous, dangerous and oppressed group who are incapable of speaking for themselves.

In many parts of Europe, prejudice on the basis of religion or gender is illegal but exceptions are made when it comes to Muslim women. In January 2016, former UK Prime Minister David Cameron famously said that Muslim women are ‘traditionally submissive.’²² In France, Prime Minister Manuel Valls declared that the headscarf must become an essential fight for the French Republic.²³ Similarly another member of Valls' government, Laurence Rossignol - ironically minister for women's rights – compared Muslim women who choose to wear the headscarf to “Negros that choose slavery.”²⁴

France in particular seems to have institutionalized discrimination against Muslim women, with Manuel Valls declaring that there should be a ban on headscarves in

¹⁸Viner, K. (2002). Feminism as imperialism. The Guardian.

¹⁹ Spital'szky, A. (2013). ENAR SHADOW REPORT : Racism and related discriminatory practices in employment in Spain (1st ed.). ENAR

²⁰ Case C-188/15: Request for a preliminary ruling from the Cour de cassation (France) lodged on 24 April 2015 — Asma Bougnaoui, Association de défense des droits de l'homme (ADDH) v Micropole Univers SA

²¹Benedi Lahuerta, S. (2016). Wearing the veil at work: Achbita and

Bougnaoui - Can a duty to reasonable accommodation be derived from the EU concept of indirect discrimination? EU Law Analysis.

²²Payton, M. (2016). Muslim women ridiculing David Cameron over comments about 'traditional submissiveness'. The Independent.

²³Le Point,. (2013). Manuel Valls : "La question du voile relève d'un combat sur la condition des femmes".

²⁴Dupont, G. (2016). Les propos de Laurence Rossignol comparant le voile à l'esclavage soulèvent un tollé. Le Monde.

universities,²⁵ and former president Nicolas Sarkozy stating "we don't want women wearing headscarves."²⁶ In neighbouring Germany, Bavarian Interior Minister, Joachim Herrmann, said, "It is clear that the burka isn't the right article of clothing for the population in Germany."²⁷ In the UK, UKIP leader Nigel Farage said Muslim women wearing the burka were "oppressed" and "a potential security threat."²⁸ In Belgium, a Flemish deputy said about the burkini: "I don't think women, in the name of faith, would want to wear such a monstrosity."²⁹

These are just a few examples from a plethora of Islamophobic statements made by European politicians, some at the highest levels of their respective governments. As well as fuelling anti-Muslim prejudice and hatred, what these statements share is a systematic failure to involve or hear the views of the subject of their discussion.

They speak *for* Muslim women rather than *with* Muslim women, giving further credence to the idea that Muslim women are a homogenous, dangerous and oppressed group who are incapable of speaking for themselves. Consequently, European politicians take it upon themselves to regulate and legislate against Muslim women, either to control or to 'emancipate' them.

This kind of stereotyping and infantilization of Muslim women by the political class is symptomatic of either a profound misunderstanding or deep-rooted prejudice that in their minds, justifies denying Muslim women the basic freedoms and human rights that are extended to the rest of the population.

In reality, far from being oppressed victims with inadequate mental faculties to think for themselves, Muslim women in Europe are a diverse group represented in all walks of life and working in all areas of civil society. European Muslim women have unique experiences like the rest of the population and make their own individual

choices, be they religious, ideological or sartorial.

For politicians who are entirely removed from these women's lives to interpret their choice of clothing as a symbol of oppression or political affiliation is a sexist and Islamophobic generalisation that does more to restrict women's freedom than the perceived structures they criticise. The situation is most alarming in countries like France where such views are openly spouted in political discourse and remain largely unchallenged by other political parties.

Discrimination against Muslim women as an expression of gender-based violence

A man tearing off a woman's headscarf in public is as much a form of gender-based violence as a politician telling her she cannot wear it.

Male violence exists in Europe as it does in every other society but the lack of data, underreporting and in some cases lack of political will have made it difficult to tackle. Muslim women suffer from gender-based violence in a compounded way because they are affected by the same issues as other European women while also being subjected to Islamophobic attacks. As mentioned earlier, the negative discourse about Islam and Muslim women in particular contributes largely to fuelling prejudice and hatred that then leads to acts of violence against Muslim women.

European politicians frequently turn a blind eye to these crimes and some implicitly justify them by normalising both pity and fear of Muslim women. But as a report by the European Women's Lobby argues, an individual act of gender-based violence does not occur in isolation of its wider context: "There is a tendency to differentiate between structural (public) violence and individual (private) violence, therefore avoiding tackling the gender-

²⁵Chrisaphis, A. (2016). French PM calls for ban on Islamic headscarves at universities. The Guardian.

²⁶Chrisaphis, A. (2016). Nicolas Sarkozy says Islamic veils are not welcome in France. The Guardian.

²⁷Friedmann, J. (2016) Full Veils Already Mostly Prohibited in Germany. Spiegel Online.

²⁸UKIP chief Nigel Farage calls for burka ban. (2010).

<http://news.bbc.co.uk/>. Retrieved 12 July 2016, from <http://news.bbc.co.uk/>

²⁹Are France's burkini bans sexist, or liberating? (2016). <http://english.alarabiya.net/>. Retrieved 27 August 2016, from <http://english.alarabiya.net/en/perspective/features/2016/08/19/Are-France-s-burkini-bans-sexist-or-liberating-.html>

specific root causes of all forms of male violence against women, namely the structural power imbalances between women and men; violence against women cannot be considered as a private matter, it is a human rights issue.”³⁰

In 2013, a 20-year-old pregnant woman in Sweden was violently attacked. She was assaulted by an unknown man who tried to pull off her headscarf and shouted, “Those like you should not be here!” before he pounded her head against a car, so hard that she lost consciousness.³¹

Similarly, in France in 2013, a pregnant Muslim woman wearing a headscarf was violently attacked by two men in Paris. They removed her veil and cut off her hair, reportedly shouting anti-Islamic taunts at her. She suffered a miscarriage as a result.³² These are just two incidents of Islamophobic attacks on Muslim women but particularly disturbing examples of gender-based violence because the attackers targeted pregnant women for their vulnerability.

The relevant authorities, and those publicly commenting on Muslim women in their respective societies, need to be aware of the real dangers Muslim women face from male violence and resolve to protect them. They also need to be aware of the diversity among women and the different ways they can be exposed to male violence; it could be an attack on the street by a stranger but it could also be male control over women’s bodies. A man tearing off a woman’s headscarf in public is as much a form of gender-based violence as a politician telling her she cannot wear it.

Respect for Muslim women’s equality and freedom as a core principle of a coherent Europe

Freedom and equality in a pluralistic society are about one social group respecting the choices of another social group, however different they may be from their own.

Equality between women and men is a core principle of the EU and its member states. However, such commitments are often not reflected in the experience of women and men in their daily lives. The EU Gender Equality Index 2012 puts women at just 52.8% of the way towards equality with men³³. This index does not provide data disaggregated by religion, which would provide an important insight into understanding complex issues of gender equality for women from different social groups.

However, from numerous studies and reports, including those referenced in this paper, it is evident that Muslim women suffer disproportionately from both gender inequality and religious prejudice in Europe.

Restrictions on the freedom of women to choose how they dress in European societies are a denial of their fundamental right to make decisions in accordance with their values, beliefs or personal choice. Such restrictions are a violation of the fundamental European principle of freedom, that women and men have the right to adopt a lifestyle even if society disapproves, finds it uncomfortable or deems harmful for the individual – as long as it brings no harm to others. In a free society, even those who see the headscarf as a symbol of oppression must respect and accept a woman’s choice to wear it. Freedom and equality in a pluralistic society are about one social group respecting the choices of another social group, however different they may be from their own.

³⁰ Towards a Europe Free from All Forms of Male Violence against Women. European Women's Lobby. (2010)

³¹Şeta, Đ. (2016). *Forgotten Women: The impact of Islamophobia on Muslim women* (1st ed.). ENAR.

³² International Religious Freedom Report for 2013. (2016). US State Department.

³³ Gender Equality Index | EIGE. (2012). EIGE

Conclusion

The EFOMW is deeply concerned that the proclaimed gender equality in the EU is endangered by ever rampant discrimination based on religious beliefs. A cohesive, democratic and peaceful Europe has to be one that takes a firm position against any form of religious intolerance and gender inequality. The EU must take firm steps in raising awareness among its member states so that they feel equally concerned about the need to tackle the stigma and discrimination faced by Muslim women. This urgently requires a recognition of the intersectionality of discrimination they face, based on both religion and gender.

The stigmatisation and exclusion of Muslim women will continue to reinforce social divisions, increase isolation and create further tensions in a Europe that desperately needs better social participation and engagement from all segments of society. A continent that prides itself on the rule of law being above all cannot continue to witness the open infringement of the fundamental rights of a section of its population. A truly coherent, pluralistic Europe needs to extend the principles of freedom and equality to all its people, regardless of their faith, gender or any other aspect of their identity.

Recommendations

EU and national authorities must **take concrete steps to facilitate the collection and monitoring of data** on multiple discrimination affecting women.

EU and national institutions, as well as stakeholders such as the Fundamental rights Agency (FRA) and the European Institute for gender equality should **include disaggregated data on gender, ethnicity and religion in studies**, indicator frameworks and victimisation surveys.

Encourage and initiate studies and reports that monitor discriminations on the grounds of religion and gender and specifically on the gendered aspect of islamophobia.

EU and national institutions must **perform qualitative and quantitative impact assessment of national laws restricting religious clothing** since the first french legislation of 2004.

The European Commission should **initiate infringement proceedings on the basis of the Employment Directive (2000/78/EC)** where there is systematic discrimination in employment on the ground of religion and belief. Consider launching infringement proceedings under the Gender Equality Directives, when systemic discrimination targets only women.

The European Commission should **launch infringement proceedings against Member States where there is evidence of failure to transpose or implement the Framework Decision** on combating racism and xenophobia (2008/913/JHA), including on failure to investigate the racist motivation of Islamophobic crime against Muslim women and incitement to hatred against Muslim women.

Member states should adopt **national strategies to combat Islamophobia** covering, among others, discrimination in employment and hate crime. Such strategies should include specific objectives and targets on Muslim women's inclusion and protection from violence.

Introduce provisions in anti-discrimination legislation to address multiple discrimination including on the grounds of gender, ethnicity and religion.

To other stakeholders

Media outlets should **offer space for a more nuanced picture of Muslim women**, as agents instead of subjects, and move away from a polarised image of Muslim women, not only focusing on the perception of their supposed 'Muslimness'.

Give a proportionate space to 'Muslim voices' on all issues in the public debate, as any other group of citizens, and not only when 'Muslim' issues are at stake

Feminist groups should **explore intersectionality in feminism** acknowledging ethnic and religious minority women's conditions.

To our members

Initiate awareness raising campaigns about Muslim women's rights to equality and non-discrimination and encourage them to report incidents not only on grounds of religion and ethnicity but also on grounds of gender

Establish links with existing legal and counselling services to support victims of discrimination and violence. Collect and make their testimonials and experiences available and visible.

Build alliances with other women's rights/feminist organisations but also other organisations working on non-discrimination issues. Facilitate discussions about Muslim women's experiences with other stakeholders in order to find common ground and understanding.

Encourage and empower Muslim women's **participation in media and public life.**

Bibliography:

- Šeta, Đ. (2016). *Forgotten Women: The impact of Islamophobia on Muslim women* (1st ed.). ENAR. Retrieved from http://www.enar-eu.org/IMG/pdf/forgottenwomenpublication_lr_final_with_latest_corrections.pdf
- Bayrakli, E. & Hafez, F. (2016). *European Islamophobia Report 2015* (1st ed.). SETA. Retrieved from http://www.islamophobiaeurope.com/reports/2015/en/EIR_2015.pdf
- *Restrictions on Women's Religious Attire*. (2016). Pew Research Center's Religion & Public Life Project. Retrieved 1 July 2016, from <http://www.pewforum.org/2016/04/05/restrictions-on-womens-religious-attire/>
- *International Religious Freedom Report for 2013*. (2016). US State Department. Retrieved 27 July 2016, from <http://www.state.gov/j/drl/rls/irf/2013religiousfreedom/index.htm?year=2013&dliid=222215#wrapper>
- European Commission against Racism and Intolerance. 2013. Report on the Netherlands.
- OSCE/ODIHR. Hate Crime Reporting. Available at: <http://hatecrime.osce.org>.
- Spital'szky, A. (2013). ENAR SHADOW REPORT: Racism and related discriminatory practices in employment in Spain (1st ed.). ENAR.
- *Burkini ban violates basic freedoms, top French court rules*. (2016). BT.com. Retrieved 27 August 2016, from <http://home.bt.com/news/world-news/french-court-overturns-burkini-ban-11364082337890>
- *Convention on the Elimination of All Forms of Discrimination against Women*. (2016). Un.org. Retrieved 27 August 2016, from <http://www.un.org/womenwatch/daw/cedaw/>
- Sims, A. (2016). 'She is not veiled, because she is free!' - French PM suggests naked breasts represent France better than burkinis. *The Independent*. Retrieved from <http://www.independent.ie/world-news/europe/she-is-not-veiled-because-she-is-free-french-pm-suggests-naked-breasts-represent-france-better-than-burkinis-35010547.html>
- Samuel, H. (2016). Islamic veil akin to "enslavement of women", says French prime minister. *The Telegraph*. Retrieved from <http://www.telegraph.co.uk/news/2016/04/05/islamic-veil-akin-to-enslavement-of-women-says-french-prime-mini/>
- Viner, K. (2002). *Feminism as imperialism*. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2002/sep/21/gender.usa>
- Case C-188/15: Request for a preliminary ruling from the Cour de cassation (France) lodged on 24 April 2015 — Asma Bougnaoui, Association de défense des droits de l'homme (ADDH) v Micropole Univers SA
- Benedi Lahuerta, S. (2016). *Wearing the veil at work: Achbita and Bougnaoui - Can a duty to reasonable accommodation be derived from the EU concept of indirect discrimination? EU Law Analysis*. Retrieved from <http://eulawanalysis.blogspot.be/2016/03/wearing-veil-at-work-achbita-and.html>
- Payton, M. (2016). *Muslim women ridiculing David Cameron over comments about 'traditional submissiveness'*. *Independent*. Retrieved from <http://www.independent.co.uk/news/uk/home-news/lm-women-ridiculing-david-cameron-over-comments-about-traditional-submissiveness-a6832351.html>
- Le Point,. (2013). Manuel Valls: "La question du voile relève d'un combat sur la condition des femmes". Retrieved from http://www.lepoint.fr/politique/manuel-valls-la-question-du-voile-releve-d-un-combat-sur-la-condition-des-femmes-10-04-2013-1652945_20.php
- Dupont, G. (2016). *Les propos de Laurence Rossignol comparant le voile à l'esclavage soulèvent un tollé*. *Le Monde*. retrieved from http://www.lemonde.fr/societe/article/2016/03/31/laurence-rossignol-les-negres-et-le-voile_4892777_3224.html
- Chrisaphis, A. (2016). *French PM calls for ban on Islamic headscarves at universities*. *The Guardian*. Retrieved from

- <https://www.theguardian.com/world/2016/apr/13/french-pm-ban-islamic-headscarves-universities-manuel-valls>
- Chrisaphis, A. (2016). Nicolas Sarkozy says Islamic veils are not welcome in France. The Guardian. Retrieved from <https://www.theguardian.com/world/2009/jun/22/islamic-veils-sarkozy-speech-france>
 - Friedmann, J. (2016) Full Veils Already Mostly Prohibited in Germany. Spiegel Online. Retrieved from <http://www.spiegel.de/international/germany/germany-debates-a-ban-on-burqas-and-other-muslim-veils-a-1108562.html>
 - UKIP chief Nigel Farage calls for burka ban. (2010). <http://news.bbc.co.uk/>. Retrieved 12 July 2016, from <http://news.bbc.co.uk/>
 - Are France's burkini bans sexist, or liberating? (2016). <http://english.alarabiya.net/>. Retrieved 27 August 2016, from <http://english.alarabiya.net/en/perspective/features/2016/08/19/Are-France-s-burkini-bans-sexist-or-liberating-.html>
 - Towards a Europe Free from All Forms of Male Violence against Women. European Women's Lobby. (2010). Retrieved from <http://www.womenlobby.org/Towards-a-Europe-Free-from-All-Forms-of-Male-Violence-against-Women-December>
 - Gender Equality Index | EIGE. (2012). EIGE. Retrieved 27 November 2016, from <http://eige.europa.eu/gender-statistics/gender-equality-index>
 - Questions and Answers on Restrictions on Religious Dress and Symbols in Europe. (2016). Human Rights Watch. Retrieved 13 July 2016, from <https://www.hrw.org/news/2010/12/21/questions-and-answers-restrictions-religious-dress-and-symbols-europe>
 - Photo credit: Knight, Garry (2011), Young Muslim Women/Enjoying the afternoon at Trafalgar Square. [image] Available at: <https://www.flickr.com/photos/garryknight/6058771534> [Accessed 19 September 2017], License: <https://creativecommons.org/licenses/by/2.0/>

European Forum of Muslim Women EFOMW

Rue du Trône 51
1050 Bruxelles
Belgium

Tel/Fax: +32 25 123-803
E-mail: info@efomw.eu
www.efomw.eu