



Forgotten women: the impact of Islamophobia on Muslim women in France

Key findings

There are no statistical data on the number of Muslim women in France as there is no comprehensive equality data collection disaggregated by ethnicity or religion. In France, religion is not a category measured in the census or population registers, in strict application of the principle of prohibition of ethnic data. The Data Protection Authority allows, according to the law, derogations and authorised some studies on discrimination or victimisation surveys and some use origin (immigration background) as a proxy for religion and ethnicity. 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.

France has the largest Muslim community in Europe, estimated at 8% of the total population, forming the second religious community in France. According to an INSEE/INED 2010 survey (Trajectories and Origins), the French Muslim population is mainly composed of first and second-generation migrants from North Africa, Sub-Saharan Africa and Turkey. 43% of the migrant population and 45% of the second-generation migrants identify themselves as Muslims.

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

In 2014, the French Ombudsman (Défenseur Des Droits) dealt with 4,535 reported discrimination cases. A large majority of these complaints related to discrimination in employment, either in the private (36.8%) or in the public sector (27.8%). Origin is the main motive for discrimination in employment (22.6% of total cases). Religion and gender are cited respectively in 3.4% and 4.4% of total cases, the majority of religious and gender discriminations occurring at work.

Women

The unemployment gap between men and women has narrowed considerably over the past few years, rates being almost equal in 2012 (respectively 10% and 9.7%). Nevertheless, the high proportion of women in part time jobs shows that precariousness affects women more than men. 30.2% of women work part-time whereas 93.1% of men work full time, when only 18% of the positions are part-time.

Regarding the gender pay gap, men are respectively paid 18% more in the public sector and 12% more in the private sector than women. It seems that the higher the position, both in private and public sectors, the wider the gap is.

Muslim women

The 2010 Trajectories and Origin survey shows that employment rates of immigrant women from Turkey, Algeria, Morocco, Tunisia and Sub-Saharan Africa (most of whom are Muslim) are inferior to those of immigrant women from Southern Europe or from the rest of the EU.

The religious motive is mentioned by 19% of the women victims of discrimination in the private employment sector and by 8% in the public sector. Discrimination takes place in a much higher proportion in access to employment than in the workplace.

According to Collective against Islamophobia in France's (CCIF), in 2013, 18.6% of the islamophobic acts registered by the organisation occurred in the employment field. 7.35% of the discrimination cases took place in the workplace and 11.25% of them were perpetrated by private companies (in access to employment mainly). In 2015, a large majority of victims of discrimination in employment are women, especially women wearing headscarves.

Most cases brought to courts related to discrimination against Muslim women in employment or in vocational training. The prohibition on the wearing of religious symbols in the public sector does not concern the private sector. However, extension of the neutrality principle to the private sector has been used as an argument by private employers for example.

Several case laws have considered that commercial imperatives, such as being in contact with customers, could constitute a legitimate and proportionate motive to restrict religious expression. In 2008 and 2009, the former Ombudsman (HALDE) reaffirmed that according to the non-proselyte nature of religious symbols as such, the simple fact of being in contact with customers cannot be a legitimate and proportionate justification to restrict religious freedom.

A 2015 survey based on CV testing by the Montaigne Institute revealed that a candidate with a Muslim sounding name had three times less chances of obtaining an interview than a candidate with a Christian sounding name, whatever their socio-economic and educational background-.

In a survey conducted by Tisserant in 2014, researchers tried to measure the impact of wearing Muslim religious symbols in access to employment by testing three comparable resumes of female applicants. They first tested the application of the French sounding name candidate against the Arabic sounding name applicant. Then, they tested the application of the French sounding name against the Arabic sounding name applicant, wearing the headscarf. Only the names and the pictures changed. The difference in positive responses can go up to 10 points between the French sounding name and the Arabic applicant, and is multiplied by 7 with 71 points difference when they added the headscarf parameter.

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

According to the INSEE survey, French women (aged from 18 to 75) experience verbal violence such as insults (13%) or threats (5%); physical violence (around 3% both inside and outside the domestic sphere); and sexual assaults in the domestic sphere (0.5%) and outside the domestic sphere (1.5%).

Young women (aged from 18 to 29) are more vulnerable, especially as far as sexual aggressions are concerned: they are three times more likely to be raped than the average. In 2006, only 12% of the female victims of physical violence and 8% of victims of sexual violence lodged a complaint with the police.

The French National Human Rights Institution (CNCDH) underlines several failures in police services where most hate crime cases are registered as incidents rather than as proper complaints, and are therefore not taken into account in statistics. As a result, only 16% of the victims who went to the police lodged a complaint. A gender analysis of the CCIF data on islamophobia reveals that in 2014, 81.5% of islamophobic acts (discrimination and hate crime) and speeches targeted women. Muslim women, and especially Muslim women wearing headscarf because of their great visibility, account for almost 100% of victims of physical aggressions. In 2013, the CCIF recorded 27 high-intensity violent acts, all of them targeting Muslim women.

Following the Paris attacks of 7-9 January 2015, the National Observatory against Islamophobia reported 128 islamophobic incidents between the 7 and 20 January, as much in two weeks as in the whole 2014 year (133 acts). The Observatory revealed that most verbal or physical aggressions concerned women wearing headscarves.

Media

In France, Muslim women became a media issue at the beginning of the 2000s with the “headscarf affair” in public schools, which led to the adoption of a law prohibiting religious symbols in primary and secondary public education. Media progressively constructed the collective imagery on Muslim women, and especially on Muslim veiled women, fuelled by stereotypes on Islam and the assumed position of women in the Islamic tradition. They are presented as submissive and oppressed women who depend on a male figure and the headscarf is the symbol of their oppression. Other media rely on right-wing arguments of security, nationalism and French identity to present Muslim veiled women as a threat to French society.

Legislation

Restrictions to religious freedom can be allowed under certain legal provisions, if they are motivated by a legitimate and proportionate motive. Religious manifestations (such as wearing a religious symbol) can be restricted if they are contrary to hygiene, security and health imperatives. Yet employers are encouraged to promote accommodation policies in their company in order to conciliate religious freedom and work organisation as much as possible. However, since many French employers or employees consider the workplace as secular (i.e. neutral), the injunction to neutrality and the refusal to accept the wearing of visible religious symbols are not necessarily perceived as discrimination or as a violation of religious freedom. The biased political interpretation of secularism as an attempt to impose exclusive neutrality in every social space has consequences both in the employment and legal fields.

Court case

In 2008, a social worker in a day-care centre (Baby Loup) was dismissed when she started wearing a headscarf. The victim referred to the Ombudsman which condemned the Baby Loup centre in 2010. When the case went to the Labour Court in 2010, the newly appointed Ombudsman's president openly supported the Baby Loup centre, arguing that the principle of secularism was not respected and contradicting the legal advice given by the same institution she was chairing. Both the Labour court and the Versailles Court of Appeal validated the dismissal. But the decision of the Court of Cassation recognised the abusive aspect of the dismissal, reaffirming that private sectors companies were not concerned with secularism and religious neutrality. This decision was followed by media and political frenzy and the case went back to courts twice. Both to the Paris Court of Appeal (2013) and the Court of Cassation (2014), which thus overturns its own decision, invalidated the latter decision and the victim definitively lost the case.

Political space

First rank political personalities such as former President Nicolas Sarkozy recently declared that "we [supposedly French people] don't want women with headscarf". Current Prime Minister Manuel Valls, when he was Ministry of Interior, declared that "the headscarf, which prevents women from being who they are, remains for me, and must remain for the Republic an essential fight". These two statements illustrate the level of violence and rejection that Muslim French women face. Consequently, no Muslim woman wearing the headscarf has political responsibility, either in a party or in local or national governments.

Good practices

The Collectif contre l'islamophobie en France (CCIF) is an NGO combating all forms of islamophobia with a specific gender focus. The CCIF provides victims of discrimination with legal advice and representation in court and guide the victims at every step of their case. They also act as legal referents and mediators between the victims and the perpetrators in order to solve some cases out-of-court. In their data collection methodology, they ensure the disaggregation of data by gender and pay specific attention and dedicate analysis and activities to the gendered form of Islamophobia.

The Collectif des Féministes Pour l'Égalité (CFPE, Collective of Feminists for Equality) forms an alternative to mainstream feminist associations as it promotes an inclusive feminism. The association mixes historical feminists who distanced themselves from historical mainstream feminists on the issue of the headscarf, and younger Muslim feminists. While the CFPE is well known at the European and International level, they are paradoxically set apart by French institutions and mainstream feminist and anti-racism associations. The CFPE organises conferences and meetings and is involved in trainings addressed to state and political representatives as well as education trade union members.

Main recommendations

- Include a gender-focus in the national action plan against racism in order to better address the multiple discrimination affecting women from ethnic and religious minorities and recognise Islamophobia as a specific form of racism.

- Establish a qualitative and quantitative balanced assessment of the 2010 legislation prohibiting the concealment of the face in public spaces, including an assessment of its abusive use against Muslim women.
- Stop any attempts to extend religious neutrality to the public space or any private spaces such as companies.
- Take concrete measures to ease the collection and monitoring of equality data (disaggregated by gender) based on perceptions and self-perceptions of the interviewees.
- Identify common concepts to encourage convergence between feminist and anti-racism organisations against common discrimination and violence.
- Initiate training sessions on anti-discriminations legislation for employers and trade unions.
- Boost the the Diversity Label to sustain involvement of companies and institutions in the programme, and include public authorities in this process.

This factsheet is based on the findings from a research undertaken by Marjorie Moya in France 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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