



## Forgotten women: the impact of Islamophobia on Muslim women in Belgium

### Key findings

There are no accurate statistical data on the number of Muslim women in Belgium as there is no comprehensive equality data collection disaggregated by ethnicity or religion. However, it is estimated that Muslim people represent between 250.000 and 400.000 people. Other estimates count up to 630.000 Muslims, and they also include converted persons. Based on origin, which is often used as a proxy for religion, most Muslims in Belgium come from Morocco and Turkey, with at least 55% of them having Belgian citizenship. Out of the 5.703.950 women living in Belgium, it is estimated that 450.000 of them are of foreign origin. The lack of data disaggregated along ethnic/religious lines and the use of different proxies, definitions and categories were an obstacle during the research. Moreover, cases of discrimination and hate crime remain highly under-reported.

### Situation and discrimination in employment: additional obstacles when a woman and a Muslim

#### Women

According to the Institute for the Equality of Women and Men, the **gap between full-time and part-time salaries increases** (with part-time salaries being proportionally less paid than full-time ones). This indirectly affects mostly women since they are more often hired on a part-time basis: in 2012, 46.2% of working women versus 10.1% of working men were in part-time employment. Concerning full-time employment, a wage gap between women and men is still present, with women earning 9% less than men on average.

#### Ethnic minorities

The 2015 report of the Institute shows that workers from Maghreb countries, followed by those coming from other African countries, have **lower wages**. We can suppose that the Muslim population is included mostly, even if not exclusively, in these groups.

When it comes to **employment rates**, women with a non-EU country citizenship are half as likely as Belgian women and non-EU male citizens to have a job. In particular, Turkish nationals have the highest unemployment rate for women (35.8%), followed by Moroccans (25.3%), both well above the unemployment rate for Belgian women (9.9%). We can therefore conclude that the gender gap is amplified by an ethnic gap.

**The Belgian labour market is based on ethno-stratification**, meaning that ethnic origin plays an important role in determining a person's employment prospects. According to researchers Martens and Denolf, those of Maghreb origin are in the worst position in terms of employment opportunities. For example, a recent study conducted by the University of Ghent shows that, although two candidates had identical job profiles, the one with a Turkish-sounding name had 50% less chance of getting a positive response than the candidate with a Flemish-sounding name.

### **Muslim women**

According to national equality body UNIA's data, **50% of discrimination complaints by women** on the ground of religion (Islam) in 2014 concerned employment. Muslim Rights Belgium counted 696 cases of Islamophobia in 2014, of which 26% related to jobs. Moreover, UNIA estimates that 20% of the discrimination files opened on the ground of religious discrimination concerned the wearing of the headscarf or religious practice, knowing that 9 files out of 10 opened on the ground of religion and belief were related to Muslims.

Muslim women face multiple discrimination when it comes to employment access and opportunities. As women, they are being relegated to certain gendered sectors of the labour market. However, this relegation is doubled by the fact that within these professions, Muslim women are forced to make constraining choices, especially those wearing a headscarf.

Moreover, the institutional framework is in many cases seen as responsible for structural discrimination. For example, the prohibition of religious signs in the public sector has led to **an appropriation of the concept of neutrality in private companies' rules**. According to Belgian equality body UNIA, 44% of employers agree that wearing a headscarf can negatively influence the selection of candidates. During **hiring interviews**, Muslim women are often subjected to a so-called assessment of their "level of islamisation", which is based on stereotypical representations of Muslim women.

### **Violence against women, hate crime and hate speech: Muslim women at the intersection of violence**

Concerning **violence against women**, the Belgian police report an average of 8 rapes every day, with 87% of the victims being women. Other forms of violence that mostly affect women are violent harassment (86% were women) and non-violent harassment (82%).

Even though complaints regarding incitement to hatred on internet have slightly decreased, UNIA states that they have been replaced by **physical attacks and assaults**, which have increased. In 2014, it recorded 55 cases of hate crimes, which contained elements inciting discrimination, hatred or violence and therefore breaching hate crime law. These cases included physical assaults against women wearing a headscarf in Brussels, Liege and Verviers. In 2014, 43% of complaints received by UNIA related to discrimination and expressions of hatred against Muslims concerned hate speech in the media.

The lack of disaggregated data makes it difficult to describe the gender dimension of racist violence, hate crime and hate speech. However, the CCIB has made some first steps towards disaggregated data based on UNIA's reports and concluded that **63.6% of the identified Islamophobic hate crimes and offences between January 2012 and September 2015 concerned women**. Muslim Rights Belgium reports that in 2014, 82% of victims of physical and verbal violence were women wearing the headscarf. Indeed, women wearing the headscarf are seen as the "visible" representatives of Islam and are

therefore the main targets of Islamophobic violence. Moreover, targeting women wearing the headscarf can be seen as a form of gender-based violence that is rooted in stereotypical and discriminatory representations of Muslim women and their perceived vulnerability.

According to interviews with Muslim women, some of these incidents include being spat at, being asked to give up their seat on a bus to more “deserving” passengers or being subjected to offending gestures. When it comes to **social media**, in particular Muslim women with a certain visibility are the targets of hate speech. According to complaints received, online hate speech towards Muslim women often centres on accusations of them exploiting the Belgian social security system and telling them to “go back to their country”, even if, in most cases, they were born and raised in Belgium.

## Legislation

Restrictions on the wearing of religious symbols and clothing in the public sector are based on the interpretation of the principle of neutrality, although the Belgian Constitution only states this principle in regard to education. The Anti-discrimination Federal Act foresees possible exceptions - based on religion and belief - to the principle of prohibition of differential treatment within the public or private employment sectors. These exceptions are not specified in the law, which provides for the possibility to adopt a royal decree listing situations where there can be restrictions to wearing religious symbols because of essential occupational requirements. However, this decree has never been adopted. In practice, judges are free to interpret the neutrality principle, which is not defined. Some private companies have imposed limitations on the right to wear religious symbols at work – and in particular the headscarf – in order to preserve the principle of neutrality.

## Court case

A woman wearing the headscarf undertook a legal procedure with the support of UNIA against Actiris (the employment agency for the Brussels-Capital Region) for unlawful dismissal based on the prohibition of showing religious signs in a neutral and public service. The judge stated that Actiris’ prohibition violated the prescriptions promoting diversity and fighting discrimination in the regional public office in Brussels and therefore constitutes as an act of indirect discrimination that is not justifiable by objectives concerning the principle of neutrality.

## Good practices

The “**Head-Up**” campaign has been launched in 2014 by a young woman to collect funds and to support women wearing headscarves who were discriminated to undertake a legal procedure. This campaign, supported by several associations, collected 70.000 Euros.

The **Collective against Islamophobia in Belgium** recently published a factsheet looking at the sexist dimension of Islamophobia and calling for the mainstreaming of the specific issues faced by Muslim women in gender equality policies.

**Several Muslim women’s associations** have been established after individual experiences of discrimination in the employment field. The general aim of these associations is to offer judicial support to women who wish to pursue a legal procedure, create as many legal precedents as possible and allow Muslim women to play an active role in society. For example, in Ghent, a network of feminist organisations successfully repealed a prohibition on the wearing of headscarves in municipality offices after collecting 10.000 signatures.

Other Muslim women's organisations, such as "Bruxelloises et voilées", focus on collecting testimonials and making their experiences visible. These organisations may serve as informal support networks in order to help Muslim women overcome negative experiences and empower them. For example, a Flemish association in Brussels has created a "barometer of discrimination" aimed at monitoring racism in employment and is proposing the use of "situation testing".

## Main recommendations

- There should be no unlawful restrictions to the right to freedom of expression, the right to manifest religion or belief and the wearing of religious clothes and signs through restrictive interpretations of the principle of neutrality.
- Strictly define the principle of objective and reasonable justification for genuine occupational requirements.
- Develop complementary actions and adequate legal instruments in collaboration with civil society organisations working on the field in order to properly address multiple discrimination
- Amend the anti-discrimination law in order to include gender identity among discrimination-proscribed criteria.
- Address under-reporting and underline the need for data disaggregated by gender, ethnicity and religion and for specific reports.
- Set up a systematic collaboration between UNIA and the Institute for the Equality of Women and Men in order to collect and extrapolate data aggregating gender with religious belief.
- Promote research on the multiple discrimination faced by Muslim women.

*This factsheet is based on the findings of research undertaken by Elsa Mescoli in Belgium in the frame of ENAR's project "Forgotten women: the impact of Islamophobia on Muslim women". The research was conducted between December 2014 and January 2016.*

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