



EUROPEAN NETWORK AGAINST RACISM

The voice of the anti-racist movement in Europe

## Protection of civil society organisations and human rights defenders working against structural racism in the EU

### *The case of the Collective against islamophobia in France*

*Policy briefing - November 2020*

#### 1. The situation in the European Union: threats to civil society and the Rule of Law

In the European Union, civil society organisations defending human rights face increasing [challenges](#), as the Fundamental Rights Agency reported. Those fighting against structural racism and discrimination are experiencing significant [attacks and threats](#), linked to the actions of violent far-right extremists; mainstreaming of **far-right narratives** and agenda; **mainstream political and media discourses that promote racism and discrimination; as well as institutional discrimination**. In parallel, this same context contributes to increased demands on the limited resources of organisations to defend the human rights of racialised groups facing racism and discrimination. Additionally, unlawful measures by governments seriously threaten freedom of expression and association with disproportionate impact on racialised communities, including refugees. The Covid-19 crisis has exacerbated these [trends](#) and the large anti-racism protests across the continent, including the Black Lives Matter movement, have shed light on the difficult situation that racialised groups are living.

The European Commission's newly published [EU anti-racism action plan](#) acknowledges structural and institutional racism and highlights the crucial role of civil society organisations in raising awareness and addressing racism in Europe.

The first-ever [European Commission rule of law report](#) confirms the essential role of civil society to notify breaches of the rule of law and considers that “attempts to suppress civil society actors should always be considered a warning sign with regards to the rule of law”. The European Parliament calls for the creation of a [permanent mechanism to protect democracy, fundamental rights and the rule of law](#), underlining “the need to provide human rights defenders and reporting actors with protection at both national and Union level”. **In light of this, there is no doubt that the EU has the responsibility to act and protect freedom of association and civic space.**

#### 2. Structural racism and Islamophobia in France

There have been [decades-long islamophobic attacks and discrimination](#) in French society and institutions. According to the **latest study** by the National Consultative Commission on Human Rights (CNCDH), racially motivated crimes increased by 11% during 2019 with 54% increase in Islamophobic acts compared to the previous year. **The Collective against islamophobia in France (CCIF) reported rising anti-Muslim sentiment** in France and found that in 2019, there were nearly 800 anti-Muslim acts, a 77% increase in two years. The focus on a certain form of exclusive ‘laïcité’, or secularism, is leading to socio-economic exclusion of many Muslims, and in particular Muslim women wearing headscarves.

There is increasing evidence that **institutions are one of the main perpetrators of racial discrimination against Muslims in France, especially since the state of emergency in 2015-2017**. According to [Amnesty International](#), “French authorities disproportionately targeted Muslims with heavy security measures without due process leading to long-term consequences for the targeted individuals and their family members including fear, stress and other health-related issues”. The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism also [shared her concern](#) that French Arab and/or Muslim communities “are being constructed as a per se ‘suspect group’ through the sustained application of counter-terrorism law”.

The recent developments have fueled **anti-Muslim rhetoric, including by political and government leaders, and have led to attacks** against Muslim individuals, associations that work to protect Muslims and their rights, [mosques](#), etc. After the condemned murder of the teacher Samuel Paty, some Muslim individuals and organisations have been [designated by government officials](#) as “enemies of the State”. The government resorted to [new measures](#) against them under the guise of fighting terrorism, including the dissolution of associations without due process. This is despite government officials acknowledging that these organisations are “not linked with the investigation but to whom [they] are clearly willing to send a message”. Intelligence services have also mentioned they will undertake [mass surveillance](#) of a large part of the French Muslim population. Amnesty International has recently [raised concerns](#) that these new counter-terrorism measures “violate the principles of non-discrimination, non-refoulement, and the right to freedom of association”.

The announcement of a [bill by the end of 2020 “against separatism”](#) also raises concerns over the labelling of imams; possibilities for local authorities to dissolve Islamic organisations without any legal proceeding; forbidding any non-religious activities for religious organisations; and coercive controls on civil society organisations who work on Islamophobia and extending headscarf bans.

**The treatment of racialised people in Europe, including Muslims and those who defend their rights, is a litmus test for French and European democracies.** Fundamental rights and freedoms must extend to all people, including those who criticise their government and engage in public debate peacefully.

### 3. The case of the Collective against Islamophobia in France raising serious human rights concerns

**The Collective against islamophobia in France** (CCIF) is a leading human rights organisation, specialised in supporting victims of Islamophobia/anti-Muslim racism and raising awareness about the phenomenon. Created in 2003, they are recognised nationally and have 10500 members and 15 regional offices. They have supported around 4000 victims in the last five years and established strong institutional partnerships both nationally (French equality body Défenseur des Droits) and internationally (UN, Council of Europe, European Commission, European Parliament). The CCIF has also been active in building cross-group alliances through [its membership to ENAR](#) and to the [French anti-racist platform](#) together with Black, Roma and Jewish organisations. **Civil society organisations like CCIF are essential in a democratic society, especially as they defend a highly discriminated group using and promoting peaceful and legal methods.**

The French Interior Minister announced the intention to dissolve the organisation [in the second week of November](#). In October 2020, CCIF was labelled as “the enemy of the Republic”. The Minister acknowledged that

CCIF was not involved in the harassment campaign that led to the murder of Samuel Paty but emphasized that they were fighting against “[state islamophobia](#)”. The French government will probably propose the [dissolution on grounds](#) connected to inciting and supporting terrorism. **CCIF members received more than 12 thousand insults and death threats on social networks** within a week, following the announcement from the government. Individuals and organisations supporting them are also being harassed, particularly on social networks, leading other partners to fear retaliation.

**French law does not provide for proper due process before the dissolution of associations**, which is in violation of human rights standards and can be extremely damaging to civil society and human rights defenders. As [ECNL points out](#), the dissolution of an association in Europe is an exceptional restriction of the freedom of association that must always be a measure of last resort, based on strong legal grounds and compliant with human rights standards. In addition, it must be proven necessary and not target dissent or punish individual actions. If the French government wants to fight terrorism, **it cannot conflate it with the policing and criminalisation of Muslims and those who defend their fundamental rights**. The French government has an obligation to protect freedom of expression and association in its territory and must refrain from unlawful measures that effectively deny these rights to a segment of society in the name of protecting these very rights.

#### 4. Key demands for action addressed to European Institutions

##### To Members of the European Parliament

- Publicly express solidarity with CCIF and ask the French government to halt its dissolution plans
- Inform policy-makers and civil society organisations of these developments to encourage statements of solidarity, also inform other anti-racist NGOs that may be impacted
- Submit a written question to the European Commission to examine the shrinking space for civil society organisations like CCIF and the increase of Islamophobia in Europe
- Hold a public/committee session on Islamophobia and the recent developments in France
- Support the development and implementation of a new framework for the protection of Human Rights Defenders within the European Union.

##### To the European Commission

- Publicly support the role of civil society and stands alongside CCIF
- Monitor and assess the situation in France, including whether there are breaches of EU law and fundamental rights, and raise it to French authorities
- Provide adequate resources and focus on the restrictions to civil society organisation in the next Annual Rule of Law Report
- Ensure the EU Action Plan against Racism is implemented with a robust framework to address Islamophobia and effectively protect the work of anti-racist civil society organisations
- Work with civil society organisations to design a ‘Rapid Response System’ that can detect and act on the first signs of attacks against civil society
- Develop and implement guidelines and programmes for the protection of Human Rights Defenders advocating for the rights of racialised minorities in the EU and ensure that their rights to freedom of expression and association are protected when they criticise public authorities and engage in public debate.