



The Handbook



MAKE HISTORY.
STOP ISLAMOPHOBIA.



IMAN - The Handbook

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Introduction



ISLAMOPHOBIA MONITORING and ACTION NETWORK



The IMAN project is a project initiated by civil society. It was conceived and launched under the direction of the CCIF in France (Collective Against Islamophobia in France) and the FEMYSO in Belgium (Forum of Muslim Student Organizations in Europe).

Launched in January 2013, it operates in 8 European countries –France, Belgium, Germany, Sweden, the Netherlands, Italy, Hungary and England– and brings together fifteen partner organizations.

IMAN is the first European initiative to fight against Islamophobia, and the first anti-Islamophobia project to receive financial support from the European Commission.

IMAN aims to overcome significant deficiencies observed both at the national and European levels in the fight against Islamophobia.

A field project

NETWORK...

Lack of a European anti-Islamophobia network

Building a pan-European network of anti-Islamophobia organizations

MONITORING....

No data on Islamophobia in Europe

Implementing a common methodology for gathering data + creating a platform for reporting and compiling acts of Islamophobia

ISLAMOPHOBIA...

Victims are left to their fate; little or no support from the judicial system

Developing welcome and support structures for victims of Islamophobia

ACTION...

Everything remains to be done in the fight against Islamophobia in Europe

Building a European network, developing a common approach, fundraising, NGO training, sharing best practices, working collaboratively

—Islamophobia, a European Scourge

• A definition

Islamophobia is any act of discrimination against, violence against, or rejection of a person or institution because of his/her/its real or perceived affiliation with Islam.

It is also defined as a political and media climate that aims to systematically stigmatize Muslims, thus provoking and encouraging such acts of discrimination and violence against citizens of the Muslim faith.

• A few figures



According to the annual report of the Muslim Rights Belgium (an anti-Islamophobia not-for-profit based in Brussels), the Belgian situation is alarming given that Islamophobic acts **rose by more than 25%** between 2012 and 2013.

<http://www.mrb-online.be/rapportannuel2013.pdf>



Annual Report of the Collectif Contre l'Islamophobie en France (a Paris-based NGO)

<http://www.islamophobie.net/sites/default/files/CCIF-RAPPORT-2014.pdf>

(English) <http://www.islamophobie.net/sites/default/files/CCIF-Annual-Report-2014.pdf>

Over the year 2013, the CCIF identified **691 acts of Islamophobia, divided into 640 acts against individuals and 51 acts targeting institutions**. This represents an overall increase of 47% compared with 2012.

In 2013, **at least one institution (mosque, school, cemetery) was targeted every week**. 482 Islamophobic acts were acts of discrimination and 56% of those acts of discrimination took place in public services.

The year 2013 was marked by increasingly violent acting out, with an **extremely alarming increase in physical assaults**. The CCIF reports 27 counts of assault in the last 8 months of the year alone.

Every day in France, at least one individual is a victim of Islamophobia (on average).



In Germany, the situation is also a cause of great concern. As a reminder, in the summer of 2009 Germany was rocked by a horrific news story that has been described by some media outlets as **“the first Islamophobic crime in the country.”** Marwa El Sherbini, a pregnant Egyptian woman, was murdered in a courtroom by an openly xenophobic and Islamophobic German.

National and European media regularly bring to light the **discrimination to which German citizens of the Muslim faith** –especially citizens of Turkish origin– are subject.

In 2013, a Berlin-based Turkish organization¹ opened a forum on its website so it could collect reports of discriminatory acts. **Within a week, the site received around 1,800 reports.**

Some surveys show that **50% of Germans say they resent immigration of Muslim origin.**

And yet Islamophobia is still not recognized by the German government as a specific form of racism.



England is regularly the scene of various acts of violence against Muslims or Muslim institutions.

Several mosques have been set on fire since 2012. More recently, a young Saudi student wearing a hijab (traditional headscarf) was stabbed to death on her way to college.

Grassroots organizations are reporting a significant increase in acts of Islamophobia, and in particular increasingly exacerbated violence. The East London Mosque, one of the largest mosques in Europe, located in the London district of Whitechapel, regularly devotes part of its internal magazine to the scourge of Islamophobia.

Victims do not yet have the reflex to automatically report acts of Islamophobia against them and political and media responses remain tentative given the seriousness of the problem.

1 - Source: Zaman France <http://www.zamanfrance.fr/article/allemanne-discrimination-turcs-ne-recule-pas-5422.html>



The IMAN handbook has been designed as both a training manual and a source of valuable information on the fight against Islamophobia.

All the information herein has been drawn from our field experience and legal expertise, as well as from the work done over the course of nearly two years (January 2013 – December 2014) in partnership with the fifteen organizations from the eight European countries that make up the IMAN network.

It therefore serves as a support tool for IMAN training across Europe geared for victims, professionals and organizations determined to fight against racism and Islamophobia.

Thus this handbook is intended for three main audiences:

- **Victims of Islamophobia:** Citizens of the Muslim faith who face acts of discrimination and violence because of their religious beliefs. The handbook aims to provide them with basic legal knowledge (including an overview of the legal system in the appendix) and simple but effective tools they can use to assert their rights. This handbook will also teach them about local and national structures fighting against racism and Islamophobia that can support and assist them in their efforts.
- **Professionals (police, lawyers, state officials, etc.):** To better understand the phenomenon of Islamophobia in order to better handle the victims and punish perpetrators of Islamophobic acts, and to take measures to curb the phenomenon.
- **NGOs:** Understanding the universality of Islamophobia in order to consider the universality of the fight against Islamophobia. The handbook includes ideas and tools for mobilization in order to encourage NGOs to build relationships with various stakeholders in the field.

The IMAN project

Methodology and Field Action

• IIMAN: giving victims back their place

Improving the condition of victims and empowering the Muslim community in Europe have always been the two key objectives of the IMAN project².

Between January 2013 and December 2014, i.e. 23 months, everything was done to achieve these goals, and many tools were created.

► IMANET

IMANET is an innovative tool at the heart of the project. It is a case management system, a platform for recording and managing cases (hate crimes/offenses) that automatically produces quantitative (statistical) and qualitative data based on the recorded information.

This platform was created by the IMAN team and is jointly used by all project partner organizations (in 8 European countries).

For the time being, IMANET specializes in Islamophobia, meaning that the platform is used to collect all data related to Islamophobia, information that is reported to partner organizations directly by the public or by the media.

The data correspond to Islamophobic acts, such as physical and verbal abuse, discrimination, hate speech, the damaging or desecration of places of worship, etc.

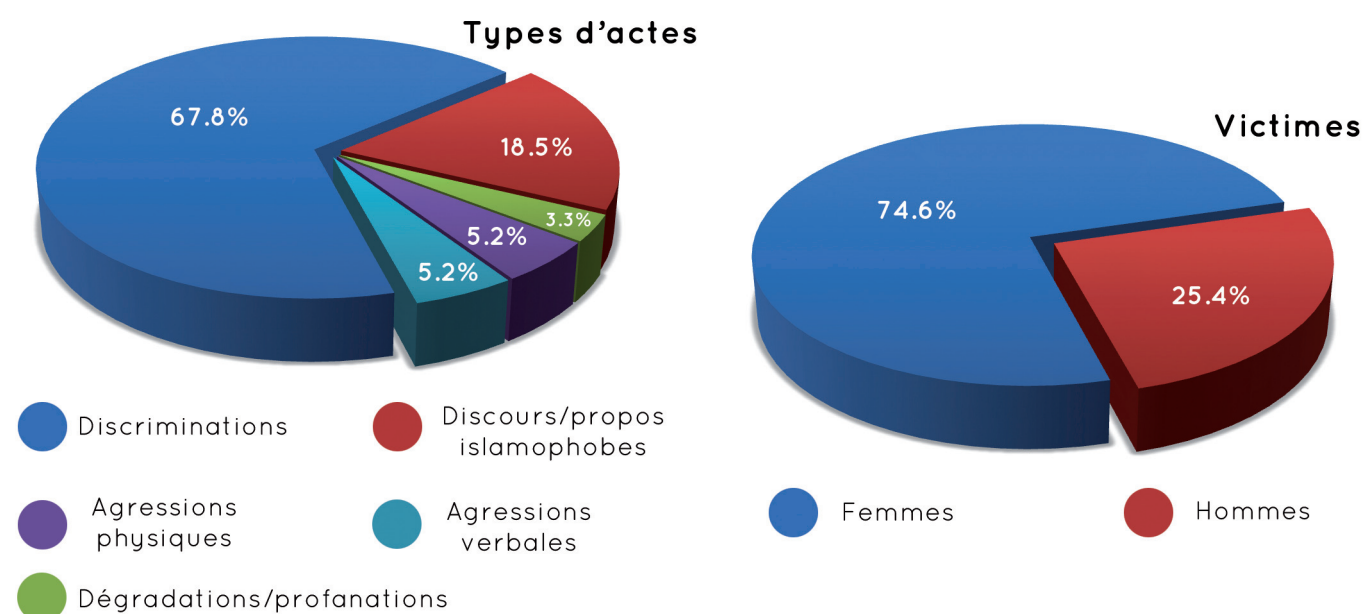
They also include all inquiries, i.e. people of the Muslim faith who anticipate possible illegal difficulties because of their religious beliefs and who want to learn about their rights.

² - See «Quantification du préjudice» in the appendix, a document that describes in detail the methodology and the analysis prism adopted by the IMAN project.

The data provide information on three key points:

- What Islamophobia looks like (types of acts)
- Who the perpetrators of Islamophobic acts are
- What the consequences for victims are

These data are essential in order to describe, analyze and understand the problem of Islamophobia. They are also essential because they can produce figures on Islamophobia.



The IMANET platform does not just make it possible to compile the cases and produce figures. It was also designed for optimal case management. Thus IMANET enables legal professionals and volunteers handling the victims' cases to get an overview of each case and access all the information needed to process the case and support the victim in his/her efforts to assert his/her rights.

► An Overview of the Judicial System

The IMAN project also intends to provide basic legal knowledge relating to hate crimes in Europe.

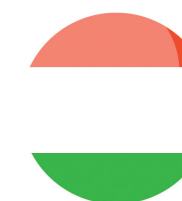
In order to inform and support non-Muslim citizens in the fight against Islamophobia, it is necessary for NGOs, institutions and professionals involved with the victims (lawyers, jurists, counselors, police, etc.) to be intimately familiar with national legislation on hate crimes.

The IMAN team, which is made up of lawyers specializing in human rights, has thus undertaken to provide an overview of the judicial system for each of the eight IMAN partner countries³.

► IMAN Training

The training of NGO partners was a priority activity in achieving IMAN's key objectives over the course of those 23 months of work.

Provided by the Project Manager, the training covered topics that were both specific and varied, necessary for effective action in the field and when dealing with institutions.



National and European collaboration between partner NGOs

Awareness campaigns

Using IMANET, using a common methodology for collecting data

Case management and supporting victims

Field strategies, networking and lobbying

Fundraising, strengthening teams and structures



► IMAN: a Project that Looks to the Future

In just under two years, the IMAN project has built foundations and walls where there was only a vacant lot before.

As mentioned in the introduction to this handbook, the IMAN project was developed to address the deficiencies evident at the local, national and European levels with respect to the fight against Islamophobia, a problem that has only grown worse over the past ten years.

If the problem is getting worse, it is because political, judicial and media responses are still far too reserved in light of the gravity of the situation.

That is why it is crucial for grassroots organizations do a thorough job and improve their practices so as to increase efficiency and provide victims of Islamophobia with support and assistance.

The IMAN project received a grant from the European Commission - DG Justice - that expires on December 31, 2014.

But IMAN is an anti-Islamophobia platform that looks to the future and that is meant to develop and grow at local, national and European levels.

Thus 2015-2016 will be spent consolidating gains, conducting intense data collection on Islamophobic acts, and establishing support centers for victims of Islamophobia across Europe.

Data collection is scheduled to lead to the production of a December 2015 report on Islamophobia in Europe that will contain encrypted data and a detailed analysis of the phenomenon.

In 2015-2016, IMAN will also focus on its advocacy work before national and European institutions, to ensure that the authorities fully grasp the extent of the problem and, most of all, take concrete steps to contain it.

THEY SUPPORT US



European Network Against Racism
Réseau européen contre le racisme
Europäisches Netz gegen Rassismus



Victims

What is Islamophobia?

Islamophobia is not an opinion. It is a crime.

Unfortunately, that fact is too often forgotten. Indeed, most citizens have very limited knowledge of their rights and they sometimes find themselves in situations of injustice without knowing that in reality, they are victims of unlawful discrimination.

Being aware of your most basic rights and even making the effort to learn your country's laws on religion will help you know in which circumstances your religious freedom may or may not be restricted.

Let's start by identifying some of the most concrete examples of Islamophobia. What are some of the Islamophobic acts that occur the most often, which you may have already encountered or which you could encounter?

What does it mean to be a victim?

If you look in the dictionary, there are two definitions of the word victim. It is a person who has been harmed, injured; but also a person who suffers from the effects of a situation, of events, of unpleasant things.

The word victim, unfortunately, too often brings to mind the notion of someone who is weak and powerless or who spends all his/her time complaining.

However, a person subjected to discrimination or violence is automatically a victim. When we must endure insults or dirty looks, or just generally go about our lives in a society with a hostile environment, we are de facto victims.

Denying that you are a victim will not make you stronger or more respected. It will make you invisible.

Recognizing that you are a victim and taking responsibility, by reporting it and mobilizing to have your rights and those of your community enforced, will give you back the power that is rightfully yours as a citizen.

• Employment Discrimination

This is unfortunately a very common form of Islamophobia. Generally speaking, religious symbols in the workplace are more and more frowned upon in Europe. Especially when it comes to Muslim religious symbols.

Employers regularly bring up the “image” of the company, the rapport with customers and the Muslim employee’s ability to “fit in” with colleagues at work.

Thus, a person whose affiliation –real or perceived– with Islam leaves no room for doubt may receive differential treatment by his/her employer.

► Examples

A man with a North African last name and physical features is interviewed for a business job. During the interview, he is asked if he prays five times a day, if he eats halal and if he attends services at the mosque.

These of course are illegal questions under the law in most European countries. A person’s religious practice belongs to his or her private life and should not be brought up during a job interview, much like it is illegal to ask a young woman whether or not she plans to have children.

A woman applies for a job as a computer engineer. It is a position for which she will not be in direct contact with clients. She is perfectly qualified for the job (diploma + experience). At the end of the interview, the recruiters appear satisfied and end the meeting with the typical «we’ll call you by the end of the week to let you know what we’ve decided.» Three days later, the company calls the candidate to inform her that she did not get the job. Sure enough, the veil she wore was viewed as a problem and did not fit in with the company’s values. They thought it might make the other employees feel uncomfortable.

Denying a person employment on the sole basis of his or her religious convictions is discrimination, especially if the main argument is that the person’s personal convictions are at odds with the spirit of the company. Imagine if the same thing were said about skin color, and that a black employee, for example, might make other employees (or customers) feel uncomfortable. It is a clear case of discrimination and it is illegal (under the law in most European countries).

A veiled woman shows up at a job interview. Before the interview even begins, she is told that the veil is not compatible with the position for which she is applying, because she will be representing the company before clients and potential partners. She is given a choice: remove the veil and proceed with the interview, or leave it on and go home.

First, you should know that it is illegal for someone to ask you to remove your veil for an interview. The setting of an interview is specific: you are not appearing as a member of the organization, but as a simple candidate from outside the organization. Freedom of conscience, a fundamental freedom, therefore applies here.

However, the case itself is a bit more complicated because it depends on labor laws in effect in your country. In France for example, an employer may justify the rejection of a veiled candidate if the position for which she is applying includes interaction with the public, meaning that the person will be asked to represent the company before members of the public. It is imperative that you learn about the law in your country to find out if your freedom of conscience can be restricted or not in the workplace.

► Citizens have the right to access to employment, because work provides livelihood. This right cannot be denied on the basis of skin color, gender or religion. While it is possible for religious freedom to be restricted in the workplace, such restrictions must be justified by legal texts and not merely based on an employer’s judgment.

► Learn about your rights before you interview for a job to avoid being subject to prejudice.

• Discrimination in the workplace

People of the Muslim faith sometimes encounter difficulties at work. This too is a form of Islamophobic discrimination that is fairly widespread.

Again, it is discriminatory and illegal to apply differential treatment to employees based on their skin color, gender or religion.

► Examples

A man of the Muslim faith works as a delivery driver at a company. He decides to grow out his beard. After a few weeks, his employer summons him and asks him to shave his beard because it is damaging to the company's image. The man refuses, and his employer threatens to fire him.

After that, the employer does everything he can to try and fire his employee: threats, moral harassment, denying him vacation time, etc.

Obviously, it is discriminatory and illegal for an employer to mistreat an employee because he doesn't like the way he or she looks.

A beard is not regarded by the law as an ostentatious religious sign; the employer will therefore have to prove concretely and in detail that his employee's beard undermines the image of the company or impedes the performance of his duties.

A Muslim civil servant has been requesting a transfer for years. She is highly rated and a consummate professional. Her only «mistake» is to be a Muslim. She does not wear the headscarf, but she eats halal, does not consume alcohol when going out for drinks with colleagues, and sometimes takes time off during religious holidays (two or three days a year at the most, while naturally respecting her workplace's vacation policy).

And thus the higher-ups in her organization ignore her requests because of her personal beliefs. Her transfer requests are routinely denied, as are her requests for vacation days on a regular basis.

This is discriminatory and illegal differential treatment.

A company technician, a Muslim, wants to take advantage of legal breaks during the day (20 to 30 minutes per day, outside the lunch break) for prayers. His employer refuses.

In Europe, working hours are fairly strictly regulated. Employees and employers alike are required to respect these hours. What an employee does during his breaks is his/her own business and nobody else's, as long of course as he/she doesn't do anything that is illegal or harmful to others. Thus, if a person wishes to do prayers during his/her break, he/she is entitled to do so.

However, that person must not interfere with the work of his/her colleagues, or go beyond the allotted break time. Also, that person cannot interfere with the workspace by engaging in prayer.

You must learn about the laws in your country to find out if you are entitled to claim a denominational workspace. In most cases, employers are not required to provide a denominational space for employees. But they cannot keep you from using your break as you see fit, either. So you need to find a quiet place to do your prayers without hindering the operation of the business.

• Discrimination in Education

In Europe, freedom of conscience and freedom of worship are two fundamental freedoms protected by both national law and European law.

Unfortunately, Europe has been plagued for years by an insidious Islamophobia that is now accepted and that has reached national institutions. Thus some countries have passed legislation to restrict the freedom of conscience, especially in the academic setting.

Muslim citizens are specifically targeted. In France for example, the headscarf is banned in primary schools and secondary schools. Belgium's Flemish region also prohibits it in public schools.

But in general, religious practice cannot be a hindrance to studies. In higher education, freedom of conscience is a fundamental freedom that allows students to freely reconcile their religious beliefs with their studies.

Any interference or pressure against a student on the basis of his/her personal beliefs is discriminatory and illegal behavior.

• Denying Service

This is an extremely serious form of discrimination, for two reasons.

The first is that it shows the extent to which Islamophobia has become commonplace in the public space. The second is that it is a very violent form of exclusion of citizens of the Muslim faith.

► Examples

A veiled woman goes to a pizzeria with a friend. Once they've taken a seat at a table, the manager of the facility comes over and asks them to leave, because he does not serve veiled women.

This is of course an abhorrent and unlawful act of discrimination. In this specific kind of case, you have to file a complaint immediately.

A young woman wants to join a health club. The desk person tells her that she will not be able to work out in her veil «for security reasons» and because headgear is forbidden by company rules.

It is obvious that when you join any kind of sports club, the club in question has the responsibility to ensure your safety. So if you wear a long veil or a jilbab, it is acceptable for the club to want you to make adjustments to your outfit in order to prevent any incidents.

That said, under no circumstances can the club prohibit you from covering yourself.

If you are categorically denied access to the space, you must file a complaint.

► Denying service to a patron because of his/her religious affiliation is discriminatory and illegal. It is even an offense punishable by a fine or a suspended sentence. That is why it is necessary to file a complaint.

• Speech/Rhetoric

This may be the first form of Islamophobia, where it all began.

Speech has become increasingly uninhibited and it became radicalized in the early 2000s. The utter lack of legal and political response to the growing occurrences of hate speech and incitement to hate has only helped encourage the phenomenon.

Islamophobic speech and rhetoric must therefore be fought with the same firmness as discrimination or physical aggression. This fight concerns the victims first and foremost. It is by exposing hate speech and bringing it to justice when required that on the one hand, your dignity is maintained, and that on the other hand, you are taking part in the fight against Islamophobia and helping to have it recognized –politically and legally– as a specific form of racism, the same way anti-Semitism is.

But what is hate speech, in concrete terms? What is Islamophobic rhetoric?

It is all content –words, sound, video, image– that stigmatizes the Muslim community as a whole, or a specific member, while inciting hatred towards Muslims.

This content can be private (it can occur in a place of a business, be voiced by a doctor during a consultation, by a professor, etc.) or public (social networks, political speeches, remarks aired on television, etc.).

► Example of political hate speech:

Marine Le Pen (France, president of the National Front) compares the (legal) blocking of certain streets in France to enable Muslim worshipers to pray (for lack of sufficient room in the mosques) to the Nazi occupation⁴.

► *Stigmatization of the Muslim community as a whole*

4 - The Collective Against Islamophobia in France (CCIF) filed a complaint against M. Le Pen and in July 2013 succeeded in having her parliamentary immunity lifted. She will therefore be judged for the words she spoke.

► Example of Islamophobic content on Facebook:



«Ramadan, that strange ritual where some deprive themselves of food and water all day at the risk of falling ill to stuff their faces at nightfall... just a tad hypocritical.
-It's not reciprocal.
-After the Algeria match let's go see if the rug lickers are respecting Ramadan?
-Enough with the double nationalities this is France.
-Assholes.»

► Example of Islamophobic sentiments towards one person in particular:

At a meeting, the boss of a young woman (who doesn't wear the veil at work but does outside the workplace and eats halal) cries out in front of all her colleagues: "We'll ask Fatima (even though this is not her name) to clean up and bring us coffee with her burqa, like the good little submissive woman she is!"

► **All these remarks are of course reprehensible and deserved to be reported.**

• Verbal Assault

This of course resembles the category of speech that we just covered, but with a higher degree of violence. Indeed, a speech, even when it incites hatred, isn't necessarily an insult and will not be punished by law in the same way.

An Islamophobic verbal assault is when someone calls out to you on the street or in a private setting to insult you because of your religion. The person doesn't lay a hand on you (otherwise it would be physical assault); he/she is not harming your physical wellbeing but your moral integrity.

► Examples of verbal assault:

On the subway platform, a man insults a rider who wears the veil "You filthy bitch with your veil!"

Your neighbor runs into you in the lobby of the building and cries out: "You Filthy Muslim, I could kill veiled women like you!" In this particular example, the verbal assault even comes with a death threat.

Just like you must denounce and report Islamophobic speech and rhetoric, it is very important to file a complaint when you are the victim of a verbal assault, so that the perpetrator is punished and relieved of the urge to repeat the offense or take his attitude a step further.

• Physical Assault

The moment anyone interferes with your physical wellbeing by laying a hand on you, whatever the gesture (a "simple" shoving with an elbow or worse), it is physical assault.

From the "lighter ones" to the more serious cases, physical assaults show that Islamophobia has moved towards increasingly violent and virulent cases of acting out- i.e. going from word/thought to deed.

It is of course essential to file a complaint when you have been physically assaulted, among other reasons so that any physical and psychological damage can be examined and recorded.

Filing a complaint must in any case be automatic when it comes to Islamophobic acts.

• Desecration/Defacement

This may involve an institution (mosque, cemetery, etc.) or a private space (an individual's car, the door of a house, etc.)

This is when a property -identified as belonging to a Muslim or Muslim community- is damaged in a clearly Islamophobic manner.

► Examples :

- A mosque tagged “Islam get out of Europe”.
- A mother (Muslim, veiled) leaves her stroller in the lobby of her building as usual. The next day she finds it with a pig’s head on top of it.
- A desecrated cemetery, with swastikas drawn on the graves.

—Empowerment

Above all, you must understand and absorb one essential thing: Islamophobia is not your fault. Prejudice, stigma, discrimination and violence are not your doing, but the doing of those who for reasons of ideology or indoctrination have vowed an unhealthy hatred towards people of the Muslim faith and therefore seek to harm them. **Islamophobia, like anti-Semitism, homophobia or Negrophobia, is a serious offense and punishable by law.**

Victims sometimes feel guilty. Accepting your identity and acting to protect it is to take power!

The 4 powers

Never give up your beliefs / values
Communication
Know your rights
Take action in cases of prejudice

• Never give up your beliefs and values

Your personal beliefs are part of your identity, in the same way as your skin color and your gender.

Just as you could not make concessions with respect to your skin color or your gender, you are not obliged to neglect aspects of your values and your beliefs, which are an integral part of who you are.

Who can stop you from thinking and believing? Who might have the right to dictate your attire or eating habits?

Under the rule of law, citizens are free to think and live as they wish as long as they do not impede the freedom and safety of others.

Thus, when trying to “negotiate” your freedom, do not give in! Be firm, for you are within your right. You do not remove your headscarf for an interview, to eat in a restaurant or pass through security at the airport. You don’t break your fast during Ramadan because your employer requires it. And so on...

• Communication

It is true that there is an element of ignorance in Islamophobia. Ignorance of the religion and its followers, embellished by stigma and violent imagery in the media, leads to a form of racism and intolerance.

When encountering Islamophobia, whether in the form of words, acts of discrimination or violence, it is important to COMMUNICATE with the person who is hurting you—when communication is possible, of course.

Sometimes, good communication can lead to a process of mediation and education with the persons guilty of discrimination, thereby avoiding recidivism.

Dialogue can also prevent discriminatory situations

► Example

A young woman applies for a job at a childcare agency. She does not wear the veil to her interview. A few days later, the agency finds her a family with two children to watch. The young woman meets the parents and signs a contract.

Before beginning her new position, the girl decides to wear the veil. She fears it might be upsetting to the parents and that they’ll cancel the contract.

In a gesture of good faith, she speaks to the agency that had served as the intermediary between her and the family. The agency replies that she is not allowed to wear the veil while babysitting, and tells her it intends to cancel the contract. Which is illegal.

The young woman, after having sought the advice of an anti-Islamophobia organization, decides to communicate directly with the parents, explaining her decision to wear the veil and assuring them that this decision will have no impact on her work.

The parents are impressed with her frankness and honor the contract.

• Knowing your rights

Inquiring and learning about your rights is essential. First, it will let you know when you are being wronged with respect to your rights, and secondly it will help you argue and defend yourself if need be.

The more familiar you are with your rights, the less likely you will be to be duped and cheated of your rights.

• TAKING ACTION: reporting, exposing, getting help

As we have seen, Islamophobia can take many forms. All these forms are no less reprehensible. They harm you in your daily life, sometimes trampling on your rights.

Under no circumstance whatsoever must Islamophobia go unpunished. The first thing to do is to report the incident to the proper authorities.

Inform management at work, file a complaint, alert the media. These are actions that enable you to fight against Islamophobia on a day-to-day basis.

It is true that it is not necessarily easy for a mere citizen to do all this.

That is why it is necessary for organizations such as not-for-profits and NGOs to exist in order to assist victims of Islamophobia and engage in important outreach work in the field and in institutions⁵.

Reach out to these organizations that specialize in the fight against Islamophobia and that will be able to help you in a personalized and efficient way. They will also be able to refer you to a lawyer if need be.

The IMAN project brings together organizations of this type in 8 European countries⁶. As part of IMAN, NGO partners have been trained to use a common methodology in order to organize awareness campaigns in the field, to provide victims with moral and legal support, and to engage in institutional lobbying.

These NGOs provide you with an online system and/or a hotline so you can easily and quickly report an act of Islamophobia that you have suffered or witnessed.

It is extremely important for you to report acts of violence and discrimination against you. This is the best way to go beyond your status as victim (which is perfectly legitimate) and regain control of your situation.

But it is also essential for others. For the community. For society in general.

Why?

• For others

► Let's use a concrete example

The Memphis restaurant in Marseilles (France) used to routinely deny veiled women entry to its restaurant, citing house regulations that prohibited headwear. This went on for some time. Several women were thus turned away, humiliated and ostracized because of their personal beliefs. But none filed a complaint, so the restaurant went on discriminating for months.

Eventually, two young headscarf-wearing Muslim women, who had got wind of the situation, decided to conduct an experiment: go to the restaurant knowingly and equipped with a recording device in order to see what was really going on and take action if need be.

They were turned away just like all the others. But they recorded the entire conversation with the server as well as the restaurant manager, who made it clear they did not allow veiled women in their restaurant.

Thanks to this simple action on the part of two young women, a complaint was filed and widespread public and media mobilization ensued. Many national media outlets picked up the story and the restaurant thus found itself in big trouble. Legal proceedings naturally followed suit, and as result, the restaurant canceled its house rules and changed its practices.

► This is why it is essential to report Islamophobia. It helps justice to be served and, mostly, it helps prevent other people from being discriminated against or abused in the same way you were.

5 - See the list of IMAN member organizations in the appendix.

6 - See appendix.

• For the community

The Muslim community in Europe represents over 6% of the European population. It is especially strong in France and England. It is large in numbers, culturally diverse, educated and very present economically.

Yet the Muslim community struggles to gain respect politically and in the media. There is still a lot of work to be done in the field to encourage Muslims to engage in public life and to speak up more.

One of the things you can do is expose the injustices you suffer –and by extension, that the community suffers– and encourage people around you to do the same. By chameleon effect and natural followership, people will find it easier to report deeds if they have already seen someone do it with determination and success.

Note that after the Memphis Restaurant case in France, many cases of similar discrimination were reported.

- From individual empowerment comes community empowerment. And vice versa. This is what we call community organizing. Your personal interest i.e. not to be discriminated against and winning your case) now joins the interest of the larger group.

• For society as a whole

When you expose and report (both to state authorities and to a not-for-profit) Islamophobic acts you have suffered or witnessed, you help produce numbers.

Producing numbers, statistics and trends is one of the IMAN project's key activities.

Numbers are indeed extremely powerful and effective lobbying tools because they are mathematical elements that provide an objectified vision of a phenomenon. In the case of Islamophobia, they help quantify and qualify the phenomenon to better expose it. How many victims? What types of acts? Who are the perpetrators? In what context do the acts occur?

Producing numbers gives legitimacy to the phenomenon and helps establish solid and organized lobbying before institutions and urge them to take steps to curb the phenomenon.

We cannot make up these numbers or guess what they are. We need your reports and your testimonies to produce them.

«Living together in harmony»

That expression that politicians from all sides love to use so much refers first and foremost to one of their responsibilities and the responsibilities of the institutions. But in this area, the current situation proves that they are not doing their job and instead are taking advantage of the fact that a phenomenon without numbers is –de facto– not legitimate. Even though the violence and feelings suffered by victims is quite real, the tension and frustration stemming from that are causing severe damage to the social fabric.

By reporting your own case you are thus laying down a first stone in the construction project, by rejecting the social divide being imposed on you and by restoring a little bit of justice and equity between citizens.

The right to take action— A brief guide to help you assert your rights

If you are victims of Islamophobia, there are the tools at your disposal that you can use to assert your rights.

• File a report with the police

Even if you have only limited trust in the police, it is very important to file a complaint when you are the victim of discrimination or violence on the basis of your religious beliefs.

Filing a complaint with the police means that an investigation can be opened, an attorney can be provided you and legal proceedings against the person who acted against you can be initiated. This also helps prevent that person from becoming a repeat offender.

Additionally, filing a report with the police means breaking the cycle of silence that prevents Islamophobia from declining. It means allowing the authorities to produce numbers on offenses and crimes against Muslims.

• File a report with NGOs/not-for-profits

As we've already seen, it is important to report acts of Islamophobia that you've suffered or witnessed to not-for-profit organizations and NGOs specializing in the

fight against racism and Islamophobia.

Firstly, this is how such organizations are able to produce numbers themselves on Islamophobia in order to assess the scope of the phenomenon and engage in lobbying with politicians and the media. Numbers have a significant power of persuasion on institutions, which is why their importance should not be dismissed.

Beyond numbers, these organizations will also be able to assist and support you in your efforts. As needed, they'll be able to refer you to an attorney or other legal professional that can handle your case from beginning to end.

• Mediation

Islamophobia is characterized primarily by acts of discrimination. In most cases, going all the way to trial is not necessary. Mediation between the victim and the offender can be conducted by a relevant legal professional, or even yourself if you have the support and advice of a relevant organization.

Mediation work generally consists in officially reaching out to the relevant hierarchies to report cases of discrimination and to demand an end to the discriminatory behavior. It can also serve to remind offenders of the law so that they put an end to their discriminatory practices and so the prejudice you suffered is repaired.

When mediation fails, then your attorney / legal professional will support and accompany you –if you so wish– all the way to trial so that justice can be served.

• Recovering your rights

When you have been a victim of discrimination and you win your case, this is the reward for all the efforts you undertook. It is actually a double reward since, thanks to your efforts, you have helped to prevent other people from being discriminated against in the same way.

When you have suffered an assault, the arrest and sentencing of your attacker is essential for you to piece yourself back together and regain control of your identity, your dignity, and your citizenship.

All of the above can only happen if you start taking steps to assert your rights.

The fault does not lie in the fact of being a Muslim. The fault lies in the person who broke the law by robbing you of your rights.

• Creating awareness around you

Finally, it is your responsibility to inform and educate those around you in order to encourage people to take action in the same way, to report injustices against them and assert their rights.

Group and community dynamics are much more efficient and lasting than individual dynamics.

Success Stories

An airport agent was suspended from duty for saying «salam alaykum» to a co-worker. The Prefect held that it was a sign of «religious radicalization».

The young man immediately reached out to the Collective Against Islamophobia in France, which referred him to a lawyer.

The lawyer filed a petition for the protection of fundamental liberties with the Administrative Court, and won twice (because the prefecture appealed the first court decision).

The young man was thus reinstated and the prefecture ceased to discriminate against him on the grounds of his religious beliefs.

A student passed the entrance examination of a business school with flying colors. But she was denied access to the school because of her veil and was told that headgear – including veils– was prohibited on school premises. Since the veil cannot be regarded as headgear, and since the law guarantees freedom of conscience, the rule was of course illegal.

So the student contacted the school president, supported by a lawyer who gave her all the necessary tools to argue against the school's discriminatory rules.

Thanks to her legal argument, the president changed school rules and the young woman was able to integrate the school without problem.

QUIZ

Do you know your rights?

1 - At a job interview, you are asked if you do your prayers on a regular basis. This is perfectly legal.

True / False

2 - The drivers license inspector asks you to remove your veil during the exam because he believes it compromises your vision. You must therefore remove it.

True / False

3 - Someone insults you in the street, shoves you and calls you "you Muslim piece of shit". It's no use filing a complaint because this is not an infraction.

True / False

4 - It is perfectly legal to wear ostentatious religious signs at university or in other institutions of higher education.

True / False

5 - A physician is free to refuse to treat you because your attire (veil, jilbeb) makes him feel uncomfortable (or because he disapproves).

True / False

6 - Regulations forbidding patrons from wearing headgear or religious signs in a health club or restaurant are illegal.

True / False

7 - For security reasons, you must remove your veil at the customary airport security check if the agent asks you to.

True / False

8 - Your employer has the right to ask you to shave your beard, as it's an ostentatious religious sign.

True / False

9 - As an employee, you have the right to demand a room or space at your workplace in which to do your prayers.

True / False

10 - At a job interview, the employer may stop the interview if you refuse to remove your scarf.

True / False

11 - Islamophobic or racist comments on the Internet are not condemnable because they fall under freedom of speech.

True / False

Answers

1. **False** During a job interview, it is against the law to ask the candidate questions of a discriminatory nature. Thus questions having to do with religion, sexual orientation, gender, or cultural practices are de facto forbidden.

2. **False** A typical Islamic veil does not cover the entire face and the eyes remain uncovered. Even the niqab is not considered attire than can get in the way of driving. So the drivers license inspector cannot require you to remove your veil. For more information, inquire about the laws in your country.

3. It depends on your country's legislation. Some countries, such as England, do not view insults as infractions, while others classify them as offenses subject to criminal prosecution—even more so when the insult is made stronger by its racist nature. Make inquiries and never let such acts of violence go unpunished!

4. **True** In higher education, freedom of conscience prevails, thus allowing you the freedom to express your religion as long as you do not engage in active proselytizing (trying to convert your classmates).

5. **False** A physician cannot refuse to treat you under the pretext that your attire is not to his liking, or that he doesn't like Muslims in general. This is discrimination and a violation of medical ethics. You must contact the relevant ruling body in your country (e.g. the Ordre des Médecins in France) to report and expose the practitioner's conduct.

6. **True** Any denial of service or of access to a service on the basis of religious affiliation is against the law and subject to prosecution.

7. **False** It is possible that for security reasons, an airport agent may conduct a more thorough search and ask you to remove certain items of clothing such as the veil or jibe. That said, you have the right to request that the search be performed by a female agent and that the procedure be carried out in a closed and isolated room. You cannot be required to remove your items of clothing in front of everyone at the security gates. Moreover, this applies to all travelers.

8. **False** Under no circumstance is a beard considered to be a religious symbol in the eyes of the law. This is an aesthetic choice that you have the right, privately, to associate with a religious practice. But legally, your employer cannot require that you shave your beard for that reason.

9. It depends on the laws in effect in your country. In France for example, you cannot demand from your employer a room or a specific area for prayer. But in some European countries, it is possible. So make inquiries and find out about your rights at work.

10. **False** Refusing to conduct an interview, or conducting it on the condition that a religious symbol is removed, is discriminatory and subject to prosecution.

11. **False...** in most cases. Again, it depends on the laws in effect in your country, but generally, hate speech and speech that incites hatred towards a target population are subject to prosecution. Being vigilant on the Internet is very important in order to prevent the proliferation of hate speech and speech that incites violence.

Professionals

Identifying/qualifying Islamophobia

Islamophobia is a form of hate crime that is not officially recognized in most European countries.

England recognizes it in part; the Metropolitan Police –thanks to the work of NGOs in the field– has officially adopted the category of “Islamophobia” to describe hate crimes and offenses against Muslim citizens.

Whether recognized or unrecognized, Islamophobia is no less significant in society and no less a widespread phenomenon that leads to numerous crimes and offenses, as well as situations of tension in the field.

The lack of information and training provided to government employees, particularly in the police and justice departments, results in the poor handling of both the acts and the victims.

So not only is the problem underestimated –meaning that the figures produced by governments, when they produce any, are far below reality– but the victims are left to look after themselves and are often reluctant to initiate steps to assert their rights.

The Collective Against Islamophobia in France, which has been collecting data on Islamophobic acts and providing support to victims for 10 years, notes that the acts it records are far more numerous than the figures provided by the Ministry of the Interior, and that only about 30% of victims call the police and file a complaint⁷.

This has resulted, firstly, in providing a sense of impunity to perpetrators of Islamophobic acts, which drives them to take action or to repeat offenses; and secondly, it has resulted in creating tension between citizens and state representatives.

Many acts of discrimination could be avoided, or at least punished in proportion with the seriousness of the deeds, if employees of the state (justice, public services, police) were made aware of the problem of Islamophobia and received training in how to handle it.

7 - Collectif Contre l'Islamophobie en France, website <http://www.islamophobie.net/rapport-annuel>

There is therefore real work to be done on the part of national and European institutions, but also on the part of NGOs, to conduct awareness campaigns among public services so that citizens of the Muslim faith can finally enjoy the place they deserve in society.

• What types of acts?

From discrimination to assault, by way of insult or incitement to hatred, Islamophobia takes on many forms and falls almost always within the purview of the law. Indeed, discriminating or assaulting (verbally or physically) someone on the basis of his or her ethnic or religious affiliation is an offense or crime punishable by law.

In recent years, Islamophobia –along with anti-Roma racism– has become the most pervasive and violent form of racism across Europe. The acts are proliferating and becoming radicalized, with increasingly violent acts on the rise. Responses from the political, judicial and institutional sectors are way too weak and still extremely reserved, and they generate a sense of impunity that reinforces and promotes violence and Islamophobic acting out (the transition from impulse to deed).

Increasingly shocking and symptomatic acts have been observed, such as denial of services on the basis of religious affiliation (women turned away from health clubs, recreation centers or restaurants), systematic hiring discrimination, Islamophobic rhetoric and hate speech in the public sphere (media, social networking, etc.) and violent assaults against Muslim women⁸.

Islamophobia kills

Marwa El Sherbini – July 1st, 2009: (31 years old, pregnant), murdered in front of her husband and her three year-old son by an Islamophobe. (Germany)

Leila's baby – June 13, 2013: Leila was violently assaulted by a group of men who beat her to a pulp. The assault caused her to lose her baby. (France)

Saudi university student – June 19, 2014: brutally murdered on her way to school. She was wearing an abaya and a hijab, and the police immediately leaned towards the theory of an Islamophobic crime. (England)

• Who are the victims?

Make no mistake. Islamophobia does not target a particular ethnic group or culture. It targets people on the basis of their religious beliefs, especially when those beliefs are visible.

Like anti-Semitism –recognized as a specific form of hate crime– Islamophobia does not distinguish on the basis of color or origin. Just like the yarmulke is a distinctive sign that has unfortunately incited certain anti-Semitic attackers to assault a person of the Jewish faith, the attire worn by certain Muslim women (veil, jilbab, djellaba, etc.) leads some people to target them for assault.

Indeed, women represent the vast majority of victims of Islamophobia (an average of 80% of the overall victims and almost 100% of the victims of physical assault⁹), which –unlike anti-Semitism – makes Islamophobia a very specific form of sexism. The small and narrow view of what a woman should be in so-called modern European societies (Western Europe) automatically excludes Muslim women.

What do victims of Islamophobia need?

That the Islamophobic nature of the act to which they were subjected be recognized. This is key, just like it is with victims of sexual violence. Victims generally feel guilty. Victims of a hate crime not only feel guilty but also question in an extremely violent and painful way their own identity. Indeed, they were attacked because of their identity, their personal beliefs.

Victims suddenly start to think that the only way to avoid aggression or discrimination would have been to be someone else...

They therefore need the heinous nature of the act they endured to be recognized by the authorities and labeled as such. Calling into question the perpetrator and not the victim thus helps bring about better physical and psychological recovery.

8 - Sources: CCIF annual report <http://www.islamophobie.net/rapport-annuel>, observations by NGOs in the field, particularly violent current events in France and England in 2013 and 2014

9 - 2013 figures from the Collective Against Islamophobia in France, confirmed by the findings of IMAN NGO field partners IMAN. To date, all victims of violent physical attacks of an Islamophobic nature have been women. One of the most tragic and symbolic of which was Marwa El Sherbini, a young pregnant woman, who was murdered on July 1st, 2009 in Germany by an Islamophobe.

• Who are the perpetrators?

Like the profile of the victims of Islamophobia, let us make no mistake regarding the profile of those who commit Islamophobic acts. They are not just people from far-right groups. Those are actually in the minority. Instead, they are actually average citizens, from across the entire political spectrum, from the working, middle and upper classes.

In France, the Collective Against Islamophobia in France (CCIF) has been recording Islamophobic incidents reported by victims for the past 10 years; more and more cases are reported each year¹⁰. Over the past 10 years, the CCIF has observed that Islamophobia is far from being the preserve of right-wing activists and that instead, it is distilled by political discourse stigmatizing and inciting hatred against Muslims –discourse that occurs at every level of the political spectrum.

The normalization of such discourse has led to a normalization of anti-Muslim acts in the field, particularly in institutions. Indeed, CCIF figures show that a large majority of the acts of discrimination occur in institutions at the hand of government officials¹¹.

As for assaults, the transition to violent acts is facilitated by an overall climate that is poisonous and very hostile to Muslims, especially Muslim women wearing the veil, who are the main target of attackers. **There is no typical profile for attackers; they are men and women, of all ages, cultures, and walks of life.** Their only point in common is to have developed a deep hatred and anger towards their Muslim fellow citizens–hatred that is fueled by political and media discourse stigmatizing Muslims.

Understanding and reporting what motivates delinquents

It is extremely important, especially for police officers and lawyers, to ask about the motives of those who commit acts of Islamophobia. Indeed, understanding the reasons behind a transition to violent acting out, understanding the reasons behind discrimination or denial of service, helps to better understand the phenomenon of Islamophobia. Most of all, it also makes it possible to report the information gleaned to the institutions concerned, so that they can take the necessary steps to curb the problem.

The fact that Islamophobia is taken into consideration to a greater extent by the authorities in England, for example, is partly due to the fact that the police record Islamophobic acts and report their numbers to the government.

This work is essential in order to plan for an effective reduction in Islamophobic acts.

10 - Collectif Contre l'Islamophobie en France <http://www.islamophobie.net/rapport-annuel>

11 - According to CCIF numbers, 56% of Islamophobic acts of discrimination occur in institutions (public services, administration).

• A dramatic impact on the notion of living together in harmony

The normalization of Islamophobia, the growing increase in acts and the failure on the part of the relevant authorities to take the problem into consideration, are automatically leading to adverse effects on the notion of living together in harmony that is so dear to European democracies and republics.

The economic crisis that has been shaking Europe for several years is not easy to live through for European citizens whose morale is already more than morose. Unemployment, loss of income, difficulty integrating, the housing crisis... As with any crisis of this type, such things are often accompanied by a resurgence of fascist and xenophobic ideologies promoted by virulent rhetoric on the part of men and women politicians for campaigning purposes.

Across Europe, anti-racist organizations are increasingly concerned by the rise in hate crimes against not only migrants and foreign residents but also citizens whose skin color or religion is routinely singled out by the national intelligentsia.

A palpable tension is thus taking root in societies and a toxic atmosphere can be felt. Assaults, insults, threats, hate speech on the web: people are letting out their frustrations on a targeted population. This population, in most cases, is Muslim (the Roma in Europe are also suffering tremendously under the current climate).

There have been many incidents between the police and citizens. Many tragic stories in the news in which citizens have taken justice into their own hands. More and more assaults on individuals. Divides even within schools (Muslim girls harassed and pushed aside).

Such a climate inevitably and naturally drives people to remain within their respective communities for support and safety. The notion of living together in harmony is jeopardized.

How to become organized so as to contain the problem?

• Teamwork

When addressing the fight against racism and hate crimes and offenses, the need for teamwork is a given. Open and effective collaboration is needed between the authorities (and state officials) and those in the field.

As we have seen in London with the London Metropolitan Police, it was London Muslim organizations and iENGAGE (now MEND) in particular that established strong relationships with the police and were thus able to obtain the establishment of a specific category of hate crimes and offenses, "Islamophobia".

Additionally, in France, the Collectif Stop le Contrôle au Faciès¹², has worked relentlessly with police unions to find the best solution to fight against racial profiling. It also set up a legal department in collaboration with lawyers to collect reports by people having endured abusive searches and to go with them to court to assert their rights.

Thus on either side it is essential for contact to be established and for working meetings and training sessions between the authorities and those in the field to take place on a regular basis. In fact, this is one of the IMAN project's key objectives: to organize training sessions for not-for-profits / NGOs and professionals who deal with victims of hate crime.

• The partners

Field organizations

- ▶ Solid knowledge of the field and legitimacy in the eyes of the targeted public
- ▶ Understanding and empathizing with what victims experienced and are feeling
- ▶ Better profiling of those who commit racist acts

Community leaders

- ▶ Imams
- ▶ Heads of educational and/or religious centers

• A balance between prevention and repression

Fighting against hate crimes and offenses such as Islamophobia involves more than punishing the perpetrators of Islamophobic acts. It also means to undertake substantive work ahead of time to prevent the routine and increasingly frequent occurrence of recurring Islamophobic acts. Legal punishment still remains fundamental, both as a deterrent and because of its symbolic effect on society as a whole.

Types of discrimination – Denial of service

- ▶ Hand out pamphlets to educate the public (similar to the awareness campaigns on domestic violence for example)

- ▶ Travel to places where recurring acts of discrimination have taken place
- ▶ File a report when establishments have discriminatory regulations (do not wait until discrimination occurs)

Types of discrimination – In institutions

- ▶ Regular training sessions for staff on raising awareness of discrimination
- ▶ Regular updates on religion (school, town hall, prefecture, public services)
- ▶ Circular distributed by the relevant authorities¹³ when necessary
- ▶ Awareness guides and pamphlets distributed to staff

Types of discrimination – At work

- ▶ Get lawyers specializing in such issues to raise awareness directly at private companies (small, medium or large)
- ▶ Awareness ad campaign (social networks, media, TV)

Assaults

- ▶ Tracking hate speech on the Internet and in the media
- ▶ More consideration for the victims
- ▶ Thorough investigations and reporting such information to the government

Hate and racist content online

- ▶ Setting up vigilance services similar to what was done to track pedophiles

12 - Collectif Stop le Contrôle au Faciès (Collective Against Stop and Frisk) <http://stople-controleaufacies.fr/slcaf/>

13 - In June 2014, a training center (GRETA) in Moselle (France) distributed an official memo within the institution to remind people that the headscarf was fully allowed, following the discriminatory behavior of several professors who aimed to exclude women wearing the veil from their classes.

Identifying Islamophobia as a specific form of racism

Islamophobia should not be a fight that is limited to Muslims. Quite the contrary, for it affects a wide variety of individuals, regardless of their ethnic or cultural backgrounds, their social status or their political beliefs. It must therefore be a convergent fight between different anti-racism organizations and the opportunity to implement cross-community action.

• The universality of Islamophobia

As we have demonstrated and explained throughout this handbook, Islamophobia can in no way be summarized as “anti-Arab racism”.

First, we must take into account the incredible diversity of the Muslim community. While in France people of Arab and North African origin are certainly the majority in the Muslim community, such is not the case in England, for example, where Asians are well represented.

Additionally, Islamophobia is a form of racism that first and foremost attacks the religious affiliation of the person. Europe has more and more Muslims who look “European” and who are nevertheless victims of discrimination and violence.

Muslim people are usually seen as having a combination of “disadvantages”. For example, someone who is a woman, black, Muslim and veiled will be all the more discriminated against and rejected. If a man is both an Arab *and* a Muslim, same thing.

In the face of Islamophobia’s universality, it is thus necessary to engage in a universal fight that brings together different stakeholders in the field and various not-for-profits.

The fact that there are not-for-profits specializing in the fight against Islamophobia is a good thing. It helps establish an organized and effective focus on the problem. However, organizations with a more general or community focus should not be excluded; instead, they must get involved and join the fight by bringing their own experiences and expertise to the table.

It is through common dynamics between different types of stakeholders, through the convergence of specific interests, that a fight can make real progress and produce results.

Islamophobia: a form of sexism

Women make up the majority of victims of Islamophobia (70-80% on average), and nearly all victims of assault are women.

Let’s recall the 2009 murder of Marwa El Sherbini, (veiled woman, pregnant, 31 years old) in a German courtroom. Let’s recall the series of violent attacks during the summer of 2013 in Paris against young veiled women, one of whom lost her baby as a result of the assault. Let’s recall the 2014 murder in England of a Saudi student who was also wearing the veil.

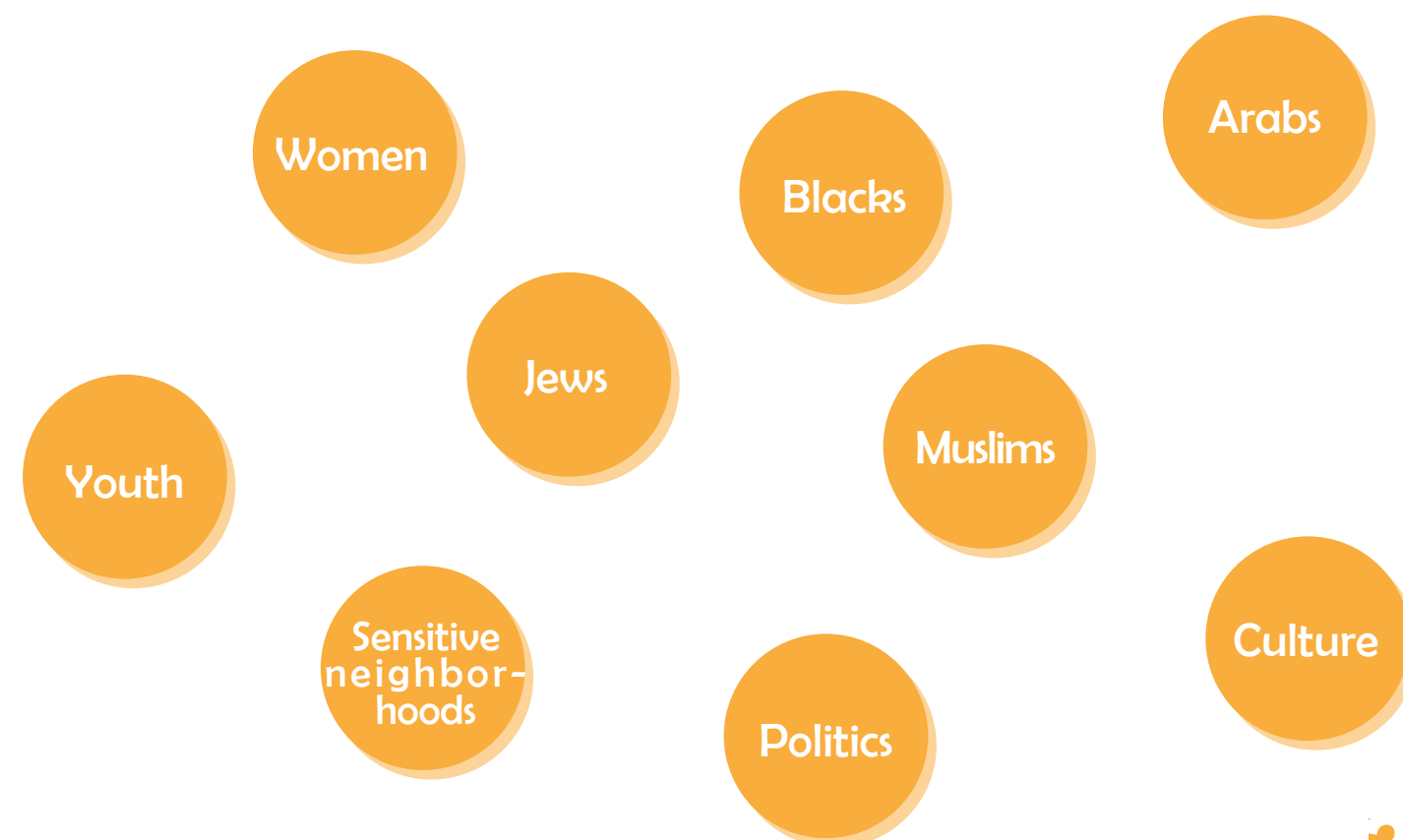
These tragic and emblematic examples show the extent to which women routinely become targets of violence and hatred at the hands of those who despise them and abhor their religion and veil.

Women in general, when they are victims of violence, are always victims because of their gender. Whether they wear a veil or a skirt, they are victims of the same gender violence.

Hence the importance for the fight against Islamophobia to team up with feminist movements.

• Building field dynamics

Islamophobia is a problem that can group together a variety of stakeholders.



Islamophobia is a problem that can group together a variety of themes.



It is up to you to identify local and national stakeholders and see how you can work with them on certain issues as part of the fight against Islamophobia.

It is of course essential to collaborate with public and institutional stakeholders as well, as will be discussed in the second subsection.

• Organizing awareness campaigns

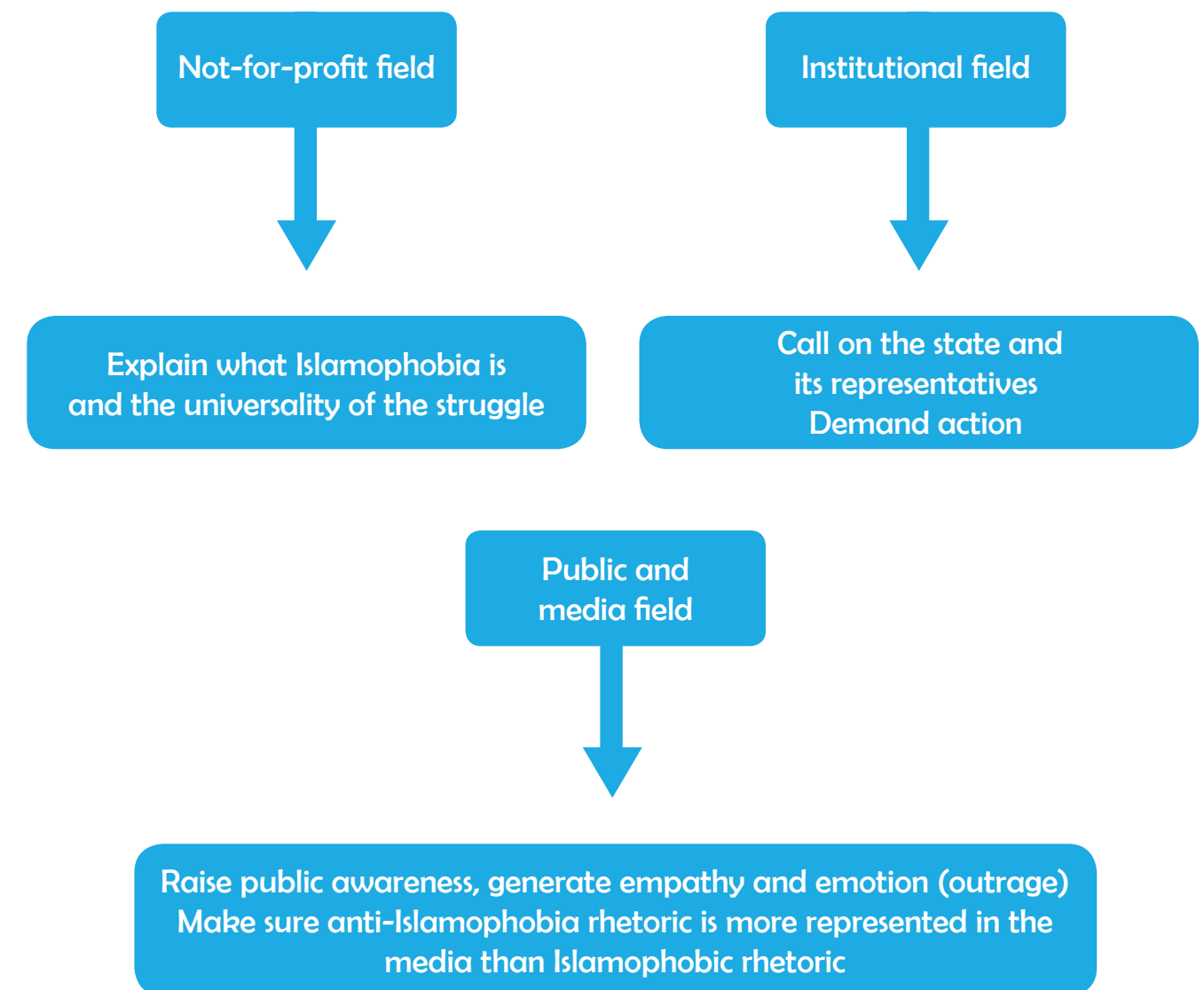
While it is necessary to build bridges with advocacy groups with whom collaboration is possible, it is also important to communicate.

Communicate to inform, communicate to educate and raise awareness.

The fight must move forward on intersecting fields:

- The not-for-profit field
- The institutional field
- The public and media field

Thus when you communicate, you must target all three fields.



Islamophobia is a serious and widespread problem, yet its public and political recognition is not on a par with its harmful effects on society.

Awareness campaigns therefore need to make a strong impact and should aim to **make Islamophobia visible and its victims legitimized.**

Injustice made invisible is the most dangerous form of injustice.

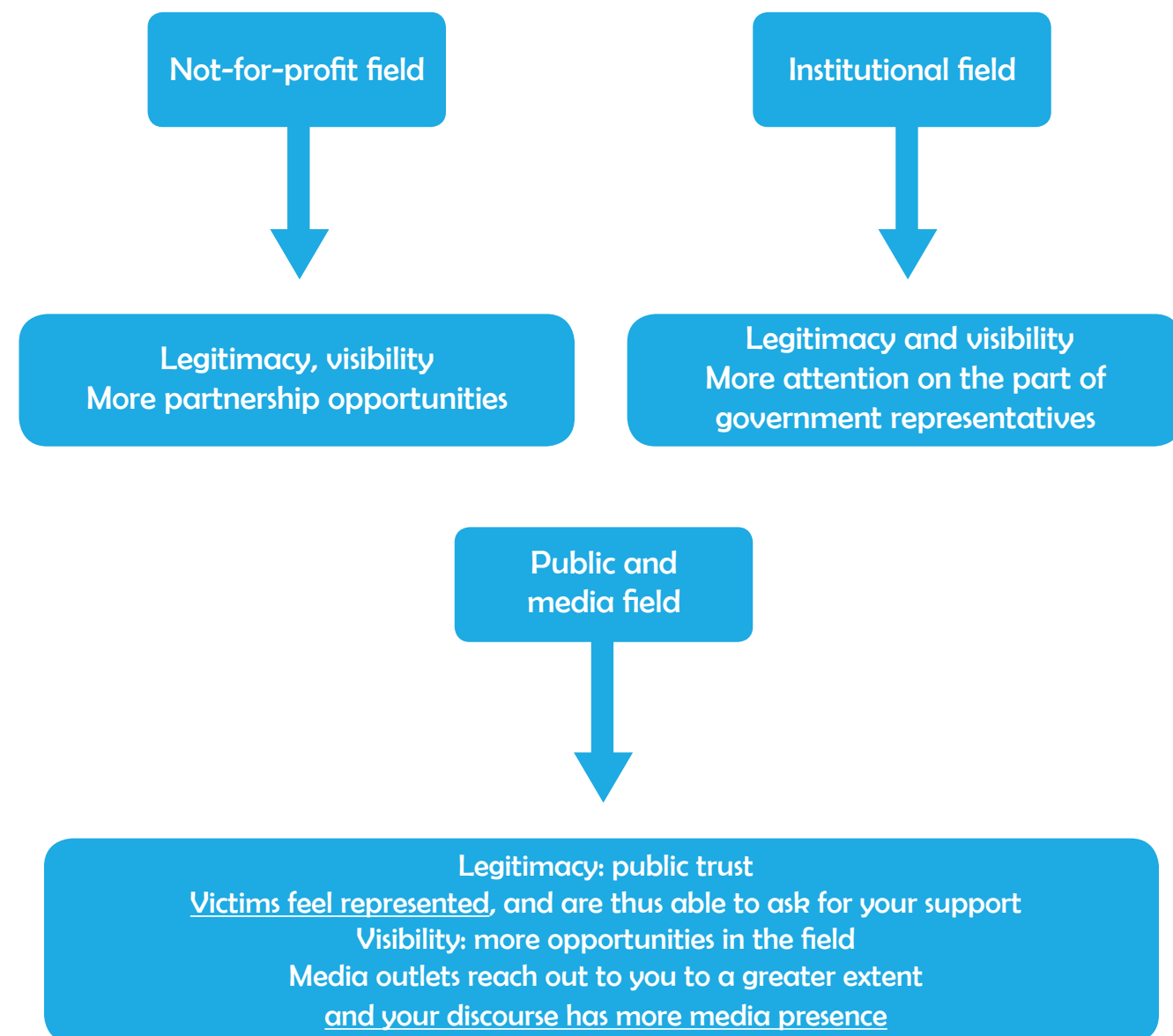
The non-legitimizing of the struggle against Islamophobia systematically leads to the dehumanization of victims who suffer doubly. They suffer from discrimination and violence, and they also suffer from the denial of their suffering by the judicial system and the media.

Awareness campaigns help legitimize the fight and give victims the status they deserve.

Far from “victimization”, it is on the contrary when victims can stand in their rightful place that they can recover and gain tools to defend themselves and hold their heads up high.

Awareness campaigns also have an extremely important impact: they give visibility to your organization.

A well-organized awareness campaign will help your organization gain visibility and legitimacy among the three intersecting fields mentioned above.



Identifying local and national stakeholders to build strategic alliances

As we have just seen, in order to make progress in the fight and be effective at all levels, it is necessary to build strong partnerships based on trust with various local and national stakeholders.

At first glance, these stakeholders may seem to have nothing in common, or may even have opposing views on certain issues.

Yet you are going to approach them on the basis of the common theme of Islamophobia. And you are going to approach them on the basis of their own interests.

• Community leaders

They are key stakeholders in the field and the first people you must approach as part of the fight against Islamophobia.

These community leaders have a good understanding of their field, and a good relationship with the public. As such, they will help make your own fieldwork easier.

These are people who “run” a given community, or who at least play a major role and have definite legitimacy within that community.

Religious leaders

Mosques or centers of worship are major places of Muslim social interaction and attendance. Awareness initiatives must begin in these strategic places, which are also conducive to discussion and dialogue. The imams or worship leaders you target are your best allies. They will let you speak or distribute literature before or after prayers or Friday sermons, and they’ll also let you make your literature available to the public in the mosque or center.

They can also put you in contact with not-for-profit stakeholders and people who are active locally.

Finally, through them you’ll be able to raise funds and recruit volunteers.

Mosque leaders are also very aware of the concerns of their congregation. They will therefore very likely be sensitive to the problem of Islamophobia, which citizens of the Muslim faith encounter on an almost daily basis.

The Muslim community in Europe is very diverse, and it is common for its members to gather –formally or informally– based on their ethnic or cultural backgrounds.

Building good relationships with various religious leaders from different ethnic and

cultural communities will help you reach a wider audience and not remain confined to just one group in the community.

For all these reasons, it is necessary for you to include these community leaders in your fieldwork, for they are the go-betweens between you and the audience you are targeting. In addition, they can conduct public awareness campaigns alongside your own, which will only increase the effectiveness of your actions.

• Why should they support you and take part in your fight?

► The concern of religious leaders is the cohesion of their community. And cohesion can only be strengthened when community members get involved in a common issue and realize that they are going through the same thing. While the Muslim community is extremely diverse, Islamophobia is universal, which therefore makes it a problem common to all Muslims.

► The faithful frequently come to religious leaders for advice on various issues, including racism and Islamophobia. It can only be an advantage for these leaders to have additional people on hand who are trained and qualified and can take over and provide support to those members in their congregations who have been victims of discrimination or violence.

► Finally, do not forget that religious leaders, just like the institution they represent and are responsible for (mosque, school, cemetery, etc.), are potential targets of Islamophobic attacks just like other Muslims.

As an example, in France in 2013, one institution per week on average was the target of Islamophobic attacks such as graffiti, heads of pigs deposited on the doorstep, desecrated graves, etc.

Thus Islamophobia, and the fight against this form of hatred, is most definitely an area of concern for religious leaders.

The police

Police-citizen relations, in some European countries, are not always rosy. Racial profiling, charges of racism, misbehavior... In certain neighborhoods, the link between security forces and citizens is easily broken.

Many not-for-profits endeavor to restore that relationship and to fight against abusive behavior on both side that reinforces anger and resentment.

In the case of Islamophobia, victims usually don't trust the police.

The fact that Islamophobia is not recognized as a specific form of racism – in most European countries– increases the sense of mistrust and leads victims to not report acts committed against them, and, therefore, to not press charges.

Members of the police force thus only have a very limited understanding of the problem and tend to widely underestimate it.

In certain cases of discrimination, such as denial of service, the police sometimes refuse to file the complaint because they don't understand/recognize the aggravating discriminatory nature of the incident. There are also cases of violent attacks against people of Muslim faith being minimized as «simple slips» even though the victims were clearly targeted because of their religious affiliation.

As an organization fighting against racism and Islamophobia, the police must – whether they like it or not– become one of your partners in the field.

Your goal, indeed, is for local and then national police to recognize Islamophobia as a specific form of hate crime and take into account the status of the victims.

Recognition of Islamophobia by the police will lead to better support for victims (more complaints will be filed as a result) and more in-depth investigations.

Why should they collaborate?

► Working with you will give them a better understanding of the field, of the violence people are experiencing, and of the ways in which they can channel the violence in the field.

► Your collaboration can also make their investigations easier, especially in the neighborhood.

► Being in touch with anti-racism not-for-profits is an endorsement for the police, both in the field and at the institutional level.

► This will help prevent repeat offenses and prevent tragedies, particularly when citizens take the law into their own hand¹⁴.

Not-for-profit leaders

As discussed in the first subsection, collaboration with other anti-racism organizations is essential.

14 - On June 13 in France, in a Paris suburb, a young 16 year-old Roma was lynched and left for dead for stealing a few pieces of jewelry from an apartment. Neighborhood kids took justice into their own hands, convinced that the police would not intervene and blinded by their hatred and anger.

Your first targets should therefore be not-for-profit leaders who have a strong base in the field and who maintain good relationships with the demographics you are targeting.

► Example of an effective collaboration

CCIF (Collectif Contre l'Islamophobie en France) (Collective Against Islamophobia in France) and MTE (Mamans Toutes Egales) (All Mommies Are Equal)



Problem identified:

More and more Muslim mothers wearing headscarves are excluded from school field trips and are no longer able to actively take part their children's school life.

The CCIF is increasingly solicited by distraught mothers, and must therefore –alongside its legal work– take initiatives in the field. But for that it needs reinforcements, and it needs mothers to mobilize.

The MTE is a collective of mothers from different cities in the Ile-de-France Department that was specifically created to mobilize and expose the exclusion of veiled mothers.

Partnership:

The CCIF works the legal aspect by issuing requests to the Rectory and preparing files to present the case in court. It also keeps track of all reported cases of similar discrimination.

The MTE does fieldwork by educating parents and teachers in order to build support collectives. The group also encourages all mothers being discriminated to protest and stand up for their rights. The MTE organizes demonstrations and publishes op-ed pieces and press releases on a regular basis.

The CCIF and the MTE work together in the media field by adopting a common

communication strategy and a common approach to raise awareness among the public and elected officials.

Working with other communities

As we have seen, the fight against Islamophobia is a universal fight. It brings together multiple stakeholders in the field and institutional stakeholders.

All the field methods we've described in this handbook are methods that have been used by other communities, particularly the Jewish community, which became organized long before the Muslim community began to organize its efforts.

In many respects, the fight against Islamophobia resembles and joins the fight against anti-Semitism in Europe. That is why it is interesting and rewarding to build bridges and even partnerships with organizations that fight against other forms of racism, in order to share best practices, contacts and experience that can help advance your own fight.

For example, the IMAN project established working relationships with CEJI, a European secular Jewish organization based in Brussels, which also fights against racism and hate crimes in Europe.

CEJI was behind the "Facing Facts!" projects, whose methodology and objectives are similar to those of IMAN.



CEJI - Une Contribution juive pour une Europe inclusive

Phone number: + 32 (0)2 - 344 34 44

Fax: + 32 (0)2 - 344 67 35

Website: www.ceji.org

Facing Facts ! project - <http://www.ceji.org/facingfacts/>



iman-project.org

Contact

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Elsa.ray@iman-project.org



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The IMAN Network

<http://iman-project.org/fr/network/organisations-partenaires/>



Sweden



SVENSKA MUSLIMER
FÖR FRED OCH RÄTTVISA

Musulmans pour la Paix et la Justice
<http://muslimerforfred.org>



CENTRUM MOT RASISM

Centre Contre le Racisme
www.centrummotrasism.nu



Italy



Coordinamento Associazioni Islamiche di Milano e Monza e Brianza

CAIM - Coordinamento Associazioni Islamiche
di Milano e Monza e Brianza



Giovani Musulmani d'Italia

GMI Giovani Musulmani d'Italia
<http://www.giovanimusulmani.it/GMI>



Germany



Federation against Injustice and Racism FAIR
info@fair-int.de



France



CCIF - Collectif contre l'islamophobie en France
www.islamophobie.net



EMF - Etudiants musulmans de France
www.emf-asso.com



England



Federation of Student Islamic Societies
www.fosis.org.uk



Mend ex iENGAGE
www.iengage.org.uk



Muslim Council of Britain
<http://www.mcb.org.uk>



Hungary



Organization of Muslims in Hungary
<http://iszlami.com>



Belgium



Forum Européens des Organisations
Etudiantes Musulmanes
<http://www.femyso.org>



Kif Kif (organisation flamande)
<http://www.kifkif.be>



Collectif Contre l'Islamophobie
en Belgique
<http://www.islamophobia.be>

The United Kingdom

It is mainly covered under the **Equality Act (2010)** which prohibits discrimination based on religion or belief¹.

The law prohibits different types of discrimination, including:

- **Direct discrimination² or harassment³**
- **Indirect discrimination⁴**
- **Victimisation⁵**

• Discrimination in Provision of Services

It is illegal for a person to refuse to provide a service to you when you require that service, because you are of a particular religion or appear to be of a particular religion. It is also illegal for them to give the service to you on different terms than another person, or to terminate the service, because of your religion⁶. It includes the case of housing and protects people from possible acts of discrimination from their lessor.

It also protects employees from discriminations from part of their employers with regards of the terms of their employment contract and the arrangements they make for deciding who to offer employment to for instance (for further information, please visit: <http://www.legislation.gov.uk/ukpga/2010/15/section/39>).

• Employment

It is also prohibited for your employer to *instruct, cause or induce another person* to discriminate against, harass or victimise you in your employment, based on your religion or belief⁷. Moreover, during your employment, your employer has a duty to take *reasonable steps to prevent colleague, client, or other third party from harassing you*, as long as the employer has knowledge of the occurrence of previous harassment on at least two occasions (either by the same person or different people)⁸. Such acts may make your employer *liable*.

In addition, an employer must not discriminate, victimise or harass an employee in relation to an occupational pension scheme (unless they have the power to make the necessary alterations).⁹

» Exceptions

A person does not contravene the above provisions that apply to employment if they require employees to be of a particular religion due to the nature of the work or the employment is for the purpose of an organised religion (e.g. a church requires that a priest must be Christian), as long as the application of this requirement is a **proportionate** means of achieving a **legitimate aim** or the requirement is applied so as to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers.

• Education

The responsible body of a school to which this section applies must not discriminate against or victimise a pupil or even an applicant in the way they choose to admit a person as a pupil¹⁰.

Also, they must not harass a pupil or a person applying to be admitted as a pupil and these people must not be victimised for the acts of parents or siblings¹¹. The same prohibitions apply for students in higher education.

• Associations¹²

An association is prohibited from discriminating against or victimising you when **applying for membership**:

- when deciding on the arrangements for choosing who to admit to the association,
- when deciding the terms of whether to accept you as a member, or
- by deciding not to admit you as a member¹³.

1- Section 4 of the Act enlists protected characteristics, which include race and religion. Section 9 and 10 define race and religion or belief.

6 - Section 13 of the Equality Act 2010.

3 - Section 26 of the Act.

4 - Section 19 of the Act.

5 - Section 27 of the Act.

6 - Section 29 and 30 of the Act (extending to immigration control).

7 - Section 111 of the Act.

8 - Section 40 of the Act.

9 - Sections 61 and 62 of the Act.

10 - Sections 85(2) and 85(5) of the Act. & Sections 85(1) and 85(4) of the Act. 'School' includes state schools and independent schools (section 85(8)).

11 - Section 85(3) of the Act. & Section 86 of the Act.

12 - The definition of 'association' is an association of persons with at least 25 members – section 107.

13 - Section 101 of the Act.

If you are a **member** of an association, it is prohibited from discriminating against or victimising you¹:

- in the way it gives you access, or by not giving you access, to a benefit, facility or service;
- by depriving you of membership or varying your terms of membership;
- by subjecting you to any other detriment².

• Political parties

A political party must not refuse **membership** to you, or grant membership to you on less favourable terms (e.g. charging you a higher membership rate), because of your religion or belief.

A political party must not offer **membership terms**, benefits and services that are discriminatory (e.g. if the party imposed a condition on you which is harder for you to comply with because of your religion or belief, for example, compelling you to attend a set number of meetings taking place during the time of Friday prayer, this would be indirect discrimination unless the party can show that the condition is objectively justified).

Political parties must not discriminate in allowing members to participate in their **activities** – e.g. if the political party tells a member who is Muslim that the party does not want them to campaign on its behalf by knocking on doors gathering people's views, this would probably be direct discrimination³.

• Public sector equality duty

Public authorities and individuals exercising public functions have a duty to take steps to advance equality⁴. *Advancing equality* means taking steps to remove or minimise disadvantages suffered by persons who share a protected characteristic, to meet the needs of these persons and to encourage them to participate in public life or in any other activity in which participation by such persons is disproportionately low.

• Criminal offences

Physical or verbal abuse because of religion or belief:

It's a criminal offence to attack you because of your religion or belief, or because of your lack of religion. This includes both physical and verbal abuse.

A **religiously aggravated hate crime** is a criminal offense committed against persons or property that is motivated, in whole or in part, by the offender's hostility to the victim's religion or perceived religion⁵.

An offence is religiously aggravated if:

(a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a religious group; or

(b) the offence is motivated (wholly or partly) by hostility towards members of a religious group based on their membership of that group.
In addition to standard physical violent attacks, these offences can be considered as aggravated offences:

- Threatening behaviour (including verbal or written threats or abuse – abusive or threatening emails, leaflets, text messages, mass mailings, posters), hoax bombs, etc.
- Harassment and stalking
- Causing fear of violence or distress
- Property damage
- Stirring up religious hatred⁶

The *Racial and Religious Hatred Act, 2006* lists a number of acts that are prohibited where the person has the intention to stir up religious hatred. Please note there are exceptions for criticism of religious beliefs or sexual conduct.

For more details about the content of the Equality act (2010), please visit:
<http://www.legislation.gov.uk/ukpga/2010/15/contents>

• Who to Contact?

If you think you have suffered discrimination or hate crime, we recommend you to contact one of the following:

1 - Sections 101(2) and (6) of the Act.

Please visit <http://www.legislation.gov.uk/ukpga/2010/15/part/7/crossheading/membership-etc> for further information about association membership

2 - Sections 101(2) and (6) of the Act.

3 - The law applies to parties at a national, regional, constituency and local level and to people working for them or taking decisions regarding the party's membership and activities. Please visit <http://www.equalityhumanrights.com/your-rights/employment/guidance-workers> for further information.

4 - Part 11, section 149.

5 - «Religious group» is defined in Section 28(5) of the Crime and Disorder Act 1998.

6 - Racial and Religious Hatred Act, 2006.



Equality Advisory Support Service:
0808 800 0082
<http://www.equalityadvisoryservice.com>



Citizens Advice Bureau
<http://www.citizensadvice.org.uk>



Inter Faith Network:
Promoting good relations between people of different faiths.
www.interfaith.org.uk
Telephone: 020 7931 7766
Fax: 020 7931 7722
Email: ifnet@interfaith.org.uk

► IMAN organisations



Federation Of Student Islamic Societies:
www.fosis.org.uk
38 Mapesbury Road
London
NW2 4JD
02084524493
info@fosis.org.uk



Mend UK:
www.iengage.org.uk
<http://iengage.org.uk.net/contact-us>
info@mend.org.uk



Muslim Council of Britain:
<http://www.mcb.org.uk>
The Muslim Council of Britain
PO Box 57330, London E1 2WJ, United Kingdom
0845 26 26 786 | E: admin@mcb.org.uk

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Introduction

Islamophobia, noun, /ɪz,lamə'fəʊbiə/: any act of discrimination or act of violence, verbal or physical, concerning individuals (or institutions) due to their supposed membership to Islam.

Since 9/11, Muslims towards the world have witnessed an increase of islamophobia which got even more alarming in the European continent in the last couple of years. Far right parties are achieving scores records and assaults against Muslims have become commonplace. Also, many persons (either public or private) abuse their position to discriminate against the citizens, often breaching their national law when doing so.

On the other hand, many NGOs have been created to fight against this dangerous wave and with the help of partners from eight different European countries, the IMAN project was born at this aim. We noticed that because of recurring islamophobic speeches from public figures, the Muslim citizens often tend to believe that they have less right than they actually do and this is the reason why we believed that these legal overviews can be really helpful. Knowing what is written in your legislation about discrimination can help you defend yourself against discrimination at work, in the provision of services and even for your access to education. Knowledge is a weapon especially when it comes to your rights and this documentation will introduce you to the basic information.

As all the IMAN partner countries are members of the EU, many pieces of legislation are from European sources and are similar in that sense. For example, we notice that in every country, the definition of discrimination is multi-faceted, there are different forms of discrimination and all of them are forbidden:

- **Direct Discrimination:**

A person suffers direct discrimination when he or she is treated less favourably than someone else is treated, has been treated or would have been treated in a comparable situation, if this disadvantaging is associated with sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

- **Indirect Discrimination**

It occurs wheresomeone is disadvantaged by the application of a provision, a criterion or a procedure that appears neutral but that may put people of a certain religion or belief at a particular disadvantage.

- **Harassment**

Harassment is conduct that violates a person's dignity and that is associated with one of the grounds of discrimination, including having a certain religion or other belief.

- **Victimization**

It is where you feel you have been treated unfairly because you have brought a discrimination claim previously.

The key sources of legislative protection in the EU are the **Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin**¹ and on a higher level the article 9 of the European Convention of Human Rights which also bounds the EU.

Article 9 of the ECHR reads as follows:

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, and to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

As we tried to sum up the most important legal sources and the clearest ones, these legal overviews may not be exhaustive; but the institutions and organisations that can help you to know more about your rights are numerous and we tried to gather a maximum of contacts. Do not hesitate to contact them if you have any doubt.

1 - <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>

The Act of 1st July 1972 dealing with the fight against racism introduced into our legal system the repression of racially-motivated offences and other racist behaviours. This legal arsenal has been reinforced and completed on a regular basis by new legislative reforms over the years.

This framework consists in two parts: offences specifically related to racism and offences committed with the aggravating circumstance of having a racist motivation, thus making the penal sanction stricter.

Concerning the fight against islamophobia, we will focus on the offences specific to anti-Muslim acts and on the offences committed with the aggravating circumstance of targeting people because of their religion.

• The bans on discrimination in the Labour Code

In the field of employment, there also exists a legislation which protects individuals against islamophobic behaviours through provisions which both guarantee the religious expression within the company – subject to certain limitations, and prohibit and penalize discriminatory acts.

Article L1121-1 and article L1133-1 of the Labour Code provide that only the differences in treatment and the restrictions on the right justified by the nature of the work and proportional to the aim sought are valid.

Article L1132-1 deals with the prohibition of discriminations in recruitment and in hiring, but also the prohibition of sanctions, dismissals and any other discriminatory measure whether it is direct or indirect and lastly discriminations within your career development.

Article L1132-3 specifies that no employee can be sanctioned, dismissed or subject of a discriminatory measure for having reported discriminatory acts or for having recounted them.

Article L1321-3 recalls that the internal rules of companies or institutions cannot contain provisions that contradict laws and regulations in force; neither can they contradict conventions and collective labour agreements applicable in the undertaking or establishment or any other obstacle to the individual freedoms as protected by the French law.

• Prohibition of the discriminations in the Penal Code

Offences specific to islamophobic acts referred to and penalized in the Penal Code are twofold: on one hand, press offences committed because of people's affiliation or non-affiliation to a particular religion; and on the other hand, discriminations because of the same motives.

► Direct discriminations

The following acts of discrimination based on the actual or assumed membership or lack of membership of a particular religion are punished to three years of prison and by a fine of 45 000 euros (**articles 225-1 and 225-2 of the Penal Code**) :

- Refusing to supply goods or services (access to a restaurant, to a sports club, to a bank...),
- Restricting the exercise of an economic activity,
- Refusing to hire, sanction, dismissal,
- Subordinating the supplying of a good or a service,
- Subordinating an offer of employment, an internship application or a training period (e. g., subordinating access to a traineeship to the removal of the hijab).
- Refusing to accept someone in one of the internships provided for in the 2nd paragraph of the article L.412-8 in the Social Security Code (internships carried out by pupils and/or students of the secondary, technical and higher education...),
- Discriminatory refusal to supply a good or a service committed in a public space (restaurant, sports club, bowling...) or aiming at prohibiting its access, is punished by imprisonment of 5 years and a fine of 75.000 €.

Some discriminatory acts based on the actual or assumed membership or lack of membership of a particular religion committed by representatives of the public authority or in charge of a public service mission committed in the performance of their official duties are punished by imprisonment of five years and a fine of 75.000 €.

► **The prohibition against hate speech by the Act of 29 July 1881**

Abuses of freedom of expression at the expense of a religious group forbidden by the Penal Code are as followed:

Offence		Penalty	Legislation
Incitement to discrimination, to hatred or to violence	Not-Public	Imprisonment of one year and/or a fine of 45.000 €	Article R.625-7 of the Penal code
	Public	Imprisonment of one year and/or a fine of 45.000 €	Article 24 paragraph 8 of the Act of 29 July 1881
Insult	Not-Public	A fine of 750 €	Article R.624-4 of the Penal code
	Public	Imprisonment of 6 months and/or a fine of 22.500 €	Article 33 paragraph 3 of the Act of 29 July 1881
Defamation	Not-Public	Imprisonment of one year and/or a fine of 45.000 €	Article 32 paragraph 2 of the Act of 29 July 1881
	Public	A fine of 750 €	Article R.624-3 of the Penal code

• **Criminal offences: attacks on property or individuals**

The offences enumerated in the Penal code, where they are committed with the aggravating circumstance of targeting one or several persons on ground of their assumed or actual affiliation or non-affiliation to a specific religion have their penalties increased.

► **Physical attacks**

Offence	Penalty
Manslaughter	Life imprisonment instead of 30 years
Torture and acts of barbarity	Imprisonment of 20 years instead of 15 years
Assault and battery involuntarily resulting in death	Imprisonment of 20 years instead of 15 years
Acts of violence resulting in mutilation or permanent disability	Imprisonment of 15 years instead of 10 years and a fine of 150.000 € instead of 75.000 €
Acts of violence resulting in a complete work disability of more than 8 days	Imprisonment of 5 years and a fine of 75.000 € instead of 3 years and 45.000 €
Acts of violence resulting in a complete work disability of less than or equal to 8 days	Imprisonment of 3 years and a fine of 45.000 € instead of 1.500 €

► **Property crimes**

Criminal damage to private property	Imprisonment of 3 years instead of 2 years and a fine of 45.000 € instead of 30.000 €
Criminal damage to a place of worship	The penalty is increased to imprisonment of 5 years and a fine of 75.000 €

► Verbal assault

Threats of committing a crime against people	Imprisonment of 2 years instead of 6 months and a fine of 3.000 € instead of 7.500 €
Deaththreats	Imprisonment of 5 years instead of 3 years and a fine of 75.000 € instead of 45.000 €
Threats of committing a crime with the order to satisfy a condition	Imprisonment of 5 years instead of 3 years and a fine of 75.000 € instead of 45.000 €
Death threats with the obligation to satisfy a condition	Imprisonment of 7 years instead of 5 years and a fine of 100.000 € instead of 75.000 €

For more information, please refer to the detailed articles on Legifrance website².

• Indirect discrimination: French prohibitive legislation towards Muslim women citizens

The Act of 15 March 2004 governing, in pursuance to the principle of secularism (*"laïcité"*), the wearing of symbols or clothing denoting a religious belonging in primary and secondary schools, which came into force in September 2004.

The Act of 11 October 2010 prohibiting the concealment of the face in public space, which came into force on 11 April 2011.

The Chatel circular of 27 March 2012 concerning the *"guidelines and instructions for the preparation of the back-to-school season 2012"* which contains a recommendation to prohibit the wearing of religious signs for the chaperoning parents and which can be viewed on the website of the Ministry of National Education³. It has no intrinsic legislative value and only serves as a recommendation to the primary and secondary public education staff.

These three texts were written following polemics about the *"Islamic veil"* and clearly target Muslim women citizens.

• How to defend yourself against discrimination?

When someone gets discriminated against, they have to communicate the facts which suggest the existence of a direct or indirect discrimination, as defined in the 1st article of **the Act of 27 May 2008**⁴. Then, the person accused of discrimination will have to prove with objective elements that their decision was justified.

• Contacts

► In case of discrimination experienced in the working environment, whether you are a candidate, in a training period, an employee or an intern, you may turn to:

- Trade union organisations,
- Associations regularly constituted for at least five years aiming at fighting discriminations.

► The Humanrights defender :

www.defenseurdesdroits.fr/contacter-votre-delegue

7 rue Saint-Florentin
75409 Paris Cedex 08
09 69 39 00 00

► IMAN organisations



CCIF - Collectif contre l'islamophobie en France

www.islamophobie.net

BP 70233

75 463 Paris Cedex 10

09.54.80.25.93

contact@islamophobie.net



EMF - Etudiants musulmans de France

www.emf-asso.com

www.emf-asso.com/index.php/contact-us

2 - <http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006417561&idSectionTA=LEGISC>
TA000006165276&cidTexte=LEGITEXT000006070719&dateTexte=20100209

3 - http://www.education.gouv.fr/pid25535/bulletin_officiel.html?cid_bo=59726

4 - <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000018877783>

Protection against discrimination in Germany is mainly provided under the **Basic Rights**, General Law on Equal Treatment and the Work Constitution Act.

All individuals have the right to equality before the law, regardless of religious belief, and the right to freedom of discrimination on the basis of religion or presumed religion⁵.

• Services

It is prohibited to discriminate on the basis of religion:

- in the provision of **public services** by public authorities⁶.
- in the provision of **goods or services** by public authorities, such as water, electricity, gas or transport **through private companies**.
- in all provision of goods and services to the public involving legal transactions, such as restaurants, shops, transport, etc⁷.

(However, this prohibition does not apply to legal relations of a personal kind or if there is a special relation of confidence between the parties concerned⁸.)

- in providing social advantages and protection, including social welfare benefits and health care⁹.
- in **transactions involving housing** either by public or private bodies.

(However, this does not apply to landlords or landladies who rent out fewer than 50 flats¹⁰.)

» Exceptions

Differences in treatment in **housing** is permissible where it is necessary in order to create and maintain socially stable structures of inhabitants and balanced structures of settlement and balanced economic, social and cultural relations.

Difference in treatment on the ground of religion in the provision of private insurance is admissible if it is based on acknowledged principles of calculations ade-

5 - Basic Law (Grundgesetz), Article 3.1, Article 3.3.

6 - Basic Law (Grundgesetz), Article 3.1, Article 3.3.

7 - General Law on Equal Treatment, Section 19.1(1).

8 - General Law on Equal Treatment, Section 19.5(1).

9 - Social Code I (Sozialgesetzbuch I), Section 33c.&General Law on Equal Treatment, Article 1 Part 1 §2

10 - General Law on Equal Treatment, Section 19.5(3)

quate to the risks, especially on actuarial evaluation based on statistical data¹¹.

• Employment

The prohibition on discrimination applies to all sectors of employment, including private sector, public sector, civil service and self-employment.

► Indirect Discrimination

Employers have to pay due consideration to the fundamental right to freedom of religion – for example, an employer should allow employees a break for prayers, unless it would cause disruption to the process of production¹².

However, if an employer dismisses an employee because of his or her refusal to handle alcoholic beverages on grounds of religious convictions, this might be justified if the employee cannot be usefully occupied in other tasks without great difficulties¹³.

► Direct Discrimination

It is prohibited to:

- discriminate on the basis of religion in the provision of **access to employment**, including job advertisements, application procedures, job interviews, selection criteria and conditions of recruitment¹⁴.
- discriminate on the basis of religion when **negotiating employment contracts terms and conditions** (of employment and working conditions, earnings, fringe benefits, social security benefits).
- discriminate on the basis of religion in connection with questions of **career advancement**, including promotion, transfer to another post for a longer period of time or assignment of new functions within the same job.
- **dismiss** an employee based on his religion or religious practice¹⁵.
- discriminate in access to civil service employment on the grounds of religion¹⁶.
- discriminate in access to **membership** of, and involvement in, an **organisation of workers or employers**, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations¹⁷.
- discriminate in access to and the terms of occupational **pension schemes**.

11 - General Law on Equal Treatment, Section 19.3 and Section 20.2.

12 - Land Labour Court (Landesarbeitsgericht) Hamm, 18 January 2002, 5 Sa 1782/01.

13 - Federal Labour Court (Bundesarbeitsgericht), BAG 2 AZR 636/09.

14 - General Law on Equal Treatment, Section 11.

15 - Law on Protection against Dismissal (Kündigungsschutzgesetz).

16 - Section 9 Federal Law on the Civil Service (Bundesbeamtengesetz), Section 67 Federal Employee Representation Law.

17 - General Law on Equal Treatment, Section 18.2.

► Positive Duty to Protect against Discrimination

Employers¹⁸, **work councils**¹⁹ and **executives**²⁰ must ensure that all employees are treated in conformity with the principles of law and fairness, and in particular that nobody is discriminated against because of religion.

Employers have the duty to take the appropriate measures to protect employees against discrimination by third parties. They are also under a duty to provide appropriate measures of protection against and prevention of discrimination. They have to educate employees as to principles of non-discrimination²¹.

► Exceptions

Discrimination may be justified on the basis of the avoiding of dangers, the prevention of damage, or protection of the intimate sphere or personal security.

Discrimination may be justifiable where, by reason of the *nature* of the particular occupational activities concerned or of the context in which they are carried out, a characteristic constitutes a genuine and determining occupational requirement – e.g. a church requires that a priest must be Christian (provided that the objective is *legitimate* and the requirement is *proportionate*)²².

• Education

It is prohibited to discriminate on the basis of religion in the **provision of education**²³, both for public education and education provided on the basis of a private contract.

► Vocational Education and Training

It is prohibited to discriminate on the grounds of religion in giving benefits concerning the access to all forms and levels of vocational guidance, **vocational training**, vocational advanced training, vocational retraining including practical work experience²⁴.

► Prayer in Schools

A school may legally refuse to provide a prayer space for pupils where it feels doing so may constitute a breach of the peace of the school, where religious conflicts have previously been the consequence of the prayer of the pupil²⁵.

• Hate crimes

When criminal offense committed against persons or property are motivated, in whole or in part, by the offender’s hostility to the victim’s religion or perceived religion then the degree of penalty might increase.

Criminal Offence	Penalty	Legal Source
Destroy objects of veneration of a religious society existing in the state or property dedicated to religious service, or tombstones.	3 years or a fine	German Criminal Code, Chapter 27, Section 304
Intentionally and in a gross manner disturb a religious service or an act of a religious service of a religious society located in Germany.	3 years or a fine	German Criminal Code, Chapter 11, Section 167
Commit insulting mischief at a place dedicated to the religious services of a religious society located in Germany.	3 years or a fine	
Steal property that is used in religious services or for religious veneration from a building or space used for the practice of religion.	3 months to 10 years	German Criminal Code, Chapter 11, Section 243 §4

18 - Section 67 Federal Employee Representation Law (Bundespersönalvertretungsgesetz).
19 - Section 75.1 Work Constitution Act (Betriebsverfassungsgesetz).
20 - Section 27.1 Law on Bodies of Executives (Sprecherausschussgesetz).
21 - General Law on Equal Treatment, Section 12.4, Section 12.1 & Section 12.5
22 - General Law on Equal Treatment, Section 20.1, Sections 8 and 9.
23 - General Law on Equal Treatment, Section 2.1(7).
24 - Social Code IV (Sozialgesetzbuch IV), Section 19a.

25 - Federal Administrative Court (Bundesverwaltungsgericht), 6 C 20.10, 30.11.2011.

Criminal Offence	Penalty	Legal Source
Disseminate written materials which incite hatred against segments of the population or a religious group, which call for violent or arbitrary measures against them, or which assault the human dignity of others by insulting, maliciously maligning or defaming segments of the population or a religious group.	3 months to 5 years	German Criminal Code, Chapter 7, Section 130 Agitation of the People
- Disseminate such written materials, publicly display, post, present, or otherwise make them accessible, offer, supply or make them accessible to a person under eighteen years; or produce, announce, commend or undertake to import or export them, in order to use them or copies obtained from them or facilitate such use by another. - Disseminate a presentation of such materials by radio, media services, or telecommunication services.	3 years or a fine	
Publicly or through dissemination of writings insult the content of others' religious faith or faith related to a philosophy of life in a manner that is capable of disturbing the public peace.	3 years or a fine	GermanCriminal Code, Chapter 11, Section 166

► IMAN organisations



Islamische Gemeinschaft Milli Görüs, Rechtsabteilung

Tel.: (0049) 0221/ 9422400,
Fax: (0049) 0221/942240119
Address: Merheimerstr. 229, 50733 Köln
Email: recht@imgg.de



Federation against Injustice and Racism FAIR e.V.

Address: Luxemburger Str. 19, 50674 Köln
Email: baltas@fair-int.de, info@fair-int.de

• Who to Contact ?

If you experience discrimination or harassment in your workplace, contact the competent body within your enterprise, or a trade union representative. Please note there is a time limit of two months for claiming damages in labour or civil law so you should contact them promptly after any incident of discrimination.

For legal advice, counselling and information you can contact the Federal Anti-Discrimination Agency. This service is not subject to any prior conditions, fees, or time limits. People affected by discrimination can contact the agency by telephone, e-mail, letter or fax.

It is also possible to arrange a private meeting with counsellors.

Phone: 030185551865

https://www.antidiskriminierungsstelle.de/DE/Service/Kontakt/beratungsformular_node.html

As Belgium is a federalist state, the legal framework for non-discrimination is divided between federal laws and a variety of laws enacted by Belgium's territorial Regions and linguistic Communities.

Article 11 of the Belgian Constitution sets out a general principle of non-discrimination. Protection against discrimination under Belgian law is mainly set out in three Acts adopted on 10 May 2007. First, **the Federal Act** amending the Act of 30 July 1981 (the "*Racial Equality Federal Act*"), the Federal Act pertaining to fighting certain forms of discrimination, (the "*General Anti-discrimination Federal Act*") and the Law Against Racism and Xenophobia 1981 ("*Moureaux Law*") amended in 1994. The General Anti-Discrimination Law forbids discrimination on the basis of "faith or personal belief"²⁶.

► Religious Dress in Public Spaces

The Act of 23 July 2011 prohibits covering the forehead, the cheeks, the eyes, the ears, the nose and the chin in public. Consequently, the niqab or burka is forbidden. The penalty ranges from a fine to up to seven days' imprisonment.

• Services

► Provision of Goods or Services

It is prohibited for any person to discriminate on the basis of religion or belief in the provision of goods or services available to the public²⁷.

It is also prohibited to discriminate on the basis of religion or belief:

- in the provision of **housing**.
- in the provision of **health care, social security and social benefits**.
- in access to participation in economic, social, cultural, or political activities open to the public²⁸.

In the Walloon region, discrimination in the areas of vocational guidance, socio-professional integration, the placement of workers, the allocation of aid for the promotion of employment and vocational training in both the public and the private sectors is forbidden²⁹. For example, a café that refused to serve a customer because she was wearing a headscarf was found guilty of discrimination³⁰.

In the region of Brussels-capital, it's required that both public employment offices and private employment agencies respect a general requirement of non-discrimination³¹.

• Employment

The following are prohibited under Belgian federal law, in both the private and the public sectors:

- direct discrimination
- indirect discrimination
- harassment or intimidation
- an instruction to discriminate.³²

► Recruitment & Dismissal

It is prohibited for an employer to discriminate on the basis of religion or belief during the recruitment process.

An employer is prohibited from dismissing an employee on the grounds of religion or belief. An employer cannot dismiss an employee or unilaterally change his or her working conditions on the basis that he or she has filed a complaint, or appeared in Court (either in person or as a witness) in relation to a claim of discrimination under the Anti-Discrimination Acts (unless the termination or unilateral change is unrelated to the complaint or court action).

► Working Conditions

It is prohibited for an employer to discriminate with respect to promotion opportunities or working conditions.

The Labor Court of Tongres held that a woman who had been dismissed by the Hema store in Flanders after customers complained about her headscarf had been discriminated against. The court awarded her six month's salary in compensation.

26 - Article 3, General Anti-Discrimination Law.

27 - General Anti-Discrimination Law.

28 - General Anti-Discrimination Law.

29 - Decree of 27 May 2004 on Equal Treatment in Employment and Professional Training.

30 - Brussels Court, 25.01.11.

31 - Ordinance on the Joint Management of the Labour Market in the Region of Brussels-Capital 26/06/2003.

32 - General Anti-Discrimination Law.

The City of Charleroi has banned teachers from wearing “*visible religious, political or philosophical symbols*” including Islamic headscarves on school property on the grounds that it violates the principle of “*neutrality*” towards religion and impeded pupils’ freedom of thought. The Council of State ruled that this did not constitute discrimination.

► Harrassment

Victims of harassment must have recourse to the Act of August 4 1996, which covers the welfare of employees while undertaking their professional activity.

► Positive discrimination

Affirmative action is permitted if the following conditions are fulfilled:

- there must be an apparent inequality;
- the abandonment of this inequality must be the objective of the affirmative action;
- the positive action must be temporary and must stop when the objective (i.e. equality) is reached;
- the positive action must not harm another individual’s rights.

► Exceptions

Organisations based on religion or belief can make a distinction on the ground of religion or belief if that is necessary in regard to the context or the nature of the activity.

► How to complain

Employees may file a complaint with the Social Inspection Services or the Center for the Equal Opportunities and Opposition to Racism.

• Education

It is illegal to discriminate in the provision of primary or secondary education based on religion or belief. It is also illegal to discriminate in the provision of access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience.

In public schools in Flanders, teachers of Islam in religious classes may wear the

headscarf during class and also outside the classroom as long as they are exercising their function of religion teacher.

• Associations

It is prohibited to discriminate on the basis of religion or belief with regards to membership of or other involvement in a trade union, federation of employers or other organization based on professional status, including the benefits offered by such organizations.

• Hate crimes

► Physical violence

Where the following acts of violence against persons or property are perpetrated with the motivation, by the offender’s hostility to the victim’s religious convictions, judges are permitted to either double the minimum penalty or add two years of prison time:³³

- indecent assault
- rape
- murder
- manslaughter
- intentional injury
- non-assistance to a person in danger
- violation of the personal liberty and of the inviolability of private property
- harassment
- violation of tombs or burial
- arson
- destruction of personal possessions or property.

► Interference in Religious Practice

It is prohibited to interfere in religious practice through violence, threats, property destruction, or other disruptions³⁴. The punishment is a fine or up to 3 months’ imprisonment. If the offense causes serious physical harm, up to 5 years’ imprisonment.

33 - Anti-Discrimination Law, arts. 33-42 (Belgium, 2007).

34 - Criminal Code, art. 142 (Belgium, 1867).

► Hate Speech

Incitement to discrimination, segregation, hatred or violence against a person or group on account of his or her religion is prohibited³⁵. It applies to speech or conduct that occurs in a public meeting or place, or in the presence of several people, or in a non-public place where people are entitled to meet, in the presence of an offended person and before witnesses, or in documents that have been displayed, distributed or disseminated to several people.

There must be an intention to stir up hatred, discrimination or segregation and the speech has to have a disdainful or hateful range³⁶.

► Harassment

Harassment - unwanted conduct related to a protected criterion, taking place with the purpose *or effect* of violating the dignity of a person and of creating an intimidating environment - is a criminal offence³⁷. Complaints can only be prosecuted if lodged by the person claiming to be the victim.

It is a criminal offence to participate in organisations that promote and incite to racial discrimination³⁸. The member of the association or group advocating for racial discrimination has to know that the activity of the association or group is to advocate for racial discrimination, and has to have the will to participate in those activities³⁹.

• Who to contact?

► Walloon Region and French Community

The Centre for Equal Opportunities and Opposition to Racism is a public institution that aims to “promote equality of opportunity and to combat all forms of discrimination, exclusion, restriction or preferential treatment”.

The Centre receives discrimination complaints, provides information and support to victims of discrimination; provides advice to organizations or individuals upon request, and monitors and reports on discrimination issues. It can file a civil or criminal complaint against the alleged offender, with the consent of the alleged victim.

You can also find 13 Equal Treatment Offices in the larger cities of Flanders.

Website: <http://www.diversiteit.be/?setLanguage=3>

Phone: +32 (0)2/212 30 00

► IMAN organisations



KIF KIF

<http://www.kifkif.be>

Algemeen secretariaat Kif Kif

TIMMERWERFSTRAAT 40

2000 ANTWERPEN

Tel: 03/667.69.33

Mail: info@kifkif.be

Bank: 001-3569457-30



FEMYSO

Forum of European Muslim Youth and Student Organisations

Rue Archimède 50, 1000 Bruxelles, Belgium

Tel: +32 2 280 69 21

<http://www.femyso.org/>

35 - Criminal Code, art. 444 (Belgium, 1867).

36 - Decision no. 17/2009, para. B.74.5; decision no. 40/2009, para. B.70.2.

37 - Art. 442bis penal code (inserted 1998).

38 - Article 22, Racial Equality Federal Act.

39 - Decision no. 17/2009, para. B.82.7; decision no; 40/2009, para. B.44.3.

The Netherlands

Protection against discrimination under Dutch law is mainly provided under the **General Equal Treatment Act of 2 March 1994 (“GETA”)**⁴⁰ which guarantees “*Equal treatment of persons irrespective of their religion, belief, political opinion, race, sex, nationality, [...]*”⁴¹. Discrimination under the Act **includes direct and indirect discrimination**⁴².

In addition, the new **Dutch Constitution adopted in 1983** states that “*All persons in the Netherlands shall be treated equally in all circumstances. Discrimination on the grounds of religion, belief, political opinion, race, or sex or on any other grounds whatsoever shall not be permitted*”.⁴³

• Services

It is unlawful to discriminate in offering goods or services, in concluding, implementing or terminating agreements relating to provision of goods or services, and in providing educational or careers guidance if such acts of discrimination are committed:

- a. in the course of carrying on a business or practising a profession;
- b. by the public sector;
- c. by institutions which are active in the fields of housing, social services, health care, cultural affairs or education, or
- d. by private persons not engaged in carrying on a business or practising a profession, insofar as the offer is made publicly⁴⁴.

• Employment

Section 5 of the General Equal Treatment Act 1994 Act states that it is **unlawful to discriminate in or with regards to**:

- a. advertisements for job vacancies and procedures leading to the filling of vacancies;
- b. job placement;
- c. the commencement or termination of an employment relationship;
- d. the appointment and dismissal of civil servants;

- e. terms and conditions of employment;
- f. permitting staff to receive education or training during or prior to employment;
- g. promotion;
- h. working conditions.

If an employer terminates an employee’s contract of employment in contravention of section 5 of GETA or on the grounds that the employee has invoked section 5, the termination may be void.

The right of an employee to void the termination of employment lapses two months after the termination of the employment relationship and the right to institute legal proceedings in connection with avoidance lapses six months after the date on which the employment relationship was terminated⁴⁵.

Employers also have a positive obligation to prevent and combat discrimination⁴⁶. ‘Employment’ under the various Acts must be understood broadly: it covers both public and private sector employment; it ranges from the recruitment stage to dismissal and covers self-employment.

• Education

It is unlawful to discriminate in or with regard to the **conditions for and access to** the professions and opportunities to pursue such professions or for development within them⁴⁷.

• Associations

It is unlawful to discriminate with regard to **membership of or involvement in an employers’** organisation or trade union, or a professional association, or with regard to the benefits which arise from such membership or involvement⁴⁸.

There are some exceptions to this prohibition such as the freedom of an organisation or association founded on religious or ideological principles to impose requirements which, having regard to its purpose, are necessary to meet its founding principles; and the freedom of an organisation or association founded on political principles to impose requirements which, having regard to its purpose, are necessary to meet its founding principles⁴⁹. Such requirements may not however lead to discrimination on the sole ground of race, sex, nationality, heterosexual or homosexual orientation or civil status.

45 - Section 8(1) of GETA.

46 - The Act on Working Conditions (“Arbeidsomstandighedenwet”).

47 - Section 6 of GETA.

48 - Section 6a(1) of GETA.

49 - Section 6a(2) of GETA.

40 - As amended in 2004.

41 - Chapter 1 of GETA.

42 - Section 1a of GETA.

43 - Article 1 of the Dutch Criminal Code.

44 - Section 6 of GETA.

• Political parties

Whilst in general, the law on anti-discrimination prevents discrimination on the ground of political opinion, requirements governing political opinion may reasonably be imposed in connection with appointments to administrative or advisory bodies⁵⁰. Requirements governing political opinion may also reasonably be imposed in connection with appointments to confidential posts⁵¹.

• Criminal offences

Criminal Offence	Penalty		Legal Source
	Imprisonment	Other	
<i>Preventing by violence or by threat of violence</i> either a lawful public gathering intended to profess a religion or a belief, or a lawful ceremony for the professing of a religion or a belief, or a lawful funeral service from taking place.	Up to one year	(or a) fine of the 3rd category	Article 145 of the Dutch Penal Code
<i>Incitement</i> against a community publicly, orally or in writing or image. <i>Violence</i> against person or property on the grounds of their race, religion or beliefs [...]	Up to one year	(or a) fine of the 3rd category	Article 137(c) of the Dutch Penal Code
▶ When making it their profession or habit. ▶ Where two or more people act in association.	Up to 2 years	(or a) fine of 4th category	
Publicly, verbally or in writing or image, deliberately expressing oneself in a way insulting of a group of people because of their race, their religion or belief [...]	Up to one year	(or a) fine of the 3rd category	Article 137(c) of the Dutch Penal Code
▶ When making it their profession or habit ▶ Where two or more people act in association	Up to 2 years	(or a) fine of 4th category	

• Who to contact?

In the event that you feel you have been subject to discrimination, you should write to **the Netherlands Institute for Human Rights** which is responsible for examining cases of **direct and indirect discrimination in employment, education and the provision of goods and services** (and working hours in employment). It may, in response to a request in writing, conduct an investigation to determine whether discrimination has taken or is taking place⁵².

Postal address: Kleinesingel 1-3, 3572 CG Utrecht, The Netherlands

Telephone: +31 (0) 30 888 38 88

General email address: info@mensenrechten.nl

Website: <http://www.mensenrechten.nl>

There are also 35 local anti-discrimination bureaus (ADB's) in Dutch cities which focus on racial discrimination.

The **Dutch National Bureau against Racism** (LBR)

▶ IMAN organisations



Moslimvrouwenorganisatie AL NISA

<http://www.alnisa.nl>

Postbus 9

3500 AA Utrecht

Telefoon: 06-26 23 29 88

info@alnisa.nl



EMCEMO

www.emcemo.nl

Eerste Weteringplantsoen 2c

1017 SJ

Amsterdam

info@emcemo.nl

0031 (0)20-4288825

0031 (0)20 - 463 62 22



SPIOR

Stichting Platform Islamitische Organisaties Rijnmond

<http://www.spior.nl>

Teilingerstraat 122

3032 AW Rotterdam

010 466 6989

info@spior.nl

The main source of legal protection against religious discrimination is the Discrimination Act (SFS 2008:567), which prohibits discrimination related to a person's actual or presumed religion or other belief, or related to a person's *association with persons of a particular religion or belief*. Different forms of discrimination are prohibited:

- **Direct Discrimination**
- **Indirect Discrimination**
- **Harassment**
- **Victimization** (It is prohibited to undertake any act, statement or omission to act, based on an individual's religion or belief, which leads to a damage or a sense of discomfort for that individual.)⁵³

• Services

It is prohibited for anyone (individual, company, association, etc.), whether public or private, who supplies goods, services or housing to the general public (outside the private and family sphere) to discriminate against a person on grounds of that person's religious belief by not dealing with that person under the terms and conditions normally applied by the person in the course of his or her business with other persons.

This includes health, medical care, housing, social insurance, unemployment insurance, social services, public transport, leisure facilities and state financial aid for studies⁵⁴.

In the case of a private business or public administration, it is a criminal offence to treat customers unfavourably because of their religion⁵⁵.

However, a private person can lawfully discriminate in the provision of services as long as the provision stays within a small group of people.

For example, where an individual is selling an apartment and they have two possible buyers, the seller can choose the lower bid for religious reasons. As long as it is the seller's decision and the real estate agent treats both buyers equally, there is no unlawful discrimination under Swedish law.

It is prohibited for any organiser of a public gathering, or any collaborator of such an organiser, to discriminate against a person on grounds of his or her religious belief by refusing him or her access to the public assembly or gathering under the terms and conditions normally applied to other persons⁵⁶.

• Employment

Employers are prohibited from discriminating against, victimizing or harassing an employee based on his or her religion or belief⁵⁷. A general rule which has a particularly negative impact on employees from a specific religion or belief may constitute indirect discrimination. For example, if the headscarf is prohibited in the work environment by a general health and safety rule, it may be indirect discrimination - a proportionality test will be applied to determine whether this restriction is justified or not.

► Positive Duties of Employers

Employers have a duty to actively promote equal rights and opportunities in working life regardless of religion or other belief⁵⁸.

Employers have a duty to implement measures to ensure that working conditions are suitable for all employees regardless of religion or other belief⁵⁹.

However, there is no specific requirement for an employer to provide reasonable accommodation in relation to religion or belief - e.g. no law requires an employer to accommodate a group of Muslims who ask for a place to pray in their workplace.

An employer who has knowledge of the fact that an employee feels that she or he has suffered **harassment** related to their religion or belief, has the duty to investigate the matter and, where appropriate, to take action to prevent such harassment from continuing⁶⁰. Employees who are subjected to **victimization** shall be given speedy access to help or support. Employers have a duty to establish special mechanisms for this⁶¹.

They also have a duty to work to ensure that people have **the opportunity to apply** for vacant positions regardless of their religion or other belief⁶².

53 - Discrimination Act, Chapter 2, Sections 18 and 19.

54 - Discrimination Act, Chapter 2, Sections 12, 13 and 14.

55 - Swedish Penal Code, Chapter 16, Section 9.

56 - Discrimination Act, Chapter 2, Section 12.

57 - Discrimination Act, Chapter 2, Section 1.

58 - Swedish Code of Statutes, Discrimination Act, Chapter 3.

59 - Subject to their resources and other circumstances - Swedish Code of Statutes, Discrimination Act, Chapter 3, section 4.

60 - Swedish Code of Statutes, Discrimination Act, Chapter 3, section 6.

61 - Ordinance of the Swedish National Board of Occupational Safety and Health containing Provisions on measures against Victimization at Work the Adopted 21st September 1993, section 6.

62 - Swedish Code of Statutes, Discrimination Act, Chapter 3, section 7.

Discrimination or harassment by **colleagues** is not prohibited. However, your employer may be liable if he or she has been negligent by, for example, not taking action promptly when they are informed of harassment or by giving authority to the colleague to undertake such conduct.

► Professional associations and trade unions

It is prohibited to discriminate against an employee based on his or her religion or belief in relation to membership or participation in an association of employees (i.e. a labour union), an association of employers or a professional organisation, and the benefits awarded by such organisations to their members⁶³.

► Self-Employed

Professional organisations are prohibited from discriminating against the self-employed as well as the employed⁶⁴. Public authorities are prohibited from discriminating against the self-employed in the provision of permits, approvals certification and financial support.

► Exceptions

Treating religious groups differently may be justified if for reasons of the nature of the work or the context in which the work is carried out or if religion is a genuine and determining occupational requirement that has a legitimate purpose and the requirement is appropriate and necessary to achieve that purpose. For example, a Muslim organisation has the right to demand that an imam be of Muslim faith, but has no right to insist that a cleaner be Muslim.

• Education

Education providers are prohibited from discriminating against, victimizing or harassing a pupil or student based on his or her religion or belief.

This prohibition applies to all sorts of education providers from day care, schools to universities and vocational training institutions.

An education provider has the duty to take measures to prevent any child, pupil or student who is participating in or applying for its activities from being subjected to **harassment** associated with religion or other belief⁶⁵. If the educational institution has knowledge of the fact that a student feels that she or he has suffered harassment related to any protected ground, it has a duty to investigate the matter and, when appropriate, to take action to prevent such harassment from continuing.

► Financial Aid

It is prohibited for the state to discriminate against a person on grounds of that person's religious belief in providing state financial aid for studies⁶⁶.

► Positive Duty

An education provider conducting education or other activities under the Education Act has the duty to take steps to actively promote equal rights and opportunities for the children, pupils or students participating in or applying for its activities, regardless of religion or other belief⁶⁷.

However, there is no specific requirement for an education provider to provide reasonable accommodation in relation to religion or belief – e.g. no law requires a school to accommodate a group of Muslims who ask for a place to pray in that school.

An education provider has the duty to draw up a plan each year containing an overview of the measures needed to promote equal rights and opportunities for the children, pupils or students participating in or applying for its activities, regardless of religion or other belief. An account of how the measures planned have been implemented is to be included in the following year's plan⁶⁸.

• Hate crimes

Where the **motive for the crime** is to aggrieve a person, ethnic group or some other similar group of people by reason of religious belief, this can make the punishment for the offender more serious⁶⁹.

63 - Discrimination Act, Chapter 2, Section 11.

64 - Discrimination Act, Chapter 2, Section 11.

65 - Discrimination Act, Chapter 3, Section 15.

66 - Discrimination Act, Chapter 2, Section 14.

67 - Discrimination Act, Chapter 3, Section 14.

68 - Discrimination Act, Chapter 3, Section 16.

69 - Law 1994:306.

Offence	Penalty		Legal Source
	Imprisonment	Other	
Assault: inflicting bodily injury, illness or pain upon another or renders him or her powerless or in a similar helpless state	Up to 2 years		The Swedish Penal Code; PART 2; Chapter 3; Section 5 (Law 1998:393)
► if the crime is petty,	Up to 6 months	Or a fine	
► if the assault is considered gross	From 1 year to 10 years		The Swedish Penal Code; PART 2; Chapter 3; Section 6 (Law 1998:393)
Threatening or hateful statements	Up to 2 years	A fine (if the crime is petty)	Section 8, Law 1988:835
Defacing Graves or Corpses	Up to 6 months	Or a fine	Section 10, Law 1993:207
Insulting behaviour	Up to 6 months	Or a fine	Swedish Penal Code, chapter 5, section 3

► Parliamentary Ombudsmen (Riksdagensombudsmän)

A complaint to the Parliamentary Ombudsman (Riksdagensombudsmän) can be made by anybody who feels that he or she or someone else has been treated wrongly or unjustly by a public authority or an official employed by the civil service or local government. It is not necessary for you to be a Swedish citizen. Your complaint does not have to be about something that has affected you personally.

► IMAN organisations



MUSLIMER FOR FRED (SMFR)

<http://muslimerforfred.org>
+4676 065 07 89
kanslichef@muslimerforfred.org

Besöksadress:

Dalslandsgatan 2,
118 58 Stockholm

Postadress:

PO Box 11158,
10061 Stockholm

• Where to get Help?

► At work

If you are a member of a trade union and you think you have suffered discrimination, harassment or victimisation at work, speak to your trade union representative.

► Equality Ombudsman(DO)

It is a government agency that seeks to combat discrimination and promote equal rights and opportunities. You can file a complaint with the Ombudsman by filling in one of the claim forms that can be downloaded from www.do.se

The Equality Ombudsman will investigate the claim. The person or institution that has been reported is given the opportunity to give their version of the events. The Equality Ombudsman will then assess if and how the case should be pursued. This does not cost you anything, and the Equality Ombudsman must cover the costs even if the case is lost.



CENTRUM MOT RASISM(CMR)

www.centrummotrasism.nu
08-661 14 64
info@cmr.nu
Hallonbergsplan 5
174 52 Sundbyberg

• The Fundamental Law

According to article 22, the following **shall not constitute a violation of the requirement of equal treatment**:

- a) if the discrimination is *proportional, justified* by the characteristics or nature of the work and is based on all relevant and lawful terms and conditions considered during the employment, or
- b) if the discrimination is based on **religious** or other ideological **convictions**, or national or ethnic origin, which stem directly from the intellectual underpinnings that fundamentally shape the organisation's character, if the discrimination is justified on the basis of the substance or nature of the given position, and if it is proportional and based on genuine work requirements.

• Services

(e.g. in shops, hotels, hospitals, restaurants, etc.)

► The Equal Treatment and Promotion of Equal Opportunities Act in December 2003

According to articles 4 and 5:
The principle of equal treatment shall be observed by:

- organisations performing public services,
- persons and institutions providing social care and child protection services, and child welfare service,
- those who make a proposal to persons not previously selected to enter into contract or invite such persons for tender,
- those who provide services or sell goods at their premises open to customers.

► Article 30

It is forbidden to neglect or deny the provision of services or sale of goods or not selling the goods of the same quality as those normally available at the particular premises where premises are open to customers, particularly in catering, commercial, cultural and entertainment establishments based on your religion or belief.

► Act on Health Care No. CLIV of 1997

According to § 7 of the Act every patient is entitled - within the boundaries defined by law - to health care services, that is warranted by the state of health, appropriate, accessible continuously and without any discrimination.

• Employment

The Equal Treatment and Promotion of Equal Opportunities Act in December 2003 enacts in its **article XII** the right for everyone to freely choose their work, occupation and to engage in entrepreneurial activities and the obligation of the state to strive to create the conditions ensuring that everyone who is able and willing to work has the opportunity to do so.

Act I of 2012 on the Labor Code (Adopted by Parliament on 13 December 2011)

Section 231

(1) In accordance with the conditions prescribed by law, employees and employers shall have the right to establish together with others, without any form of discrimination whatsoever, interest representation organizations for the promotion and protection of their economic and social interests, and, at their discretion, to join or not to join an organization of their choice, depending exclusively on the regulations of such organization.

(2) Interest representation organizations shall be entitled to establish associations or to join such, including international federations as well.

(3) Employees shall be entitled to set up trade unions at their place of employment.
Trade union shall be entitled to set up organs at the employers, and to involve their members in the operation of such.

• Education

THE FUNDAMENTAL LAW OF HUNGARY 25 April 2011; Article XI

- (1) Every Hungarian citizen shall have the right to education.
- (2) Hungary shall ensure this right by extending and generalising public education, by providing free and compulsory primary education, free and generally accessible secondary education, and higher education accessible to everyone according to his or her abilities, and by providing financial support as provided for by an Act to those receiving education.

• Criminal offences

Criminal offence	Penalty		Legal Source
	Imprisonment	Other	
Violation of the Freedom of Conscience and Religion	Up to 3 years		Section 174/A; Act IV of 1978; Criminal Code
Violence Against a Member of a National, Ethnic, Racial or Religious Group	Up to 5 years. From 2 years to 8 years in particular situations		Section 174/B; Act IV of 1978; Criminal Code
Incitement against a community	Up to 3 years		Section 269; Act IV of 1978; Criminal Code
Deterioration: graves, burial sites or objects placed in memory of the dead in cemeteries and other burial sites	From 1 to 10 years		Section 324 Deterioration; Act IV of 1978; Criminal Code
▸ if it causes smaller damage	Up to 1 year	Labour in the public interest, or fine	
▸ if it causes especially great damage	2 to 8 years		
▸ if it results in particularly substantial damage	5 to 10 years		
Commitment of a homicide	5 to 15 years		Article 166, Section 1 & 2c; Act IV of 1978; of the Criminal Code
Homicide committed for a base, reason or purpose	10 to 20 years, or life imprisonment		

• How to get a legal protection?

In a case of discrimination, depending partly on the field where discrimination has occurred, victims can turn to:

- the civil court;
- the labour court (if discrimination occurs in connection with employment);
- the Equal Treatment Authority (since 1 February 2005);
- the administrative bodies authorized to sanction discrimination in their specific fields (e.g. the Consumer Protection Inspectorate in the field of access to goods and services or the Labour Inspectorate in the field of employment);
- to the local notary (in order to initiate a petty offence procedure in a number of fields, such as health care or employment).

Act IV of 1959 on the Civil Code of the Republic of Hungary; Section 84

- (1) A person whose inherent rights have been violated may have the following options under civil law, depending on the circumstances of the case:
- a) demand a court declaration of the occurrence of the infringement,
 - b) demand to have the infringement discontinued and the perpetrator restrained from further infringement;
 - c) demand that the perpetrator make restitution in a statement or by some other suitable means and, if necessary, that the perpetrator, at his own expense, make an appropriate public disclosure for restitution;
 - d) demand the termination of the injurious situation and the restoration of the previous state by and at the expense of the perpetrator and, furthermore, to have the effects of the infringement nullified or deprived of their injurious nature;
 - e) file charges for punitive damages in accordance with the liability regulations under civil law.
- (2) If the amount of punitive damages that can be imposed is insufficient to mitigate the gravity of the actionable conduct, the court shall also be entitled to penalize the perpetrator by ordering him to pay a fine to be used for public purposes.
- (3) The above provisions shall also apply if the infringement occurred through the publication of an illegal advertisement.

Decision of indictment

« In Hungary, the initial decision-makers on the legal classification of the offence are police officers. Once the police finish the investigation, they decide – based on the information, data and facts collected – whether the case is suitable for indictment. After [that], the prosecutor examining the case decides whether to bring charges or discontinue the case. The final decision on the indictment of the defendant is within the discretion of the prosecutor, but according to an analyst, he/she usually follows the police's determination of the nature of the criminal offence in question. » (Amnesty International)

• Access to counselling and/or legal assistance

The Equal Treatment Authority (ETA) conducts proceedings if the principle of equal treatment might have been violated either at the request of the injured party or upon its own motion (ex officio) in cases set forth by law in order to establish whether any discrimination occurred.

The Hungarian Civil Liberties Union (HCLU) is a non-profit human rights watchdog NGO established in 1994. It is a law reform and legal defence public interest NGO in Hungary. HCLU's aim is to promote the case of fundamental rights and principles laid down by the Constitution of the Republic of Hungary and by international conventions.

Also, The Hungarian Helsinki Committee (HHC) has been monitoring whether rights that are assured by domestic law can be effectively exercised, and whether Hungarian legislation guarantees the rights that it should under either international treaties or the general principles of human rights since its establishment in 1989. It offers legal assistance.

According to AI: « *The law in Hungary (**Act on Crime Victim Support and State Compensation**) provides for legal aid to individuals who are acknowledged as victims by the victims support service and who apply for such service within six months of the date of the crime. Legal aid is provided free of charge to those whose income falls below € 480.*

The aid involves legal advice and assistance to help the victim to get the remedy for the crime ». Although let's note that it is not easily accessible.

• Who to contact?

► IMAN organisations



Organization of Muslims in Hungary

<http://islam.com>

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• Introduction

Article 3 of the **1948 Constitution** recognises equal dignity and equality under the law without distinction on the grounds of religion among others. It also establishes (Article 8, section 1) that *'All religious beliefs are equally free before the law'*, and (Article 19) that *'[all] shall be entitled to profess their religious beliefs freely in any form, individually or in association with others, to promote them, and to celebrate their rites in public or in private, provided that they are not offensive to public morality.'*

The first enactment of advanced anti-discrimination rules took place with the **1998 Immigration Decree**. This law provides a set of remedies against racial, ethnic and religious discrimination.

Article 44 of **Legislative Decree 286/1998** contains a specific civil action against discrimination based on race, colour, descent, national or ethnic origin and religious belief in all instances where either a private entity or a public body has caused discrimination.

International Conventions

Italy is party to the major international treaties and conventions against discrimination, including the Convention on the Elimination of All Forms of Racial Discrimination, ILO Convention No. 111 on Discrimination, which have all been transposed into domestic law.

• Services

The 1998 Immigration Decree prohibits discrimination in the provision of social services, such as health care, housing and social security, on the basis of religion.

It also applies to discrimination on the basis of religion in the provision of goods and services.

A case decided in 2013, *Muhammadiyah v. Comune di Brescia*, 'Muhammadiyah', an Islamic association based in Brescia appealed against a Plan of Local Governance adopted by the Brescia Municipality, which it argued disregarded the needs of reli-

gious communities other than the Catholic community. The Regional Administrative Tribunal of Lombardia concluded that the Brescia Municipality has a duty to plan the city's public services taking into account the religious communities based in the area. The Tribunal ordered the amendment of its content.

• Education

The 1998 Immigration Decree applies to discrimination on the basis of religion in the provision of education. This applies to all schools that wish to issue State-recognised qualifications.

• Employment

Article 15 of the Workers' Act 1970 prohibits discriminatory acts against workers on the basis of religion. This rule applies to both sectors of public and private employment.

Italian law has not implemented a duty to provide reasonable accommodation in respect of religion and belief, so employers have no legal duty to take reasonable measures to ensure the effective enjoyment of the right to manifest or practice one's religion or belief.

As regards penalties, the law provides for damages, the invalidity of any discriminatory act as well as measures against unlawful dismissal (including compulsory reinstatement in the work place).

► Exceptions

Differences in treatment based on religion or belief and enacted within churches and other public or private organisations do not constitute discriminatory acts where, because of the nature of the particular occupational activity carried out by that organisation or the context in which they are carried out, **being a follower of a particular religion or belief is a genuine, legitimate and justified occupational requirement** (Legislative Decree 216/2003, art. 3 §5).

Law 108/1990 limits the remedies available in the case of unfair dismissal of an employee by an **employer of 'a non-entrepreneurial character that perform on a non-profit basis political, trade unionist, cultural instruction or religious or cult activities'**. A worker unfairly dismissed by an organisation covered by the 1990 act will be entitled only to damages and not to reinstatement by order of the judge as in ordinary cases.

• Criminal offences / Hate crimes

The **1993 Act** provides that there can be an increase in the penalties available under criminal law in response to a rise in racial violence, intolerance and xenophobia. Incitement to commit or the commission of “violent acts or provocation” for racial, ethnic, national or religious reasons is prohibited under **Act 122/1993** (the “1993 Act”) **section 3(1)(b)**.

► Incitement to violence

Associations, organisations, groups or movements, the purpose of which is incitement to racial discrimination or hatred are prohibited under **1993 Act section 3(2)**.

Participating in or giving assistance to, such an association or organisation is prohibited. The penalty is increased for those who promote or act as leaders of such an organisation or group.

Spreading ideas rooted in racial hatred or superiority is prohibited under **1993 Act section 3(1)(b)**.

► Victimisation

Article 4-*bis*, Decree 216/2003 protects from victimisation (*see introduction*).

• How to undertake a legal action?

Article 28 of Legislative Decree 150/2011 applies the general fast track procedure (provided by Article 702-bis of the Civil Procedure Code) to non-discrimination claims.

Under the fast track procedure, a victim of discrimination can apply, even in person (i.e. without assistance by a lawyer), to the judge in an ordinary civil court with jurisdiction over the place of his/her residence. The judge can issue a judgment ordering cessation of the discriminatory activity as well as damages (including for non-pecuniary losses, ordinarily excluded in civil cases). The judge can order an anti-discrimination plan to be drafted.

In the case of collective discrimination, the judge decides whether an anti-discrimination plan is needed after hearing the opinion of the association which introduced the complaint. The judgment can be appealed to the Court of Appeal (second instance) within thirty days; the decision on appeal can be challenged before the Supreme Court (third instance). Pre-trial mediation is now mandatory in anti-discrimi-

nation cases.

In especially urgent cases, the judge can issue an interim order, the violation of which is a criminal offence. The judge can order the production of a plan for the rectification of discrimination.

Time limits are the same as applicable to ordinary liability in tort, that is, five years (**Article 2947 of the Civil Code**).

► Standing

In cases concerning religion and belief and other grounds of discrimination, **Article 5 of Legislative Decree 216/2003** entitles Trade unions, associations and legal persons to act in support or on behalf of victims of discrimination, with no special register.

The Decrees allow associations to engage in civil and administrative proceedings. Standing to litigate in criminal cases is possible in order to claim for pecuniary redress: representatives are allowed to stand if they are a victim or in support of crime victims.

The entities that have standing to litigate must have a power of attorney provided by the victim in written form (under seal). Associations having standing to litigate can bring a case to court in the event of collective discrimination where victims cannot be identified in a direct and immediate way.

In employment cases, trade unions have legal standing on behalf or in support of victims of discrimination (**Article 43, paragraph 10, Legislative Decree 1998/286; Article 18, Legislative Decree 1970/300**).

► Burden of proof

Article 28 of Legislative Decree 150/2011 provides that once the claimant produces evidence that can precisely and consistently establish a presumption of the existence of discriminatory acts, agreements or behavior, the person accused of discrimination will have to prove with objective elements that their decision was justified.

• Who to contact?

► Official Organisations

UNAR provides assistance in litigation to victims of discrimination – it offers legal

advice and can contact the alleged discriminator to see whether the discrimination can be stopped without further action. However, UNAR has no standing to litigate on behalf of victims of discrimination, and can only provide external assistance before and during litigation.

It can be contacted through three contact centres with a toll-free number and operators speaking several languages (Italian, English, French, Arabic, etc.).

UNAR also organises dissemination and training activities for lawyers and NGOs. Legal information (as well as a handbook for practitioners) is available on its website.

OSCAD receives reports of discriminatory acts relating to the activity of the police and other bodies charged with ensuring public security from institutions, professional or trade associations and private individuals, in order to monitor discrimination, and prepares modules to train police officers in conducting anti-discrimination activity and participates in training programmes with public and private institutions; and it puts forward appropriate measures to prevent and fight discrimination.

NGOs

Co-operation for the Development of Emerging Countries is an NGO that provides anti-racism training.

► IMAN partners



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GMI Giovani Musulmani d'Italia

<http://www.giovanimusulmani.it/GMI/>

Viale Monza, 50 - Milano 20127

Location: Amsterdam
Date: 23 February 2014
Trainer signature:




IMAN PARTNERS TRAINING
ATTENDEES SHEET

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