



European Network Against Racism
Réseau européen contre le racisme

FORGOTTEN WOMEN: The impact of Islamophobia on Muslim women in Belgium



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Executive summary

ENAR's project "Forgotten Women: the impact of Islamophobia on Muslim women" aims to document the disproportionate impact of Islamophobia on women and to strengthen alliances between the anti-racism and feminist movements in order to better address the intersectional discrimination affecting Muslim women or those perceived as such. It has taken place between 2015 and 2016 in 8 countries, chosen to get a representative picture of the situation of Muslim women in the European Union: Belgium, Denmark, France, Germany, Italy, Netherlands, Sweden and the United Kingdom.

This report was conceived with the aim of increasing the awareness of the situation of Muslim women in Belgium. It is estimated that Islam represents the second largest religion of the country, with between 250.000 and 400.000 people with a Muslim background. The Belgian State is based on the principle of neutrality which consists of the non-intervention in the nomination of religious officials and in the official recognition. For several years, Muslims in Belgium have fought against religious discrimination on the basis of recognition of their identity and more generally the acceptance of the Muslim identity as part of the Belgian population.

Muslim women constitute a diverse group but are indeed the target of multiple forms of discrimination. As mostly migrants, or with a foreign background, they face difficulties in finding their place in a society that in spite of its multiculturalism, still places obstacles in the path to the fulfilment of a desired professional and social status. Discrimination of Muslims in numerous domains, due to their religious or ethnic belonging. In particular, laws and policies that limit the wearing of religious and cultural symbols and clothing result in the exclusion from employment of those Muslim women who decide to visibly express their religious or cultural belonging.

Islamic dress, and for women in particular the headscarf, has long been seen as controversial and contradictory to the neutrality of the State. Neutrality should allow for freedom of worship and religious practice; nevertheless, this principle is often associated with *laïcité* which, conversely, limits this freedom in some circumstances¹.

Institutional mechanisms also do not offer gender disaggregated data and specific reports that reflect gender issues about most acts of discrimination and/or violence. The research therefore faced a double data challenge and surveys, studies and data available based on proxies such as nationality and migration background. The intersectional manifestations of Islamophobia are explored, in an attempt to untangle the different combinations of discrimination faced by Muslim women based primarily on their religion, gender and ethnicity. Generally, the headscarf, which is both a gender-specific and Muslim-specific visible marker, appears to be a trigger in experiences of discrimination and hate crime.

Discrimination in employment occurs both in access to vocational training and employment and in the workplace. All country reports highlight the additional obstacles Muslim women face. This multiple discrimination is a composition of gender, ethnic and religious factors. Although Muslim women suffer from the same inequalities as other women (access to employment, gender pay gap, sticky floor/glass-ceiling, domestic, verbal and physical violence, etc.) additional factors such as perceived religion or ethnicity deepen these gender gaps. For example, research shows that lower wages (both for men and women) are those with a nationality of Maghreb countries and followed by African countries (we can suppose that the Muslim population is included mostly, even if not exclusively, in these groups). There are disadvantages in employment for many minorities and this is

¹ For a distinction between a political *laïcité* (neutrality) and a philosophical *laïcité*, please refer to Jacquemain & Rosa-Rosso, 2008.

particularly true for Muslim women and more specifically for women wearing the headscarf. For example, a study showed that 44% of employers agree that wearing the headscarf can influence the selection of candidates for a job. Research further highlights that Human Resources managers and others in management positions affirm that certain religious signs, such as a headscarf, impact on the final decision within the hiring process. A positive practice identified was individual women and women's organisations running a mentor network that matches women with refugee and immigrant backgrounds with women who are active in society.

In order to understand the discourse on Muslim women and some practices associated with them in the political space, we can refer to the approved (by vote) federal law (Law 1 June 2011) that banned hiding one's face in public. Even if the law is formulated in neutral terms, the discourse and arguments used within the parliamentary debate preceding its adoption clearly showed that it addressed face cover that some Muslim women wear. In the media, this law became rapidly known as the law of prohibiting the *burqa*. It is reported that a small number of Muslim women wear a *niqāb* (probably around 200) however some of these women do not want to leave their homes for fear of being fined. Their freedom of movement, as a result, is much more constrained by this law which allegedly aimed (besides security reasons) to free women from subjugation. Moreover, this ban also worried Muslim women not wearing a *niqāb* but other forms of headscarves, who feared further prohibitions.

The report shows that some media often do not consider Muslim women as active agents and depict a stereotypical binary representation of Muslim women either as oppressed or as dangerous. Images of Muslim women and Muslim women wearing religious garments in particular, are often used to illustrate news items focused on the danger of an 'Islamic invasion', which contributes to considering Muslim women as a threat to European societies. The idea of a radicalisation of Islam legitimizes police actions that regularly and arbitrarily enter the domestic space of families and the media depicts, through cartoons for example, the criminalisation of Muslim families and Muslim women as "mothers of terrorists".

There are reports of other examples of discrimination targeting Muslim women on social media, in particular if they have a certain visibility such as at a political level. Messages on Twitter can be extremely violent, and insulting on the basis of an aversion toward the wearing of the headscarf but not only that. Racist statements accuse some Muslim women of exploiting the Belgian social security system and they also violently invite them to "go back to their country of origin". The fact that they are, in most cases, born in Belgium and Belgian citizens does not erase the stigma linked to their presumed and attributed ethnic and religious belonging.

Glossary

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| Islamophobia | is a specific form of racism that refers to acts of violence and discrimination, as well as racist speech, fuelled by historical abuses and negative stereotyping and leading to exclusion and dehumanisation of Muslims, and all those perceived as such. It is a form of racism in the sense that it is the result of the social construction of a group as a race and to which specificities and stereotypes are attributed, in this case real or perceived religious belonging being used as a proxy for race. Consequently, even those who choose not to practice Islam - but who are perceived as Muslim because of their ethnicity, migration background or the wearing of other religious symbols - are subjected to discrimination. ² Furthermore, it is explicitly acknowledged that referring to Islamophobia is different from censorship and that critical discussions on religion and religious practices should still be possible. ³ |
| Intersectionality | is the study of overlapping or intersecting social identities and related systems of oppression, domination, or discrimination. It examines how various categories such as gender, race, ethnicity, class, disability, sexual orientation, religion, age interact on multiple and often simultaneous levels, proposing that each element or trait of a person is inextricably linked to all of the other elements. ⁴ Researcher Kimberlé Crenshaw first defined the term in a 1989 article related to the experiences of Black women: "Discrimination, like traffic through an intersection, may flow into one direction and it may flow into another. If an accident happens at an intersection, it can be caused by cars travelling from any number of directions, and, sometimes, from all of them. Similarly, if a black woman is harmed because she is in the intersection, her injury could result from sex discrimination or race discrimination". ⁵ Intersectional discrimination refers to situations where several grounds operate and interact with each other at the same time in such a way that they are inseparable. |
| Headscarf | is a general term that indicates those types of veils that Muslim women wear that cover the hair and head but leave the face uncovered. The most common Arabic term used to describe such style today is 'hijab'. This is also the most common type of veil worn by Muslim women in Europe. |
| Niqab | is a type of face veil that covers the whole face leaving the area around the eyes clear. Muslim women in Europe who cover their face usually wear the niqab. |
| Veil | is a piece of clothing intended to cover some part of the head or face. There are various types of veils that differently cover hair, ears, neck, and face. |
| Burqa | is a type of female garment covering the full body, often leaving just a mesh screen for eyes. It is very rarely worn by Muslim women in Europe but often |

² European Network Against Racism. 2015. *Briefing on Anti-Semitism and Islamophobia in Europe*.

³ European Network Against Racism. 2016. *Forgotten Women - National Report for the Netherlands*.

⁴ De Francisco, Victoria P., Palczewski, Catherine H. 2014. *Gender in Communication*. Thousand Oaks, California: Sage: 9.

⁵ Crenshaw, K. 1989. *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*.

incorrectly used in public debates to refer to the niqab.

Feminism includes a range of diverse theoretical conceptions and social movements advocating women's rights in terms of emancipation, liberation and equality.⁶ Its general goal is to establish and achieve equal political, economic, personal and social rights for women, and equality of outcomes in all areas of social, political and personal life.⁷

Discrimination European law makes the distinction between two types of discrimination: direct and indirect. Direct discrimination occurs where one person is treated less favourably than another, in a comparable situation, on ground of protected characteristics. Indirect discrimination applies when people belonging to the same groups suffer from different consequences as the result of apparently neutral provisions, criteria or practices.

Multiple discrimination is a type of discrimination where two or more grounds of discrimination such as gender, religion, ethnicity, class, nationality, etc. might be the basis of discrimination. Generally the term 'multiple discrimination' is seen as umbrella term for several different and occasionally overlapping concepts like 'compound/aggravated' discrimination (discrimination on the basis of two or more grounds at the same time where one ground adds to discrimination on another ground).

Structural/institutional discrimination occurs when rules, norms, routines, patterns or attitudes and behaviour in institutions such as schools, work places, public authorities and other societal structures represent obstacles to certain people in achieving the same rights and opportunities that are available to the majority of the population. Institutional discrimination can also occur from institutions' inability to counteract structural inequality, for example when cases of unequal conditions are treated as equal. In the first case, a difference is assumed, but in the second, unequal conditions are overlooked.

Secularism (*laïcité*) and neutrality According to Amnesty International, "Secularism can be defined differently according to the specific historical and political context where it is used. It could, for example, refer to the specific form of organisation of the relations between the state and religious authorities implying the separation between the two. The term neutrality likewise can have different meanings depending on the specific historical and political context where it is used. It could refer, for example, to the state adopting an impartial stance towards all political, religious and philosophical beliefs. In some countries the term could refer to the duty of civil servants and public officials to be impartial towards users of public services. In France, for instance, the neutrality of public servants directly stemming from secularism implies a prohibition on them wearing any form of religious and cultural symbols and dress."⁸

⁶ Hawkesworth, M.E. 2006. *Globalization and Feminist Activism*. Rowman & Littlefield: 25–27; and Beasley, Chris. 1999. *What is Feminism?* New York: Sage: 3–11.

⁷ Hooks, Bell. 2000. *Feminism Is for Everybody: Passionate politics*. Cambridge, Mass.: South End Press.

⁸ Amnesty International. 2012. *Choice and Prejudice: Discrimination against Muslims in Europe*.

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| The bias indicator | is defined as a negative opinion or assumption, intolerance or hatred against a group sharing common characteristics, or protected characteristics, which can be race or ethnic origin, sexual orientation, gender, age, disability, religion or belief. ⁹ |
| Hate crimes | are criminal acts committed with a bias motive. It is this motive that makes hate crimes different from other crimes. The term ‘hate crime’ describes a type of crime, rather than a specific offence within a penal code. ¹⁰ |
| Hate speech | is defined as a public expression of hate towards a person or a community because of its race or ethnic origin, sexual orientation, gender, age, disability, religion or belief. There is no common legal definition of it within EU Member States and the prohibited content differs among countries. Some jurisdictions penalise incitement to hate or insult. Others recognise hate speech when it denigrates a person’s dignity or honour. In some jurisdictions, the concept of hate speech is linked to the historical background of the country. ¹¹ |
| Violence against women | is a violation of human rights and a form of discrimination against women and refers to all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. ¹² |
| Racism | is an ideological construct that assigns a certain race and/or ethnic group to a position of power over others on the basis of physical and cultural attributes, as well as economic wealth, involving hierarchical relations where the “superior race exercises domination and control over others”. ¹³ |
| Sexism | is prejudice or discrimination based on a person's sex or gender. Sexism particularly affects women and girls. It is linked to stereotypes and gender roles, and includes the belief that one sex or gender is intrinsically superior to another. Extreme sexism may foster sexual harassment, rape and other forms of sexual violence. ¹⁴ |

⁹ ENAR. 2014. *Racist Crime in Europe: Shadow Report 2013-14*.

¹⁰ Ibid.

¹¹ Ibid.

¹² Article 3 of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

¹³ UN definition of racism – See: <http://www.unesco.org/most/migration/imrdx.pdf>.

¹⁴ See <https://en.wikipedia.org/wiki/Sexism>.

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1. Introduction

ENAR's project "Forgotten Women: the impact of Islamophobia on Muslim women" aims to document the disproportionate impact of Islamophobia on women and to strengthen alliances between the anti-racism and feminist movements in order to better address the intersectional discrimination affecting Muslim women or those perceived as such. Through a unique and innovative joint effort between the anti-racist (ENAR) and feminist movements, this project is a key step in a broader advocacy strategy that aims to encourage the Member States of the European Union to adopt specific national strategies to combat Islamophobia and to demonstrate the need to improve and strengthen the implementation of EU equality laws.

It has taken place between 2015 and 2016 in eight countries, chosen to get a representative picture of the situation of Muslim women in the European Union: Belgium, Denmark, France, Germany, Italy, Netherlands, Sweden and the United Kingdom. The aims of the project are:

- documenting the disproportionate impact of Islamophobia on Muslim women;
- providing analysis to improve the implementation of equality law in cases of discrimination against Muslim women and women perceived as such;
- countering stereotypes about Muslim women and promoting more positive messages;
- fostering partnerships and strengthening alliances between the anti-racist and feminist movements in order to better address the intersectional discrimination affecting Muslim women (gender, race, class, nationality, migration status and religion)
- disseminating the findings of the research in advocacy settings (European and national) communication activities and lawyers' workshops.

This report focuses on the Belgium and is structured as follows. The chapter "Snapshot of Inequality" discusses several socio-economic indicators and figures on discrimination to introduce the position of women and Muslims in the Belgium. Subsequently, the chapter "Temperature Test" offers a brief description of the way in which public and political thinking about Muslim women in the Belgium has developed over the past years. In the next two chapters the position and experiences of Muslim women in the context of employment and racist speech and violence is examined. The report concludes with several recommendations directed to the national government, Muslim organisations, women's organisations, trade unions and future researchers.

1.1. Methodology

The Forgotten Women project focuses on the position of Muslim women in the employment context and their experiences with racist speech and violence. Therefore, the main questions that guide this report are the following:

1. What is the labour market position of Muslim women?
2. How does labour market discrimination affect Muslim women?
3. To what extent are Muslim women protected against labour market discrimination under (inter)national legal provisions and through existing policies?
4. What are the recent developments in racist speech and violence against Muslims and how do these affect Muslim women?

5. To what extent are Muslim women protected against racist speech and violence under (inter)national legal provisions and through existing policies?

This report was conceived with the aim of increasing the awareness of the situation of Muslim women in Belgium. It is the result of a short-term research based on literature analysis and on 20 semi-structured interviews plus a national focus group including around 20 participants. The interviews were conducted from mid-October to mid-December 2015 and they involved Muslim women, activists from a range of feminist groups; associations fighting against Islamophobia and racism more generally or promoting women rights, and finally with members of the staff (including the its director) of the federal institution that deals with discrimination, the Belgian equality body. Concerning the federal Institution in charge of gender issues (the Institute for the Equality of Women and Men), only an exchange of internal documents and reports has been possible, due to time constraints.

Scope of research

ENAR's project highlights the intersection of discrimination on the bases of religion and gender. However, the author acknowledges that 'Muslim women' is a heterogeneous group. Muslim women may occupy different social positions pertaining to class, gender identity, sexuality, disability, age, 'race', ethnicity, and/or citizenship or (undocumented) immigration status. Therefore where possible the intersection between religion, gender and other axes of subjectivity is highlighted and discussed, whilst working within ENAR's research framework focusing on gender and religion.

Furthermore, this research cannot present a complete overview of Islamophobia and its gendered dynamics in the Belgium context. However, it is an attempt to highlight and think through some of the issues connected to the unique position of Muslim women and their experiences with Islamophobia in Belgium. It is hoped that this report will motivate research institutions, scholars and watchdogs to conduct further in-depth research, and that the current findings support grassroots and civil society organisations in their struggle against Islamophobia.

2. Snapshot of inequalities

With around 890.000 people of foreign origin,¹⁵ out of a total population of around 11.200.000 inhabitants¹⁶ and with more than 90 nationalities represented,¹⁷ Belgium is definitely considered a multicultural country. Concerning the religious belonging of the population, it is estimated that 75% are Catholic. Islam represents the second largest religion of the country, with between 250.000 and 400.000 people with a Muslim background.¹⁸

The Belgian State is based on the principle of neutrality which consists of the non-intervention in the nomination of religious officials and in the official recognition (and equal treatment concerning funding and rights linked to education) of six religions: Catholicism, Protestantism, Judaism, Anglicanism, Islam and Orthodox liturgy. *Laïcité* is also recognised by the Belgian State as a philosophical movement (different from the political principle). The State financially supports places of worship of recognised religions. Islam has been included in this process since 1974 (see Husson, 2000). The official institution representing Muslims in Belgium (Exécutif des Musulmans de Belgique) is the body in charge of negotiating with Belgian institutions on behalf of Muslims since the end of the 1990s.¹⁹

For several years, Muslims in Belgium have fought against religious discrimination on the basis of recognition of their identity and more generally the acceptance of the Muslim identity as part of the Belgian population (Torrekens, 2005: 57). Islamic dress, and for women in particular the headscarf, has long been seen as controversial and contradictory to the neutrality of the State. Neutrality should allow for freedom of worship and religious practice; nevertheless, this principle is often associated with *laïcité* which, conversely, limits this freedom in some circumstances²⁰. Moreover, the predominant role of the State as an entity results in the negligence of individual rights of civil servants.²¹ Inclusive neutrality thus becomes exclusive in practice since it remains disconnected from diversified local realities and the interpretation of law seems, consequently, aimed more at excluding than including diversity. As a result, there has been an institutional refusal of all religious

¹⁵Estimation from 2011 (DEMO, 2013).

¹⁶1 January 2015, Service public fédéralintérieur,

http://www.ibz.rrn.fgov.be/fileadmin/user_upload/fr/pop/statistiques/population-bevolking-20150101.pdf and <http://bestat.economie.fgov.be/BeStat/BeStatMultidimensionalAnalysis?loadDefaultId=2909>.

¹⁷http://statbel.fgov.be/fr/modules/publications/statistiques/population/downloads/population_totale_etrangere_et_belge.jsp, accessed 2 December 2015.

¹⁸Torrekens, 2005: 56. This means that they have foreign origins located in a country with a prevalent Muslim background. Other estimations count up to 630.000 Muslim people, and they also include converted persons.

¹⁹For a detailed chronology, see: <http://www.embnet.be/ORCMB/HistoriquedelEMB/tabid/357/Default.aspx>.

²⁰For a distinction between a political *laïcité* (neutrality) and a philosophical *laïcité*, please refer to Jacquemain & Rosa-Rosso, 2008.

²¹To measure the impact of this situation on women, we also have to consider that 42% of jobs are in the public sector (Interview with anti-racist movement, 9 November 2015).

signs, amongst which the headscarf receives the most attention. Discourse and practice, as we will see in this report, are the main channels for Muslims to experience exclusion.²² This discourse and practice can infringe on human rights: “freedom [of religion] is the principle, we should not have to justify ourselves when we exert it, those who constraint it in the name of neutrality should do it”.²³

Muslim women are indeed the target of multiple forms of discrimination. As mostly migrants, or with a foreign background, they face difficulties in finding their place in a society that in spite of its multiculturalism, still places obstacles in the path to the fulfilment of a desired professional and social status. This is particularly true for Muslim people, who “continue to face many disadvantages, including discrimination in key areas of life” (ECRI, 2014: 10). As the European Women Lobby puts it, “Women are not a homogenous group and have multiple identities.[...] living in systems where racism, sexism and classism are still prevalent, women with multiple identities are rendered more vulnerable to discrimination, violence and violation of their rights” (EWL, 2015: 5).

2.1. Gender

The female population in Belgium at the beginning of the year was 5.703.950, with around 450.000 women of foreign origin²⁴. General statistics concerning gender are published by the Institute for the Equality of women and men. The Institute is responsible for preparing and applying government decisions and it works under the authority of the Ministry in charge of gender equality (ECRI 2014: 43-44). The following table shows distribution of gender by age in 2010:

| | Nombre | | | Proportion | |
|--------------|------------------|------------------|-------------------|---------------|---------------|
| | Femmes | Hommes | Total | Femmes | Hommes |
| 0-17 ans | 1.082.489 | 1.131.667 | 2.214.156 | 48,89% | 51,11% |
| 18-64 ans | 3.369.251 | 3.396.339 | 6.765.590 | 49,80% | 50,20% |
| 65 ans et + | 1.075.944 | 784.215 | 1.860.159 | 57,84% | 42,16% |
| Total | 5.527.684 | 5.312.221 | 10.839.905 | 50,99% | 49,01% |

Source : DGSIE, Direction thématique « Société ».

Figure 1_Distribution of Belgian women and men by age²⁵

In order to provide a brief overview of the socio-economic situation of women in Belgium, we can refer to employment statistics. Each year, the Institute publishes a report concerning the wage gap between women and men on the basis of certain indicators. In 2009, for the first time, nationality (or country of origin) was used as one of the indicators. Overall the Institute shows a rise in women’s wages, while the gap between full-time and part-time salaries for both women and men increases (part-time salaries are proportionately paid less than full-time ones). This indirectly affects mostly

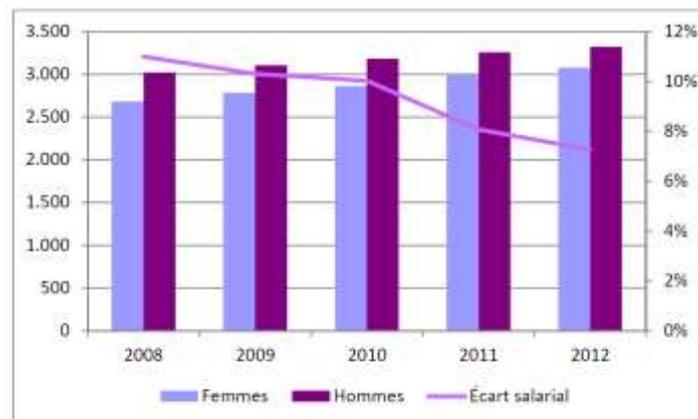
²² Interview with anti-racist movement, 9 November 2015.

²³ Interview with anti-racist movement, 9 November 2015.

²⁴ This corresponds to approximately 50% of the estimated number of people of foreign origin mentioned above.

²⁵ Institute 2011: 12.

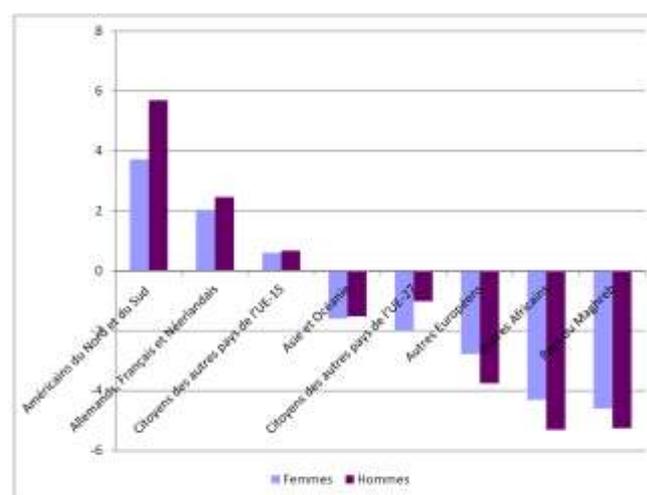
women who are more often engaged part-time work: 46.2% of working women versus 10.1% of working men were part-time employed in 2012 (Institute, 2015: 5). The wage gap between women and men in full-time employment is still present. In all sectors women still earn on average 9% less than men per hour and 22% less per year in the same position (Institute, 2015: 5), as shown in the following table related to the average gross monthly earnings of full-time employees (in Euro):



Source : DGS, Enquête sur la Structure et la Répartition des Salaires

Figure 2_Average gross monthly earnings of full-time employees²⁶

When it comes to analysis of wage gap based on nationality, the 2015 report of the Institute (p. 41) shows that lower wages (both for men and women) are those with a nationality of Maghreb countries and followed by African countries (we can suppose that the Muslim population is included mostly, even if not exclusively, in these groups). Within these groups, women earn on average less than men (Institute, 2015: 41), as shown in the following table related to the difference in gross salaries per hour:



Sources : DGS, Enquête sur la Structure et la Répartition des Salaires et Registre national

Figure 3_Gross salaries per hour²⁷

²⁶ Institute, 2015: 9.

Women with a Maghreb country nationality are those who earn the least, with an average gross salary of 12.33 Euros per hour (Institute, 2015: 42). In general, the Institute ascribes most of the salary differences between women and men to segregation in the labour market, segregation which concerns sectors and positions within enterprises. Women are overrepresented in those sectors with lower salaries, and are less likely to occupy managerial positions. The following graph shows the general population rate of women and men among employees and managers:

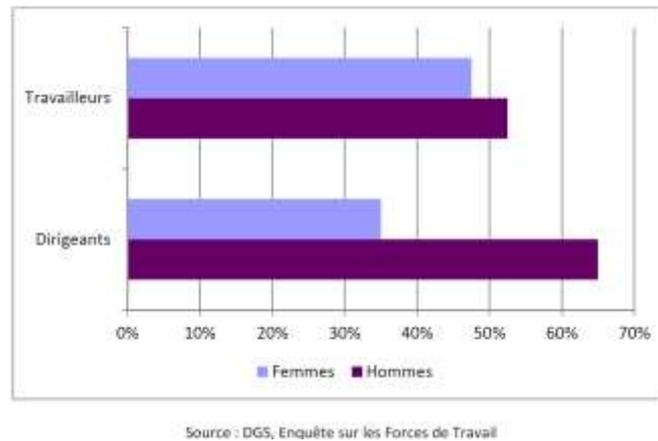


Figure 4_Rates of women and men among employees and managers²⁸

It seems that the employment rate of women is improving when compared to that of men: increasing from 25.7% in 2011 to 27.1% in 2012, while for men it has decreased from 49.3% to 45.2%. When compared to women with a Belgian citizenship, whose employment rate is of 58.1%²⁹, there appears to be higher economic insecurity amongst immigrant women. The employment gap linked to gender is thus amplified by the “ethnic gap” as women with citizenship of non-EU countries are half as likely to be employed as men in the same category and women with a Belgian citizenship (Institute, 2015: 44). In particular, Turkish nationals have the highest unemployment rate for women (35.8%), followed by Moroccans (25.3%). These numbers are well above the national average unemployment rate (8.3%) and the unemployment rate for Belgian women (9.9%) (Centre, 2012: 84). This could be the result of the difficulties faced by foreign women entering the job market due to discrimination, sector segregation, and lack of recognition of foreign diplomas etc.³⁰

In more general terms, the wage gap contributes to the reproduction of social and economic inequalities between women and men. “Persistent gender gaps in employment pay, poverty, pensions and unpaid work, show that women’s economic independence is far from being achieved

²⁷ Institute, 2015: 42.

²⁸ Institute, 2015: 48.

²⁹ The global employment rate for women (without considering nationality and considering people aged from 15 to 64 years-old) in 2012 was 56.8% and that for men was 66.9% (Institute wage gap 2015 : 21). This gap gradually decreased starting from 2003, when the employment rate for women was 51.8% and that for men 67.3%.

³⁰ On this subject please refer to the research project FEMIGRIN (Facteurs et dynamiques explicatifs des processus de la migration et de l’intégration des femmes en Belgique), http://www.belspo.be/belspo/fedra/TA/TA30synth_fr.pdf.

and that the vast majority of women remain in a dependency status.³¹[...] The gender pay gap remains a major issue within the EU as women on average earn 16% less than men.” (EWL, 2014: 18). In Belgium the Institute also provides data concerning social integration income³² that can be read as indicators of poverty. 57.2% of the recipients of this income are women; the total number of recipients increases each year. The age of people benefiting from this financial assistance (both for women and men) is between 20 and 24 years. As far as women are concerned, a great number of them continue to receive financial state assistance until their pension, in particular when they have dependent children (mostly between 35 and 44 years) and also at the age between 55 and 64 years. Gender inequalities are also present in the social security system, since women receive on average 77% of the social integration income compared to men (Institute, 2011: 84). Female poverty can also be determined by considering the level of financial dependence in relation to their gender: to which extent do women or men depend on their partner to avoid falling into poverty? More than a third of women are dependent on the income of their partner, while only 10% of men are in this situation. This difference is even more evident among retired people, where women are five times more at risk of poverty than men (Institute, 2011: 84). The level of financial dependence diminishes for women who have a higher education degree, while more than half of low-skilled women are below the poverty line. The European Women Lobby underlines the vulnerability of women linked to economic discrimination:

“[...] poverty and social exclusion are mutually linked to the achievement of women’s economic independence, which is a key issue in enabling women to be active actors in all aspects of life. Not only are women part of every group at risk of poverty, but they are particularly vulnerable when facing other forms of discrimination (such as based on their migration status, ethnic origin, disability, etc.). [...] Over a quarter (26,9%) of women in the EU’s 28 countries experience poverty and social exclusion. Across a range of indicators in the labour market and in social protection, the structural causes of poverty have a disproportionate impact on women. The crisis has strongly impacted women’s lives. The number of homeless women is growing. Surveys estimate that between 11-17% of street homeless and 25-30% of all homeless people in Europe are women, either alone or with children.” (EWL, 2014: 8).

³¹ This situation is worsened today due to individualization of family systems and the increase of divorces, facts which intensify women precarious status (Interview with anti-racist movement, 9 November 2015).

³² “Integration income is residual financial assistance in relation to social security, which is granted by the CPAS (Centre public d’action sociale - Public Centre for Social Assistance) to any person who meets all the legal conditions set out in legislation in relation to the right to social integration. These conditions essentially relate to nationality, residence in Belgium, age and insufficient resources.” (<http://ec.europa.eu/social/main.jsp?catId=1102&langId=en&intPageId=2407>).

Concerning the participation and/or the exclusion of women in decision-making processes in Belgium, women are underrepresented in government bodies, despite the obligatory quotas.³³ The following table shows women and men rates in government bodies in 2009:

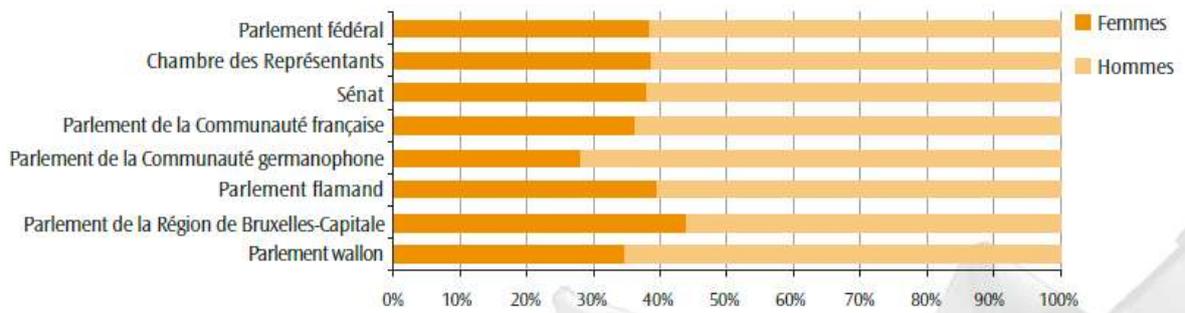


Figure 5_Women and men in government bodies³⁴

This disproportion also concerns other domains such as courts, federal public bodies, diplomatic institutions, the National Labour Council (whose Steering Committee is composed of five people among which only two are women), etc. This situation is similar to the one present in EU generally:

“Across the EU, women are underrepresented in positions of responsibility in all domains. Particularly at the highest levels, women are still largely outnumbered by men in leadership positions in politics and business, as well as in other fields. In June 2014, only 27% of national parliamentarians in the EU were female with very little progress over the last five years. [...] The situation is worse in business with, on average, one in six women members of boards in Europe’s largest publicly quoted companies and only 4% of board chairpersons. In other fields such as Research and Innovation, women are still greatly under-represented, in particular at the top level of academic careers; only 20% of top level academics are women and only one out of ten universities in the European Union has a female Rector.” (EWL, 2014: 20)

Concerning violence against women, police in Belgium report an average of eight incidents of rape each day; 87% of rape victims are women. More generally, the federal police conducts a biennial victimization survey and the results show that women are affected in a greater way than men. Other forms of violence that mostly concern women are harassment, with violence and threats (86% of victims in 2008 were women), or without them (82% of victims are women) and sexual exploitations (all women) (Institute, 2011: 72). Concerning sexual exploitation in particular, this affects almost exclusively migrant women (Vermeulen et al.,2007).

2.2. Islam/Muslims

³³ Please refer to the “Law of quota” of 24 May 1994 aimed to promote the balanced presence of men and women on lists of candidates for elections. This law has been differently applied in practices at each election (see http://igvm-iefh.belgium.be/fr/domaines_action/prise_de_decision/cijfers).

³⁴ Institute, 2011: 197.

There are no official figures on the size of the Muslim population in Europe. Research conducted by Amnesty International, reveals that there are more than 44 million Muslims in Europe in 2010. It is estimated that they represent around 6% of the EU population (Nwabuzo, 2014: 9). Concerning Belgium, people with a Muslim background approximate 250.000-400.000 (Torrekens, 2005) to 630.000 according to other surveys. In Belgium, Muslim people represent 5-6% of the total population (Maréchal and El-Asri, 2012: 29), and at least 55% of them (Amnesty 2012: 12) up to 2/3 of them have a Belgian citizenship (Maréchal and El-Asri 2012: 29). Concerning their origin,³⁵ they or their family predominantly come from Morocco and Turkey. Although Muslims have lived in Belgium from before the 1960s, this decade is considered as significant due to the sharp rise in the number of Muslims coming to Belgium at that time. However, long before that, in 1928 the Turkish consulate reports that around 6000 individuals from Muslim countries were living in Anvers (less than 1% of the Belgian population at that time) (Maréchal and El-Asri, 2012: 10). Even earlier, in 1910 there were Muslim workers that came from the Maghreb to live in Belgium (Boussetta and Maréchal, 2003: 5). The following table shows the distribution of the main nationalities of Muslims (Maghreb people include Moroccans, Algerians and Tunisians) in Belgian regions at the end of the 1990s.

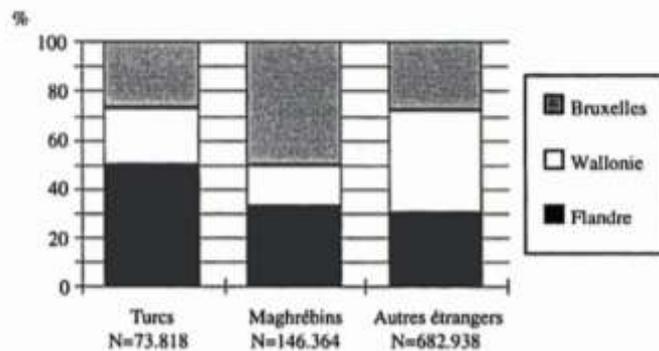


Figure 6_Muslims in Belgian regions at the end of nineties³⁶

Over years, the presence as well as the visibility of Muslim people in Belgium has increased. This is illustrated for example by the fact that there are around 300 mosques in the country today, most of which are organised around ethno-national belongings³⁷ and some of which are more diversified (Maréchal and El-Asri, 2012: 30). The diversity of Muslims in Belgium is also seen through their different associations, as we will see throughout this report. Concerning the political participation and visibility of Muslims³⁸, from 1994 onwards they are elected in town councils (Maréchal and El-Asri, 2012: 20).

³⁵ The data on the estimated presence of Muslims in Belgium also includes Belgian people who do not have a foreign origin background and who converted to Islam.

³⁶ Manço, 2000: 27.

³⁷ Turkish mosques are all managed by the Belçika Diyanet Vakfı (www.diyabet.be).

³⁸ For a deeper analysis of Muslim visibility in the public space in Belgium, please refer to Dassetto 1990.

From the end of the 1990s, the Muslim population with a migrant background is characterized by a complete demographic configuration, with first, second and third generations (Manço, 2000: 25). It is important to note that there is a high proportion of young Muslims in Belgium, for example around 35% of Turkish and Moroccans were under 18 years-old in 2003 (Boussetta and Maréchal, 2003: 8).

Amnesty International shows discrimination of Muslims in numerous domains, due to their religious or ethnic belonging. In particular, laws and policies that limit the wearing of religious and cultural symbols and clothing result in the exclusion from employment of those Muslim women who decide to visibly express their religious or cultural belonging. This can result in their marginalisation. Widespread stereotypical and negative ideas about Muslims in Belgium do not take into consideration demographic and sociological factors that determine the diversity of Muslims as well as their religious and cultural practices. Among these negative ideas, Islam is depicted as a religion that denies equality between genders³⁹ and which supports violent ideologies. For example, an opinion survey conducted among Flemish people shows that more than 70% of them think that Muslim women are “dominated” by their husband (Amnesty, 2012: 16).⁴⁰ Along with this, there is also a general climate of hostility and suspicion towards Muslims or people associated with Islam which produces different forms of discrimination (Amnesty, 2012, 6-7).

In 2010, 80% of the complaints collected by the Inter-Federal Centre in the domain of discrimination on religious grounds were related to Muslim people. 24% of the discrimination based on religion concerned employment, 50% racist speech within the media, 6% education and 8% access to goods and services (Centre, 2010: 66; 71). Concerning men, complaints were mostly related to requesting religious accommodation in the workplace in order to respect their religious practices (for example accepting pauses for prayers or working times adapted to the fast during the month of Ramadan). Concerning women, their complaints mostly regarding the wearing of religious symbols and clothing, primarily the headscarf (Amnesty 2012: 37). In more general terms, in 2014 the Inter-Federal Centre announced the “omnipresence of Islamophobia” in discrimination since nine out of 10 incidents related to discrimination based on religious ground concerned Muslim people (and 20% of them were related to wearing the headscarf or other practices related to religious belonging) (Inter-Federal Centre, 2015: 30). The following chart shows the number of people (victims or claimants, 295 in total) that contacted the Inter-Federal Centre in 2014 for discrimination questions linked to

³⁹ See for example the Internet page of the Belgian philosopher Etienne Vermeersch, here using the issue of the veil in Belgium as a pretext to reinforce these stereotypical, essentialised and monolithic visions of Islam: <http://www.etiennevermeersch.be/artikels/godsdiens-religie/!%E2%80%99islam-et-le-foulard-en-belgique-une-vue-densemble>, accessed 10 December 2015.

⁴⁰ The reference is to YouGov, “Exploring Islam Foundation survey results”, May 2010.

Islam as a religious conviction, as well as its disaggregation by gender and domain of discrimination (media, work, teaching, society, diverse activities, goods and services, police and justice, other, social security):

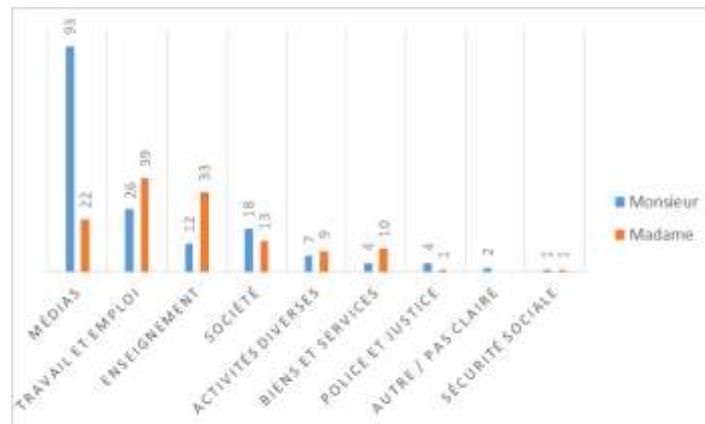


Figure 7_Islam dossiers Inter-Federal Centre 2014⁴¹

2.3. Islamophobia and gender

Islamophobia⁴² has been formulated, among others, by Sami Zemni, who speaks about a “culturalisation” of social problems (Zemni 2011). This means that political and social problems “[...] are diluted in a culturalist explanation that targets Muslims’ unsuitable cultural and religious background as the reason for economic exclusion and marginalisation.” (Zemni, 2011: 29). We can assume that the statement upon which this vision is based is that, in more general terms, economic, social and political problems of a society are generated or worsened by the presence of immigrants,⁴³ both due to cultural differences which would separate them from people who do not have a foreign origin background and of the lack of a social integration (Martiniello, 1996). In recent years, “it is Islam which is more and more often put in the dock” (Martiniello, 1995: 80; also see Allievi, 2005). This vision directly triggers discrimination of Muslims in different domains. Highlighting the culturalization of society problems, Islamophobia was also widely used during the “Assises de l’interculturalité” (Foundations of Interculturality, some initiatives spread internationally and involving activists, scholars and politicians in debating around the managing of the diversity) in 2009 (Dassetto, 2009).

On the political level, the notion of Islamophobia appeared in debates several years ago, and has been an integral part of the annual reports of the Inter-Federal Centre since 2008. In 2012 a proposed law was formulated with the aim of combating Islamophobia by reinforcing the application

⁴¹ Fieldwork document, unpublished.

⁴² The origin of this neologism is linked to a report published in Great Britain in 1997 by the Runnymede Trust (Boussetta&Maréchal 2003: 13).

⁴³ About the criminalization of immigration, please also refer to Bastenier&Brion 2001.

of the legislation against racism and discrimination with particular attention to this issue. This proposal aroused intense debates, it also encountered the criticism of some people recognizing Islamophobia as a problem in Belgium but finding this proposal not to be precise enough in its contents.⁴⁴

Islamophobia is not only an academic concept, but a concept which is also used by official institutions and NGOs in Belgium depicting discrimination of Muslims. ENAR defines Islamophobia as “a specific form of racism that refers to acts of violence and discrimination, as well as racist speech, fuelled by historical abuses and negative stereotyping and leading to exclusion and dehumanisation of Muslims, and all those perceived as such. It is a form of racism in the sense that it is the result of the social construction of a group as a race and to which specificities and stereotypes are attributed, in this case real or perceived religious belonging being used a proxy for race.”⁴⁵

Civil society does not always share the concept as it is used within institutions. Sometimes subtle, sometimes more obvious differences are present in Belgium concerning the notion of Islamophobia and the range of practices which fall into the semantic field of this concept.⁴⁶ However, “[t]here are [...] a number of studies that seek to measure the existence of anti-Muslim sentiments and the persistence of such sentiments in shifting political contexts” (Fadil et al., 2014: 251) and all the interlocutors of this study agree that Islamophobia is a concrete problem affecting Belgian society. The Inter-Federal Centre underlines the fact that, in spite of some possible disputes around the notion of Islamophobia, the Inter-Federal Centre “has accepted it”,⁴⁷ and it works on this issue using a compound approach. This approach includes the treatment of islamophobic acts or statements as actions that go against the anti-discrimination law,⁴⁸ (see later), which constitute a new form of racism combining origin and religion and belief, or finally that relate to intersectional discrimination. Not all of these acts are punishable by the law; in some cases they are subject only to sociological analysis and recommendations. In all cases, Islamophobic acts and speech influence individual and collective attitudes and positions that polarize relations and stigmatize Muslims as responsible for problems in society.⁴⁹ The following chart shows the increase Islamophobic acts in Belgium over four years. The red column refers to Islamophobic acts that break anti-discrimination law, while the

⁴⁴ Interview with scholar, 23 October 2015.

⁴⁵ Muslims in Europe : questions and answers, ENAR

⁴⁶ For an overview of these differences or nuances at the civil society and institutional level, please refer to MRB,2012: 62-69.

⁴⁷ Interview Director Inter-Federal Centre, 23 November 2015.

⁴⁸ In the opinion of the Director of the Inter-Federal centre, most facts concerning the problems with the headscarf relate to discrimination and not to Islamophobia as a new form of racism. In his words, this means that some individual positions and decisions which can be interpreted as Islamophobic (such as the prohibition of the veil in an enterprise or even in a service without a legitimate reason) do not always trigger collective dynamics (Interview Director Inter-Federal Centre, 23 November 2015).

⁴⁹ Interview Director Inter-Federal Centre, 23 November 2015.

yellow column represents the incidents without sufficient proof to legally establish the character of the discrimination.

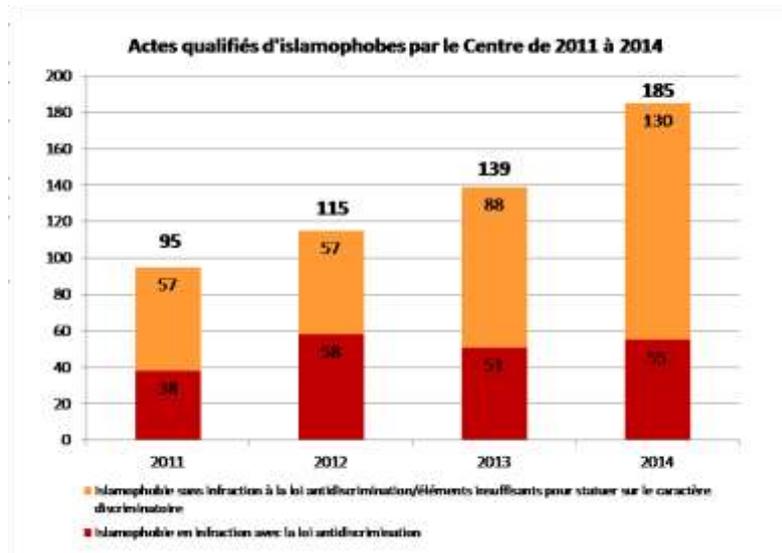


Figure 8_Increase of Islamophobic acts⁵⁰

The Inter-Federal Centre collected 297 records concerning discrimination on a religious basis in 2014, among which nine cases out of ten concerned Islam, as already mentioned, and 20% of these concerned wearing the headscarf or other religious practices (Inter-Federal Centre, 2015: 30).

Along with the above figures, qualitative and quantitative data collected by Muslim Rights Belgium⁵¹, founded in 2012 with the aim to fight Islamophobia and monitor this problem in the country, show an even more worrying situation. In its last annual report from 2014, based on the analysis of existing data and a qualitative survey,⁵² the association recorded 696 cases of perceived Islamophobia in 2014. Out of the total number of cases, 26% concerned work, 20% education, 20% private relations, 13% culture and the media, 11% access to goods and services, 3% social networks and the internet, 2% physical and verbal aggression, 2% institutions, administrations and public bodies, 2% other domains. Most of these complaints (73%) came from women, and 41% of those women that wore a headscarf. 82% of all the victims of physical and verbal violence were women wearing the headscarf. Concerning the institutions, administrations and public powers, 71% of the victims were women wearing the headscarf. These women represent 48% of victims in employment, 46% in education, 40% goods and service (MRB, 2014: 14-15).

⁵⁰ Data from the Inter-Federal Centre, chart elaborated by CCIB Collective against Islamophobia in Belgium

⁵¹ <http://www.mrb-online.be/index.php/fr/>.

⁵² This survey was implemented through an online form that permits to report Islamophobia acts: <http://www.je-participe.be/>, accessed 10 December 2015.

Women wearing the headscarf are victims of discrimination at different levels. In education, for example, schools and training institutes regularly and arbitrarily forbid the wearing of religious signs such as the headscarf.⁵³ We will see later in the report how relevant the issue of the headscarf is in the domain of employment as well as in that of racist crime and hate speech. Headscarved women also suffer from discrimination when they try to access goods or services. For example, the Inter-Federal Centre has followed several cases of women whom dentists refuse to treat if they refuse to remove their headscarf and others who were not served in some shops because they were headscarved⁵⁴. A woman stated that in some cities (Anvers, for example) it is very common to see bus drivers who do not stop at bus stops when they see only Muslim women waiting.⁵⁵ In other cases, women have been prevented from voting unless they removed their headscarf.

The predominance of the headscarf issue within discrimination practices towards Muslim women in Belgium is in contradiction with European Union Agency for Fundamental Rights' (FRA) findings that state that "wearing of traditional or religious clothing, including a headscarf, seems to only marginally affect discrimination experiences". This finding contradicts common assumptions and some mentioned facts and data about the negative impact of visibility through wearing of traditional/religious clothing, such as headscarves to the behaviour of mainstream society towards minorities."(FRA 2009: 7-8). The actual experience of Muslim women in Belgium is that they suffer many forms of discrimination due to their clothing choices. But the attention given to this issue in media and discrimination complaints is often superficial and is hiding subtle and multiple discriminatory practices that would need further exploration and analysis. This analysis would certainly show the multiple dimension of discrimination of Muslim women in Belgium. In its 2013 annual report, the Inter-Federal Centre discussed the intersectional character of discrimination suffered by Muslim women (Inter-Federal Centre, 2013: 60). This view is also shared by the Institute for the Equality between women and men, whose director affirms that "becoming aware of multiple discriminations means recognizing that the individual is composed of multiple identities, in particular linked to his/her sex, religion, philosophical conviction, ethnic origin".⁵⁶ The multiple dimension of discrimination of Muslim women also includes their stereotypical representations. In fact, some

⁵³ The controversy over the Islamic veil in schools knows its peak in 2004 (Crépon 2008: 87). Recently, and more and more often, the interdiction has been extended on the wearing of long skirts, which are interpreted as sign of the belonging to Islamic religion (interview at Inter-Federal Centre, 3 December 2015). In fact, this interdiction only applies to women associated to Arab or Turkish belonging (interview with women association, 9 November 2015).

⁵⁴ Interview Inter-Federal Centre, 3 December 2015.

⁵⁵ Interview converted woman, 27 October 2015.

⁵⁶ Michel Pasteel, introductory speech to the seminar "Matinée d'étude dans le cadre des Assises de l'interculturalité", 24 September 2009, fieldwork document, unpublished.

women who have suffered from domestic violence⁵⁷ decide not to report it in order “not to feed to the stigma” concerning Muslim women and men. Similarly with divorced women who do not express their experiences: “They do not want to talk about conflicts [...]. Maybe they were beaten, maybe they had a nice marriage... but if it was bad and violent, they don’t talk about it”.⁵⁸

⁵⁷ In a recent survey the FRA stated that one woman out of three in Europe has undergone a physical or sexual violence. In Belgium 36% of women are victims of this form of violence, and 24% of women having a partner were victims of violence done by him (FRA 2014: 19-20).

⁵⁸ Interview with a converted Muslim woman, 27 October 2015.

3. 'Temperature test'

As discussed above, the interlocutors of this study agree that Islamophobia is a problem in Belgium. We will see in this section some examples that show how Islamophobia takes shape at the public level through the discourses and actions diffused by the media and politicians, as well as in public opinion.

3.1. Media

In general terms the media tends to show a stereotypical image of Muslims, depicting some religious and cultural practices as acts incompatible with the life in the local social context which constitutes a form of resistance to their integration as such. These religious and cultural practices appear to sharpen the distance between Muslims and the majority population, a distance which is not new in discourses depicting Islam as "Europe primary alter" (Asad, 2003: 169; also refer to Said, 1978) and continues to be deepened through news concerning Muslims and mostly based on problematic situations involving them (Allievi, 2003).

The sensationalization of news directly or indirectly concerning Islam contributes to the creation of a negative image of this religion. A Belgian scholar described this situation as an enduring "social and media construction of the dangerous Muslim", a construction that has been implemented by different actors for at least 30 years.⁵⁹ This danger is also linked to "a negative stereotype according to which a Muslim is by definition more proselyte than followers of other religions or philosophical categories" (ENAR, 2013: 118). Islam appears thus as a problem, and Islamophobia as the weapon of a particular racism (Hajjat and Mohammed, 2013).⁶⁰ These representations are frequent also in Belgium, as for example those which arose after the events in Paris in November 2015. Police operations, presumably aimed at finding the people responsible for these events, were constantly reported by newspapers that underlined, in particular, the geographical location of these operations. Many of the operations took place in Molenbeek, a municipality in Brussels where many Muslims (mostly of Moroccan and Turkish origins) live. The visibility of these operations legitimated a set of overt attacks to this area and to all people living within it. The French journalist Eric Zemmour openly declared that "France should bomb Molenbeek"⁶¹ in order to eliminate terrorism; the Belgian Ministry of Interior, a politician of the N-VA party (New Flemish Alliance, nationalist and

⁵⁹ Interview with scholar, 17 November 2015.

⁶⁰ We here refer to the practices of Islamophobia, while we mentioned above that the notion of Islamophobiacan be considered as a defence tool.

⁶¹ See <http://www.lesoir.be/1045840/article/actualite/france/2015-11-17/eric-zemmour-france-devrait-bombarder-molenbeek-video>, accessed 2 December 2015.

conservative) also spoke of this neighbourhood as an area to be dealt with in order to fight terrorism.⁶²

Before these events, the idea of a radicalisation of Islam already legitimized police actions that regularly and almost arbitrarily entered the domestic space of families, as if the perception of a threat and the generally diffused and illegitimate suspicion towards Muslims could justify all means employed to, ideally, avoid the realization of such a threat.⁶³ In Flanders cartoons were published that depicted children and the criminalisation of Muslim people, such as the following cartoons (in the first one the child says he went to Syria for holidays). Women do not directly appear in these messages, although their stereotypical representation, as “mothers of terrorists”,⁶⁴ is implicit and widespread and causes racist crimes and speech, as we will see later.



Figure 9_Cartoons in Flanders⁶⁵

Muslim women mostly appear in the Belgium media when involved in court procedures. At a first glance, this could be seen as positive, for example when these procedures result in a favourable judgment for women (mostly when they are unjustly fired for wearing the headscarf), since this fact will prove their right to wear religious signs at least in the examined contexts.

⁶² See <http://www.lesoir.be/1043506/article/actualite/belgique/politique/2015-11-14/attentats-paris-jambon-va-s-occuper-personnellement-molenbeek>, accessed 2 December 2015.

⁶³ Interview with Research and Training Centre, 9 November 2015.

⁶⁴ Interview Inter-Federal Centre, 23 November 2015.

⁶⁵ <http://www.kifkif.be/actua/open-forum-kinderrechtcoalitie-de-effecten-van-racisme-op-het-psychisch-welzijn-en-de-ontwik>, accessed 2 December 2015. Nor the creators nor the diffusers of these cartoons have been sanctioned due to the right to freedom of expression (Interview with Muslim Collective, 9 November 2015).

In 2009 the Inter-Federal Centre took a position against the discussions concerning this politician, in particular those which arose when she took the oath at parliament.

As reported by the European Women's Lobby, "[...] women still suffer from a serious lack of visibility in the media. Moreover, persistent gender stereotyping and discrimination in the media impedes the realization of equality between women and men." (EWL, 2014: 25). The absence of Muslim women in the media, except for issues related to their religiosity, prevents their active role from being recognized in the social and political sphere. This is also because, regardless of their religious affiliation, women are rarely in charge of news production. In Flanders, for example, only 30% of the press products are made by women.⁶⁸ More generally, minority groups and people associated with Islam do not benefit from an appropriate and legitimate space for their expression, in particular if they try to unpack and understand the complexity (economic, social and political) of contemporary society issues.⁶⁹ Some Muslim scholars (women included) affirm that their statements are often discredited due to their religious belongings, and presented as an individual or collective claim only based on their religious interests and not as a complex and legitimate reasoning. "It is difficult to be considered a valid intellectual, we are never detached from this belonging"⁷⁰ and this discrimination is a form of micro-aggression⁷¹ (Solorzano, 1998) against these scholars.

The general climate of Islamophobia in Belgium also affects some non-Muslim people, as in the two cases that will be presented below. The aversion to Islamic religious belonging has had some commercial consequences for non-Muslim people. For example, in August 2014 a firm producing the renowned "syrup of Liege" decided to label this product "halal" for commercial reasons, thus going through a process legally established by the Chamber of Commerce in collaboration with the official institution representing Muslims in Belgium. The media intercepted this process and diffused the news that a traditional product of Liege has become "halal", thus initiating Islamophobic protests, also by a politician, who decided to symbolically take back the syrup he had bought from the firm. The owner of this firm was directly concerned by these protests, indirectly addressed to Muslim people and their influence which was deemed as illegitimate for the local tradition. However, many media outlets then published information explaining what "halal" means in an instructive way, in order to calm tensions and populist distortion.

⁶⁸ Flemish feminist, National Roundtable, 30 November 2015.

⁶⁹ Interview with scholar, 17 November 2015; interview Research and Training Centre, 9 November 2015.

⁷⁰ Interview with Inter-Federal Centre, 9 November 2015. The names of some Muslim scholars publicly discredited due to their religion have been pronounced during this interview but they are not reported here for confidentiality reasons.

⁷¹ Interview with Research and Training Centre, 9 November 2015.



Figure 12_Boycott campaign (We are not mutttons)

This protest against the government decision had an impact on the financial activity of local farmers, who found themselves with a large quantity of unsold animals. In this case, such institutional acts motivated by different positions against Muslims practices (here in the name of animal rights concerns, for example) affected non-Muslims.

The media coverage on the active positioning of Muslim people is not frequent. Their activism and more generally all the positive initiatives (on an individual or on a collective basis), to improve the social situation in some local areas and neighbourhoods in particular, are never put in the spotlight. Some of these initiatives concern young Muslim women's groups, who are helping homeless people, or who assist in a nursing home, or regularly help children with their homework.⁷²

Muslim people are unexpectedly involved in certain discussions which they are not linked to. For example in 2012, there was a discussion about an artistic fake Christmas tree that was put in the main square in Brussels instead of the traditional one and was associated with an Islamic influence.⁷³ Some media outlets also tried to provide information in an educational way, showing an improvement in the way they handle issues related to Muslims and Islam.

3.2. Political spaces

As in other European countries, some political parties or movements in Belgium, as well as some representatives of these groups, make use of discriminatory remarks towards Muslims during their electoral campaigns. This happens in Flanders in particular, where in 1988 the Vlaams Blok (today Vlaams Belang), the Flemish separatist extreme-right party, in the municipal election campaigns used anti-immigrant and anti-Islamic discourse (Manço, 2004). As Zemni puts it, "As early as 1992, Islamophobic slogans were becoming quite normal in Flemish nationalist milieus. *'Turkseratten, roluwmaten'* (Turkish rats, roll your mats) was regularly sung during far-right political meetings and rallies." (Zemni, 2011: 30).

⁷² Interview Research & Training Centre, 9 November 2015.

⁷³ See http://www.rtb.be/info/regions/detail_la-version-2012-du-sapin-de-noel-de-la-grand-place-cree-la-polemique?id=7872806, accessed 9 December 2015.

In order to understand the discourse on Muslim women and some practices associated with them in the political space, we can refer to the approved (by vote) federal law (Law 1 June 2011) that banned hiding one's face in public. Even if the law is formulated in neutral terms, the discourse and arguments used within the parliamentary debate preceding its adoption clearly showed that it addressed face cover that some Muslim women wear (Amnesty, 2012: 98). Also in the media, this law became rapidly known as the law of prohibiting the *burqa*.

According to one of the authors of a collective book (Brems et al., 2014); there are a small number of Muslim women who wear a *niqāb* (probably around 200). One of the results of this ban, according to this author, is that some of these women decided to not leave their houses because of the fear of being fined. Their freedom of movement, as a result, is much more constrained by this law which allegedly aimed (besides security reasons) to free women from subjugation. Moreover, this ban also worried Muslim women not wearing a *niqāb* but other forms of headscarves, who feared further prohibitions. In fact, this issue has been recently addressed again by a Walloon deputy of MR party (Reformist Movement, a right party), who declared on his Facebook page the need to prohibit all religious signs in the public space. He also declared his will to introduce such an initiative to the Walloon parliament, claiming that this is not directly linked to Islam and Muslim practices. Nevertheless, to support his statement, the deputy mentioned the recent decision of the Labour Court in Brussels concerning the wearing of the headscarf in the employment agency Actiris.⁷⁴

The main message conveyed by this kind of statement is that of a possible "Islamisation" of Europe and Belgium in particular, resulting in the exponential increase of Muslims in Europe but also and above all of an adaptation of political, economic and social rules to the needs and claims of this religious group, which would eradicate the different (and opposite) national tradition. This extremist discourse can also subtly inform those more moderate integration policies and programs which do not directly address Islam but which, nevertheless, seem to promote an acculturation and assimilation process into the local context more than a dynamic and respectful incorporation in it.

3.3. Public opinion

Opinion polls prove that Muslim people are viewed in a stereotypical way. Discourses denounce Muslim religious and cultural practices as the sign of a refusal to integrate into the local society or of their will to impose some values which would be divergent from the "European identity" (Amnesty, 2012: 15). Negative representations concerning Muslims occur in different forms. For example, a

⁷⁴ Find more details of this case later. Concerning the deputy statements, please refer to <http://www.rtb.be/info/societe/detail/le-depute-wallon-philippe-knaepen-mr-veut-interdire-le-voile-islamique-dans-la-rue?id=9145818>, accessed 15 December 2015.

study in 2008 shows that 22.65% of Belgian people stated that they did not want Muslims as neighbours (Strabac and Listhung, 2008: 278). Another study in 2009 examines the public views on creating a space for Muslims to pray at the workplace. Over half of the respondents disapproved of this idea while 28% were in favour (Centre, 2012: 80). According to the European Commission against Racism and Intolerance (ECRI) “it happens in particular that elements of public opinion make an amalgam from terrorists, religious extremists and the entire Muslim population. In some cases these prejudices lead to discrimination, especially in employment, Muslims being denied jobs because of the suspicion over them. In particular, women wearing headscarves encounter difficulties in the access to employment, housing and property, and public services.” (ECRI, 2009: 34). Some other negative and stereotypical representations of Muslim women discourage employers from hiring them, for example in the domain of care, where employers assume that Muslim women would not take care of men. In other domains, in more general terms, they would not do what they are asked for if they find that this could be contrary to Islamic religion.⁷⁵

⁷⁵ An opposite representation, as much stereotypical but engaging different effects, is that which depicts Muslim women as easily dominated and thus more willing to respect employers demand (Interview Flemish Network, 4 December 2015).

4. Employment

In such a context, what is crucial is the perception of Muslim actors and in particular of Muslim women, that is to say what they think and do concretely in their daily life experience, when they face situations of discrimination. They often have to deal with an institutional framework that – in spite of recognizing Islamophobia as an existing problem in Belgium – does not always respond to their demands and claims and is seen in many cases as directly responsible for structural discrimination and perpetuating it both in the public and the private context. This is particularly evident with regard to the issue of the headscarf, which is the most frequently and first mentioned during the interviews conducted within this study, both when addressing the issue of employment and that of hate crimes and speech.

4.1. Data

The Institute recognizes that “women of foreign origin often find themselves in subaltern job positions, thus cumulating disadvantages in a segmented employment market”⁷⁶. This is particularly true for Muslim women and more specifically for women wearing the headscarf. A study showed that 44% of employers agree that wearing the headscarf can influence the selection of candidates for a job (Radouane, 2012), which is also confirmed by the Inter-Federal Centre in 2012. It showed that 45% of Human Resources managers affirm that certain religious signs, such as a headscarf, impact on the final decision within the hiring process (Centre, 2012: 73). In order to understand the extent of this phenomenon, we can also look at the statistics concerning Moroccan and Turkish people: 20% and 10% respectively among these groups affirm having been victims of discrimination during the recruitment process in 2012 (Ibid.).

As already mentioned above, the Inter-Federal Centre states that 90% of their discrimination records concerning religion are related to Islam. The following table shows the gender distribution of the Inter-Federal Centre’s records in 2014 concerning religious and philosophical conviction; the domains within which women are most affected are those of teaching (more than 60%), goods and services (more than 50%), employment more in general and social security (both 50%).

⁷⁶ Michel Pasteel, introductory speech to the seminar “Matinée d’étude dans le cadre des Assises de l’interculturalité”, 24 September 2009, fieldwork document, unpublished.

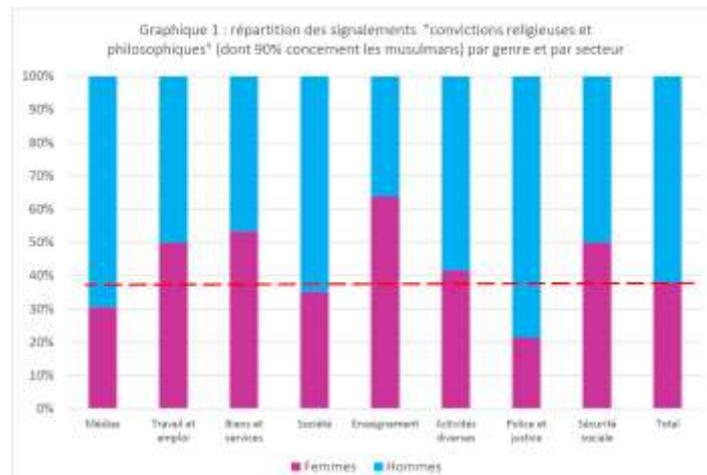


Figure 13_Gender disaggregation of religious complaints⁷⁷

Muslim women in employment also suffer from “ethno-stratification of the labour market” (Inter-federal Centre & Service, 2013: 8). As Martens and Denolf put it, certain ethnic minorities occupy lower positions in the labour market. Moreover, within these segments of employment, there is a hierarchy between the different national categories: Moroccans and Turks are in the worst position, followed by citizens of southern Europe, Italians and finally nationals of neighbouring countries and / or Belgians (Martens and Denolf, 1993).

4.2. Perception of discrimination in employment

The ban of Islamic headscarves in the public sector is perceived not only as a structural limit to employment opportunities of Muslim women but also as an institutional legitimation to also ban the headscarf in the private sector. Although the employers’ actions in the private sector are quite arbitrary and in some cases the legitimacy of their decisions has been challenged from a legislative point of view, there is a tendency to appropriate the concept of public neutrality and transfer it to contexts that fall outside the public sphere. The consequences of this process for women appear in different phases of their path from education to employment in their profession. In both private and public schools, as no clear laws exist concerning the wearing of the headscarf by students, and in spite of the recommendations expressed by the Inter-federal Centre, headmasters often abuse this unclear situation and act arbitrarily within their institution. For example, when they do not overtly write and apply internal rules prohibiting religious signs to students, they regularly convene Muslim girls in order to discourage them from wearing the headscarf, thus blaming them for a non-existing guilt.⁷⁸ The ban of headscarves in schools shows that these institutions forget that students are de facto their “clients” and that as such, they should not be subject to impositions (or indirect

⁷⁷Inter-Federal Centre data, chart elaborated by CCIB..

⁷⁸This information came from informal conversations with some Muslims in Liege.

solicitations) regarding their clothing practices, such as the Inter-Federal Centre also states in its recommendations. This is what young Muslim women face throughout their education, training and job search. According to the people contacted within this study and especially many women who experienced discrimination, the choice of a high school and further training seems to be based on a kind of self-exclusion from certain employment sectors (also see Ben Mohamed, 2004). This self-exclusion is the result of a very practical assessment of the hiring opportunities that they will have or not, assessment which is based on both the current legislation but also on women's perceptions, as well as the stories of other family members or acquaintances. All this allows women to acquire a clear idea of the career paths which could be open or prohibited to them depending on the fact that they wear headscarves. Muslim women face structural discrimination which is real⁷⁹ and which is also related to the wider context.

Several international reports on the status of women and access to employment show that European societies are far from having solved the question of equal opportunities. A recent survey (the "barometer of emancipation") realized by a research consultancy office on the request of a Belgian feminist association shows that more than a third of the 1092 people interviewed (37% of women and 35% of men) think that women undergo discrimination at hiring. Among the reason of this discrimination is the issue of maternity leave, which is still badly dealt with by employers.⁸⁰ Even though some good practices or some progressive pathways have been initiated,⁸¹ a "domestication" (Rogers 2005) of women is still a reality. What is meant by this concept is the fact that women continue to be attributed to the professional tasks which are primarily related to certain sectors, such as that of care and training, as if this would better respond to their "nature" and "natural inclinations". Tasks that were historically assigned to women within family life (see Bourdieu, 1972), (in several cultures) are transposed to a professional level. As the European Women Lobby states,

"[Stereotypes] influence girls' choices in education, that prevent women from accessing some jobs, that impact on women's and girls' health, that legitimise violence and everyday sexism, that convey messages about women's role in society [...]. The consequence is that educational choices continue to be highly gendered: in Europe women are 78,3% of graduates in education and training, 75,9% in health and welfare, 25,5% in engineering, manufacturing and construction, 40,2% in science, mathematics and computing. The sectors where women are over-represented are sectors which are less remunerated and less "valued". Moreover, women with low levels of education are highly likely to

⁷⁹ Interview Director Inter-Federal Centre, 23 November 2015.

⁸⁰ Le Soir, 8 December 2015. We can suppose that when employers associate the issue of the maternity leave, seen as a problem, to the stereotype depicting Muslim women as inclining to have numerous children, they tend to further discriminate Muslim women at hiring.

⁸¹ For example the commission for the Equality of chances of the Wallonia-Brussels Federation has recently approved a decree project aiming at better integrating gender dimension within its policies and competences, especially concerning education and culture, so as to foster gender equality.

be unemployed. With the same level of education, men are 55,8% more likely to be employed." [...] The education system itself conveys stereotypes: education is still seen as a female occupation and a women's role, especially for the youngest."(EWL, 2014: 5-10).

Certain groups of girls are particularly at risk of exclusion from educational opportunities, i.e. those who have migrant or ethnic minority backgrounds and / or who come from families with low socio-economic status. This process is in practice reflected in multiple discrimination faced by Muslim women in Belgium. As women, they are relegated to certain sectors of the labour market; this relegation is doubled by the fact that within these professions themselves, Muslim women are forced to make constraining choices. Particularly concerning employment in the field of education, they see themselves forced to devote exclusively to the teaching of the Islamic religion, while also accepting constraints on their freedom of movement within the school and their involvement in the broader educational process of the institution.⁸² In addition, they must often undertake a legal process to have their rights respected in schools. Even when this occurs, Muslim women are not protected from being excluded from certain networks of education in Belgium, particularly if their status within schools is still precarious.

To return to the domestication of women in employment and the consequences of this process, we also note that these dynamics play a role in job interviews, and this occurs at different levels. In fact, the public organisations involved in trainings and employment, such as Actiris in Brussels and Le Forem in the Walloon region, as well as temporary work agencies,⁸³ often offer women job positions where the headscarf will not cause any problems for employers according to their knowledge but also according to their perceptions. We see here a form of exclusion that takes place from the beginning of their career paths, and it engages choices that are experienced as being discriminatory and constraining. This kind of choices are also suggested by some organisations which aim is to help women to "emancipate"⁸⁴ by entering the work domain. Moreover, women wearing the headscarves have been refused to do volunteering in some organisations.⁸⁵

⁸² Even if the legislation and some decisions of the Council of State forbid schools to impose these restrictions, they are still present in lot of them according to the interviews realized. The Inter-Federal Centre takes a firm position against these restrictions and invites women to turn to them to report this form of discrimination and to getting a support in affirming the incompatibility of such schools conducts and impositions with laws (Interview Federal Centre, 3 December 2015). Moreover, the fact that the Council of State is obliged to intervene in questions and about episodes that are related to the wearing of the veil by women teaching Islamic religion is unconstitutional. As a matter of fact, the Belgian constitution asserts a separation between state affairs and worship affairs, thus implying that no interference should exist within these two levels.

⁸³ In May 2011 the Brussels Court has convicted Adecco (one of the agencies) of discriminatory practices against job seekers of foreign origin (see <http://www.kifkif.be/over-kif-kif/adecco-eindelijk-veroordeeld-wegens-racisme>, accessed 15 December 2015).

⁸⁴ Interview Inter-Federal Centre, 9 November 2015.

⁸⁵ See for example the experience of a social worker: <http://recit-dune-voilee.overblog.com/nadia-hammoudi-t%C3%A9moigne-pour-l-encre-des-voil%C3%A9es>, accessed 9 December 2015.

After that, obtaining an interview with employers also constitutes a hard task for Muslim women, in particular if they have a non-Belgian sounding name. A recent study conducted by the Sherppa Unit of the University of Ghent⁸⁶ shows that discrimination in hiring and selection is pervasive in our society. This conclusion follows an empirical analysis in which researchers responded to 376 jobs offers with two identical profiles. The only difference is the candidate's name, a name sounding Flemish on the one hand and a name sounding Turkish on the other hand. The results show that candidates with a Turkish-sounding name have statistically 50% less likely to receive a positive response than candidates with a Flemish-sounding name (Baert S. et al., 2013).

Concerning interviews with potential employers, it is often composed for Muslim women of two parts: the first one, which may exclude the implementation of the second one, is aimed at assessing the “level of islamisation” of a woman, that is to say to evaluate whether this level can be problematic or compatible with what is described as the good functioning of employers’ business, service or other. This “level” is tested through questions about the domestic intimacy of women: “Does your husband beat you? Do you pray five times a day? Do you fast during Ramadan?”. These questions are asked to determine whether the family adheres to a religious position that these employers assume to be radical, and “the more strongly one’s Muslim identity is proclaimed, the greater the exclusion from the labour market” (Brion and Manço, 1998 in Ben Mohamed, 2004: 3). Also women are sometimes asked questions that focus on individual behaviour and that judge certain choices as only associated to Muslim women who adopt a strict interpretation of Islamic rules: “Do you kiss⁸⁷ or shake hands with colleagues?” etc.

These acts are influenced by stereotypical representations of Muslim women that deny the diversity of Islamic practices and that consider them as prejudging a priori the success of professional collaborations with Muslims. So that often an assessment of technical skills and necessary expertise for the post in question is not implemented during the interview, or not included in the decision that is taken earlier.

Acts of discrimination also affect Muslim women once they have been hired, in particular when they decide to wear a headscarf, as we will see in some particular cases. Also non-headscarved Muslim women can be discriminated once their religious belonging is found out or declared, in particular when this was not “suspected” before (for example in the case of converts who do not have a Muslim-sounding name). In these cases, the association between discrimination and Islam is more

⁸⁶ Study Hive for Economic Research and Public Policy analysis.

⁸⁷ In Belgium people knowing themselves, such as colleagues, usually greet by kissing each other on their cheek.

difficult to prove.⁸⁸This is one of the reasons women that have been discriminated against rarely report their experience to the Inter-Federal Centre and report their experience and undertake a legal procedure and also because witnesses of their discrimination often refuse to support them.⁸⁹ Moreover, this path would once again place Muslim women in the position of victim, even though on the contrary this would be an assertion of their rights. Once again they would be associated with the status of victim, one which has long been attributed to Muslim women by various discourses and that is difficult to break.⁹⁰ Thus, “women stay in their suffering, but we have to encourage them, they do not have to think that they do not have their rights”.⁹¹ Discrimination linked to the wearing of the headscarf is probably the most present since it is easier to evidence⁹² than other kinds of less visible but equally insidious forms of discrimination.

4.3. Legislation, policies and case law

Restrictions on the wearing of religious symbols and clothing in the public sector are present due to the interpretation of the principle of neutrality. This principle is, however, stated in the Belgian Constitution is only about education and it does not explicitly require that civil servants and public officials refrain from wearing symbols indicating their religious affiliation⁹³ (Amnesty 2012: 38). However, the restrictions in the public sector are based on an interpretation of such principle as incompatible with the wearing of symbols and clothing that are the manifestation of religious or political beliefs by civil servants. These restrictions are not equally applied by all the authorities. Thus, administrations like the city of Antwerp allow employees who are not in direct contact with users to wear religious symbols. The wearing of religious symbols is prohibited for teachers of both Flemish and French Community public institutions. The Council of State gave its opinion on this prohibition declaring that it should not apply to teachers of religion.⁹⁴

The legislation against racism and discrimination at a federal level is composed of three laws adopted on 10 May 2007:⁹⁵

- The federal law modifying the law of 30 July 1981 against racism and xenophobia (“Law against racism”);

⁸⁸ Interview converted woman, 27 October 2015.

⁸⁹ Interview with anti-racist movement, 9 November 2015.

⁹⁰ Interview with Muslim collective responsible, 9 November 2015.

⁹¹ Interview with Inter-Federal Centre, 9 November 2015.

⁹² Interview with Muslim Collective, 9 November 2015.

⁹³ Section 24.1 of the Belgian Constitution defines the concept of neutrality in the field of education as follows: “[...] Neutrality implies notably the respect of the philosophical, ideological or religious of parents and pupils.” (http://www.senate.be/doc/const_fr.html).

⁹⁴ Opinion 48.022/AG of 20 April 2010.

⁹⁵ Later modified by Decree of 5th of July 2012.

- The federal law against certain forms of discrimination (“Law against discrimination”);
- The federal law against discrimination between women and men (“Gender equality law”).

The aim of these laws is to implement EU directives concerning discrimination, in particular the Directive 2000/43/CE (Council of European Union) regarding equal treatment of people without distinction of race or ethnic origin; and the Directive 2000/78/CE addressing equality in employment; and the Directive 2006/54/CE dealing with equality between men and women in matter of employment (ECRI, 2014: 14). The anti-racism and anti-discrimination laws both apply on a civil and penal basis. The law dealing with religious discrimination is the law against discrimination. Regions and Communities in Belgium have adopted some laws in their domain of competence in order to match the federal laws. Concerning the legislation related to gender discrimination it is important to mention that since 3 August 2014, a new law against sexism is effective: any gesture or behaviour that seriously and publicly derides a person because of her or his gender, may cause an appearance before the criminal court that could result in a prison sentence of one month to one year and/or a fine of 50 to 1000 Euros.⁹⁶ At present, it is not possible to evaluate the extent to which this law is or could be applied to fight Islamophobia acts targeting women.

In the name of the principle of neutrality of the State and ideally promoting an anti-discriminating and equal treatment to both users and employees (i.e. protecting the first group from a non-neutral image of the state and the latter from being discriminated against due to their potential religious belonging), public services do not allow religious signs on their staff. Article 13 of the federal law against discrimination provides for an exception to the prohibition from differential treatment within working activities in public or private context when its basis is religious or philosophical conviction (ECRI, 2014: 15). This exception makes it ideally possible for a women teaching Islamic religion courses in any school to wear the headscarf.⁹⁷ Furthermore, paragraph 4 of article 8 of this law provides for the possibility to adopt a royal decree aimed at listing those situations within which the anti-discrimination law should not be applied for professional reasons. This could also possibly concern the possibility given to employees to express their religious or philosophical conviction without affecting the neutrality of the employer institution or firm. Nevertheless, this decree has never been adopted (ECRI, 2014: 15). Its adoption could be seen as a measure of positive discrimination that would end manifested inequalities (ECRI, 2014: 15).

⁹⁶ See http://igvm-iefh.belgium.be/sites/default/files/downloads/79%20-%20Anti-sexisme%20mode%20emploi_FR.pdf, accessed 2 December 2015.

⁹⁷ Religious or philosophical courses are taught since the primary school. Schools in Belgium are managed by different bodies and they refer to each linguistic community. We thus have community schools that come under the authority of the relevant ministry of education; publicly run schools, which are subsidised and organised by provinces and municipalities; privately run schools, also subsidised, that include Catholic schools as well as Jewish, Protestant, Islamic and Orthodox schools.

The Inter-Federal Centre only reports one significantly positive and recent case in the domain of employment, that which concerns Actiris, the employment agency for the Brussels-Capital Region. The Labour Court recently pronounced on the legal court procedure undertaken by a headscarved Muslim woman (and two other persons as civil parties, supported by the Inter-Federal Centre) against the Actiris decision to fire her in the name of the prohibition of showing religious signs in a supposedly neutral service. Only in this case, according to the Inter-Federal Centre, a court decision has respected the correct meaning of the principle of neutrality. In fact, the judge in charge of this case stated that the Actiris prohibition violates the prescriptions promoting diversity and fighting against discrimination in the regional public function in Brussels (Order 4 September 2008)⁹⁸ and constitutes an act of indirect discrimination⁹⁹ not justifiable by any legitimate objectives concerning neutrality. What happens in most of other justice cases is that the law is arbitrarily interpreted by judges. Moreover, they never focus on the fundamental issues engaged in these processes, such as the level of understanding of “neutrality” as such, and in particular the limit of the “principle of objective and reasonable justification for genuine occupational requirement”¹⁰⁰ which is often mobilized, inter alia, to prevent Muslim women from wearing their headscarf in the private sector. The decisions often only concern concrete and contextual situations, and they frequently create negative precedents. As an example, the Inter-Federal Centre accompanied the legal action undertaken by a headscarved woman working as a cashier in a chain-store. Following the complaint of a client, the employer consulted the chain headquarters to decide how to behave in this case, and the decision taken was to move the woman to a back-office position. The Labour Court found this operation illegitimate and the reason mentioned was the absence of an article in the firm rules concerning religious signs and the fact that at the time the woman was hired she was wearing a headscarf. This judgment was positive for this woman, since she could go back to her previous work position and receive compensation, but it was negative in substance.¹⁰¹ In fact, it did not question the arbitrary application of the neutrality principle and moreover it allowed firms, from that moment on, to make sure to include articles concerning this issue in their internal regulations that would allow them not to hire or to fire a woman wearing a headscarf. Judges seem to prove a certain “malaise” (Interview Centre 3 December 2015) preventing them from taking a substantial position on the concept of “neutrality”. This happened, for example, in the case of a young woman seeking a student job and being rejected once the employer saw she was wearing a headscarf.¹⁰² The negotiation with the Inter-Federal Centre led to the authorization given to this student, but not to

⁹⁸ Order of the French Brussels Labour Court, 16 November 2015, fieldwork document, unpublished.

⁹⁹ Ministère Public, Avis du Ministère public, Auditorat n° A/13/7/17/008, R.G. n° 7.828/13 (fieldwork document, unpublished).

¹⁰⁰ See <http://signes.diversite.be/index-action=onderdeel&onderdeel=21.html>, accessed 2 December 2015.

¹⁰¹ Interview with Inter-Federal Centre, 9 November 2015.

¹⁰² Interview with Inter-Federal Centre, 9 November 2015.

other similar employees. Legal action was undertaken but it was judged as inadmissible since the young woman in the meantime decided that she could not work in an environment where she was the only Muslim woman allowed to wear her headscarf whilst others were not. No pronouncement on discrimination has thus been stated.

For this reason, the Inter-Federal Centre has an internal strategic inquiry about the efficiency of undertaking legal procedures without the guarantee of winning them. This forces the Centre to promote negotiating paths and reciprocal accommodations, following the model of the “highest common denominator” (Bouzar, 2009)¹⁰³ to solve problems involving individuals. A “secured space for negotiation”¹⁰⁴ should be established in order to find a collective answer (engaging all actors involved) to a contextual problem. This approach would encourage a reflection on job norms to take place with the aim of finding solutions where everyone could benefit, in name of some shared “principles of harmonization”.¹⁰⁵ This process can take place not only when discrimination happens, but also when a sort of discomfort is perceived both by employees and employers. The Inter-Federal Centre is thus called to use its expertise in diversity issues in order to find solutions to the problematic situations. Here is a case study to illustrate this process. In a professional school for nurses, a Muslim student once refused to lift her sleeves to correctly wash her hands and arms. After this episode, the school decided to prohibit the wearing of religious symbols. The Inter-Federal Centre found this reaction as “disproportionate”,¹⁰⁶ also because the issue of hygiene had not been mentioned and correctly explained to the student. For this reason a space for negotiation is needed in order to establish an appropriate dialogue among parties which could enable them to realize that the issue of religion is not always the entry point to deal with this kind of situation that could be more easily solved by focusing on more contextual priorities and discourses. This kind of consultancy actions are also implemented by some associations, among which a Flemish one contacted within the framework of this study, which underlines the importance to focus, in the domain of work, not on religion but on the individual competences of a person in question.

Nevertheless, one case has been brought to the European Court of Justice in Luxembourg by the Inter-Federal Centre with the aim of determining a decision which would impact the consideration of such fundamental principles as those mentioned above. The case, still under analysis, concerns a

¹⁰³ Inspired by the recommendation of the Council of Europe, this model is based on the recognition of what join religious communities instead of dividing them. This provides all people involved with a benefit starting from a particular request. This model is also promoted in Belgium by the CBAI, the Brussels Centre for Intercultural Action. The highest common denominator model can for example bring opposing actors in a problematic situation concerning the wearing of the veil to choose a typology of veil which would satisfy both parties.

¹⁰⁴ Interview Director Inter-Federal Centre, 23 November 2015.

¹⁰⁵ Interview Director Inter-Federal Centre, 23 November 2015.

¹⁰⁶ Interview Director Inter-Federal Centre, 23 November 2015.

woman who was fired for having decided to wear her headscarf at work (in the private sector). The justification was the principle of neutrality of the firm. The Inter-Federal Centre claims that this is case of direct discrimination on the grounds of religion and belief. The pronouncement of the European Court of Justice on this case will determine further pursuit of actions against Islamophobia in Belgium. The EU framework directive on discrimination in employment (Directive 78/2000/EC, article 2) requires Member States to prohibit any direct or indirect discrimination, any harassment and incitement to discrimination based on religion or belief in the context of employment and work, including vocational training. The definition of indirect discrimination excludes cases in which different treatment is objectively justified by a legitimate objective (for example hygienic reasons determining special dress codes). In one case, the European Court of Justice found that customer preferences could not be regarded as an objective and reasonable justification for allowing a private company to recruit only native Belgians. It found that the company had practiced discrimination on the basis of race (Amnesty, 2012: 40).¹⁰⁷ This judgment on a religious issue¹⁰⁸ will be almost new, also because the European Court of Justice usually leaves the issue of religious signs to the competence of national politics, provided that the State keeps the role of a neutral and impartial organizer.¹⁰⁹

4.4. Case studies and examples

Along with previous examples, there are other cases addressed by the Inter-Federal Centre. One was that of a woman working in a pharmacy for 10 years and deciding, after her maternity leave, to start wearing a headscarf. In order to respond to complaints from the employer, the Inter-Federal Centre proposed a negotiated solution, relying not only on the existing laws but also on the principle of the highest common denominator. The goal was to establish a dialogue with the employer in order to find a shared solution. These negotiations were unsuccessful, the woman was dismissed and a legal action was undertaken in August 2015.

Some other cases concerned women who have undertaken a reinsertion process in their professional career and want to benefit from support to help them to get out from serious economic precarious situation. The Inter-Federal Centre has a firm position with regard to these cases and is willing to make some general recommendation concerning them, since the prohibition of wearing of the headscarf impedes these women who are seeking employment. These recommendations will also analyse those training paths aimed at professionalizing women and letting them enter the professional market. The Inter-Federal Centre finds aberrant the fact that women have to face

¹⁰⁷ Judgment of the European Court of Justice of 10 July 2008, for a preliminary ruling.

¹⁰⁸ It is expected for September 2016.

¹⁰⁹ See <http://belgianlawreligion.unblog.fr/2009/07/23/le-foulard-du-professeur-de-religion/>, accessed 15 December 2015.

discriminations during this reinsertion path, as it happened for example to a woman, divorced and with two children, whose economic situation lead her to the local public Centre for Social Action (CPAS) in Brussels. This centre delivers social services to people whose livelihoods are insufficient, and among these services it also provides job search assistance. Once the contact between a potential employer and the employee is made, the CPAS provides them with help to settle the contract. This woman had nine job proposals that corresponded to nine employers who found her competences adequate to the job position they offered. Nevertheless, each of them stated that the wearing of a headscarf was incompatible with the work. This prevented the woman from obtaining any of these jobs. This happened in spite of the fact that the CPAS, which would be the legal signatory of the contract, had not included in its rules the prohibition of showing religious signs and thus it should have protected her from receiving such requests from the actual employer. On the contrary, the CPAS reinforced this discriminatory demand to the woman, blaming her for her resistance to this demand, accusing her of not willing to take care of her children, and also suspending her economic support. The CPAS made her search for a job (and thus for a better socio-economic situation) even more difficult, instead of facilitating this path and valorising this woman's efforts and skills. The perseverance of this woman finally helped her find a job where she could work wearing her headscarf.¹¹⁰

Different actions and strategies are implemented at many levels by the women themselves. They act first at the level of the individual strategies that they deploy to deal with a life and a professional context which is constraining. These strategies consist of adjusting to this context, through a sort of resilience that allows them to continue to be themselves, to feel comfortable in their bodies and the space they live in. On the one hand they renounce the idea of a profession that is not perceived as inaccessible to them, on the other hand they find the reasons and the motivations for engaging in another profession which results being available to them. For example some women declared to have resorted to teaching Islamic religion primarily in order to have the right to wear their headscarf. Nevertheless – and for this reason we cannot reduce this choice to a self-discrimination – they also found in this choice the possibility to fulfil themselves both professionally and personally. In the same direction, some Islamic religion teachers, who were the object of discrimination and constant harassments,¹¹¹ decided not to work in the Flemish public schools and searched other

¹¹⁰Interview with a blogger and responsible of an association, 9 November 2015. The situation was solved thanks to the fact that finally another employee accepted this woman with her veil, but the CPAS in Brussels, whose actions were illegitimated, included in its rules the prohibition of religious signs, so that it could, from that moment on (May 2013), claim that Muslim women stipulating a job contract through its mediation could be prevented from wearing their headscarf.

¹¹¹To cite some examples, one teacher was obliged to "hide" herself in an office for some hours since she was not allowed to freely move within the school structure while wearing her headscarf. Another one was expelled from a class by the school director while she was participating, together with the teachers of the other philosophical courses and all students involved, to the joint watching of a documentary.

institutes where the prohibition of wearing the headscarf was less constraining. This resilience is put in place to continue working without constantly facing humiliation related to a sort of “apartheid” settled in schools.¹¹² Nevertheless, constraining choices such as these are often the source of frustrations and suffering, for example for those women who undertake an educational path to work in the domain of law and finally decide to divert to other professional domains since they consider it impossible, for example, to become a headscarved lawyer, as explained before.¹¹³ In other cases, a sort of compulsory auto-segregation is put in place, for example when Muslim people (generally this concerns men in particular, but also some women, such as one who opened a pharmacy) decide to resort to an independent activity, operating in the economic or social domains. Some women also decide to take off their headscarf during their work activities, but “their psychological well-being is affected by this choice”.¹¹⁴

In terms of individual strategies, we also observe other cases that could be defined as attempts to resist to these constraints and also to undertake a real struggle against them. In this context, we see less room for what institutional bodies dealing with discrimination often propose, that is to say the accommodations and negotiations between the parties. We rather see a vivid awareness by Muslim women of their rights, often supported by a deep study on the matter, and a willingness to enforce these rights despite the difficulties that this process entails (this is the case, among other, of the woman involved in the CPAS story described above).

In both typologies of cases (identified as forms of resilience or of resistance), what is crucial is whether women trust or not the Belgian legal system and the institutions aimed at combating discrimination.¹¹⁵ We also note that individual strategies can acquire a collective dimension. Several examples show a willingness of women to exploit their individual experience of discrimination to establish a support system useful for other women. This support system can take the form of associations, having for example the aim of providing financial assistance to women who wish to pursue a legal course following discrimination. This is the case of a Flemish Association created by a woman converted to Islam with the aim of helping female Islamic religion teachers in Flanders to see their rights respected. This woman had herself been fired twice by a public school in relation to the fact that she was wearing a headscarf, and the Council of State confirmed her rights in 2007.¹¹⁶ She could go back to work and after this experience, she decided to create an association to collect funds

¹¹² Interview Flemish association, converted woman, 4 November 2015.

¹¹³ This would imply to take off the veil, for example already during the swearing-in ceremony (Interview Flemish association, converted woman, 4 November 2015).

¹¹⁴ Interview with converted woman, 27 October 2015.

¹¹⁵ About women’s motivations involved in their choice of resorting or not to a legal procedure, please refer to Carles-Berkowitz, 2015.

¹¹⁶ Interview with Flemish association, converted woman, 4 November 2015.

and support Muslim women who wished to undertake a judicial process after having undergone discrimination in the domain of teaching. The support given to women is also moral, since the judicial path is always very long and demanding. This is particularly needed also because once back to school, even if women saw their rights respected and confirmed by the law framework that permits the wearing of their headscarves in reason of their specific domain of teaching, they often continue being an object of discrimination and of the exclusion from most school projects. The will of this woman and of her association is to create as much legal precedents as possible, in order to oblige the Council of State to adjudicate rapidly and favourably in legal processes concerning the wearing of the headscarf in schools by female Islamic religion teachers. Initiatives like these permit Muslim women to take an active place in the local society and show their discrimination experience, as well as their gender, cultural and religious specificity, by participating in it (Mescoli, 2015).

This kind of help also takes the form of collective campaign, such as the “Head-Up” campaign, which has been launched in 2014 by a young woman to collect funds and to support headscarved women who were discriminated against to undertake a legal procedure. This campaign, supported by several associations, collected 70.000 Euros.¹¹⁷



Figure 14_Head-up campaign

Other Muslim women’s associations focus their work at collecting testimonials and making their experiences visible.¹¹⁸ This support system can also take the form of a less structured and more informal support network, support which is not necessarily economic and not necessarily aimed to the legal resolution of a situation of discrimination or discomfort and difficulty. It may indeed be a

¹¹⁷Interview with blogger and responsible for association, 9 November 2015.

¹¹⁸See for example the blog: <http://recit-dune-voilee.overblog.com/>, accessed 2 December 2015 or the Facebook page <https://www.facebook.com/BruxV/>, accessed 2 December 2015 (this last has been created to collect the stories of some female Brussels citizens presenting their diversified competences and qualities, besides their being Muslim and veiled women).

help to find a way out that allows overcoming the negative experiences lived and to find an appropriate and convenient place in society and especially in the professional world. Such was the case of another convert, who after having faced several experiences of discrimination in her professional career, decided to help other Muslim women to deal with problematic situations. This support system does not take the form of an association. Indeed, this woman spoke of “coaching actions” that she implements by accompanying some women in their job search and by instructing them on how to divert discriminating and stereotypical interview questions into opportunities to affirm their competences. Her aim is to “empower headscarved women”,¹¹⁹ not only to obtain a work but also to negotiate contracts. This woman managed to settle this support system starting from her personal experience, and also from the support she herself had from a professional job consultant whom she engaged to help her find a job after her numerous vain attempts. Her experience provided her with the conviction that discriminating practices occurring in hiring interviews can be fought by strategic and prepared communication: “you communicate properly, you can get people on your side and have your chance!”; this communication strategy can “clean up the stigma and let [Muslim] women have a fair interview as anyone else”.¹²⁰ However, strategies such as these need much more energy from Muslim women than from other women looking for a job, and they are often discouraged by this process. This woman suggests to the woman that she coaches to keep a journal in order to help them record “the things that you have seen and experienced, like a therapy, so see them in a more objective way and to keep their tracks”.¹²¹

4.5. Good practice in the public and private sectors

The Inter-Federal Centre reports of a good practice of negotiation concerning another woman, in another professional context, a public one this time (a hospital). This woman was moved to a back-office service once she came back from her maternity leave wearing a headscarf. After having established a dialogue with this public service, a solution had been arranged among parties, which consisted of letting the woman wear a scarf which did not totally cover her ears and chin. What we learn from cases such as this, is that headscarves are problematic in the domain of work, in particular, if they are associated to Islamic religion. In some cases, breaking this association between a clothing habit and the Islamic religious belonging can lead to a resolution of the situational conflict on a practical basis, while the issue is not solved in substance.

In the Flemish city of Ghent, a network of feminist associations promoted citizen action to counteract the legal prohibition of wearing the headscarf concerning the municipality offices from

¹¹⁹ Interview converted woman, 27 October 2015.

¹²⁰ Interview converted woman, 27 October 2015.

¹²¹ Interview converted woman, 27 October 2015.

2007. 10.000 signatures have been collected, which has given some representatives of the network the possibility to intervene in the town council. After a long internal debate, the municipality decided, in 2013, to cancel the prohibition, thus letting Muslim women wear their headscarf at work (in a public service). This same network has also worked in partnership with the Inter-Federal Centre in dealing with another case that has not been yet solved but that has indications of a positive collaboration of different actors. This case concerns a woman who converted to Islam and decided to wear a headscarf. When trying to renew her identity card, she was confronted with the municipality officer who did not accept her photo with a headscarf. The arguments highlighted by the third-parties supporting her are not based on religious issues but on the necessity for this woman to have her documents in order not to incur into various social and legal problems.

Another good practice concerns the permission to wear the headscarf in the University Hospital in Ghent, under the condition that the woman uses a headscarf matching the uniform of the hospital itself. So that she can replace her personal headscarf with the one of the hospital. In private sector, the matching of the headscarf with the firm's uniform can be seen as an added value to the firm itself, in terms of economic gain and its visibility. In one private firm, a Muslim woman decided, without asking about the director's position on this issue, to autonomously remove her headscarf at workplace. Once the (female) director learnt about what her employee was doing, she allowed her and other interested Muslim women to wear the headscarf.

A Flemish association also reported the success of a legal initiative that they undertook against a school which prohibited Muslim students to wear their headscarf, initiative that reached a positive result not only because the Council of State affirmed the illegitimacy of this prohibition. In fact, the argument used to defend this cause, which had been attentively elaborated during the round table by a female activist linked to the association that promoted the initiative, had a great visibility and was also reused in other similar cases, thus promoting such solution also among lawyers. They recalled the right to education and religion as a fundamental human right.¹²²

The woman responsible for the diversity department and education within a Liberal trade union, during the National Roundtable reported of an episode where, thanks to a shared solidarity, a discriminatory action was avoided. In a private enterprise, the administration launched the idea of making a list to identify all Muslim women wearing the headscarf in the firm. When the information reached the employers, all of them (both women and men) showed up at work the following day by wearing a headscarf. This peaceful but significant protest impeded a discriminating initiative to take place.

¹²²Flemish association, National Roundtable, 30 November 2015.

More generally, some initiatives are aimed at monitoring racism, such as the creation of a “barometer of discrimination” in the domain of work implemented by a Flemish association in the city of Brussels. It consisted of a study aimed at comparing some existing data and at proposing the use of “situation testing”, a methodology present in various European contexts,¹²³ to map discrimination in the different phases of job search.

“Situation testing aims to bring to light practices whereby a person who possesses a particular characteristic is treated less favourably than another person who does not possess this characteristic in a comparable situation. Testers, who are usually specifically-trained persons from two different ethnic or gender groups, are matched on their characteristics, in a way that they are supposed to differ only with respect to race or gender, while having similar fictitious backgrounds and personal attributes. Majority-group testers represent therefore a control group for their matched minority-group testers.”¹²⁴

This methodology is not supported by the politicians and they obstruct its wider application in the study of discrimination in Belgium, in spite of the concrete results it could give. For example, in 1997 a study focusing on discrimination at hiring in Belgium based on situation testing showed that discrimination based on ethnic background amounted to 39.4% in the Flemish Region, 27% in the Walloon region and 34.1% in the Brussels region (Arrijn et al., 1997: 115 in Martens et al., 2005: 4).

¹²³ For example SOS Racism in France uses this methodology (Interview KifKif, 26 October 2015).

¹²⁴ Kif-Kif, <http://www.kifkif.be/>, fieldwork document.

5. Racist violence and speech

Stereotypical representations also have an impact on speech inciting hatred and acts of violence, verbal or physical, towards Muslim women. Muslim women are seen as naturally inclined to give birth to many children and thus described as responsible for the reproduction of a religious and cultural group within the population of Belgium, which continues not to be considered as legitimate and as legitimately in the position to demand the same rights as the “rest” of the population. Or, in the most extreme cases of these representations, Muslim women bear the burden of giving life and so reproducing certain terrorist groups associated with Islam. The headscarf functions as a pretext to trigger these negative representations, it makes Muslim affiliation immediately visible and not questionable. The multiple functions of the headscarf through times, places, and cultures, as well as the polysemy of the Islamic headscarf (Göle, 1996; Tarlo, 2013) are not taken into account here. These representations act not only in speeches but also in terms of concrete actions that women recount of, and often these two levels overlap, because the perception of undergoing violence, physical or symbolic, is in any case present.

The interlocutors of this study primarily refer to acts within which, once again, the headscarf is the main protagonist. This is an object that makes Muslim women identifiable among other women, and an object that has an important symbolic meaning. Attacking the headscarf does not only mean attacking Muslim women but also attacking Islam through gender based violence. In extreme but not necessarily so rare situations, the headscarf is subject to actions aimed at physically and symbolically eliminating it. The act of tearing the headscarf is also accompanied by insults addressed to Muslim women that reflect the stereotypical and discriminatory representations described above.

This violence is also reproduced in the media, particularly as several actors, institutions and associations highlight as cyber hate on the internet. However, in the case of hate speech and hate crimes, institutional bodies express the difficulty in identifying gender-specific attacks, except those related to the headscarf or to representations that are particularly associated with women. What is evaluated in these kinds of acts is the intention of directly provoking and inciting violence, but rather against Muslims and Islam more generally. The intentional character of these actions is evaluated through an analysis of contextual elements.¹²⁵ The Islamic headscarf functions as “a mirror of practices and ideals that are internal to Europe, yet that no longer fit its self-understanding, and that have been gradually projected upon the ‘other’”, as Fadil puts it (Fadil, 2015: 57), that which makes

¹²⁵ Interview Inter-Federal Centre, 23 November 2015.

women often the targets of this kind of acts. Moreover, Muslim women are seen as the “visible representatives” of a religion but the choice to target them probably occurs due to the perception of their greater vulnerability. These acts target individuals that are seen (by the perpetrators) as weaker and therefore more easily and deeply affected.

5.1. Data

The main sources of statistical data concerning racist crimes and hate speech are federal police, the prosecution magistrates’ court,¹²⁶ the Inter-Federal Centre, the Flemish anti-discrimination offices and anti-racist NGOs and associations. The following chart shows hate crimes reported by Belgium to the Organization for Security and Co-operation in Europe (OSCE):

| Year | Hate crimes recorded by police | Prosecuted | Sentenced |
|------|--------------------------------|---------------|---------------|
| 2014 | Not available | Not available | Not available |
| 2013 | 375 | 822 | 45 |
| 2012 | 615 | 893 | 66 |
| 2011 | 1152 | 865 | 75 |
| 2010 | 815 | 860 | Not available |
| 2009 | 1198 | 974 | Not available |

Figure 15_Hate crimes in Belgium (OSCE)¹²⁷

The data collected are classified in the following categories: racism, xenophobia, other forms of discrimination and homophobia. Between 2007 and 2012, the court registered 5732 cases of racism, xenophobia, discrimination and homophobia, among which only 579 cases started a penal process and only 230 judgements were pronounced (ECRI, 2014: 20). The Inter-Federal Centre presents different data: in 2011 for example, 559 cases linked to racism and discrimination complaints have been registered, plus 198 cases of discrimination based on religious or philosophical conviction.

Concerning the media, in 2011 the Inter-Federal Centre established 248 complaints among which 90% were related to the internet. These complains addressed some internet sites which diffused hate speeches against immigrants or people with an immigrant background (21%), some email chains denigrating minority groups, among which those identified by a religious belonging (38%) and social networks (17%) or blogs and forums (14%) publishing denigrating messages (ECRI, 2014: 23). Among these complaints, 198 concerned religious or philosophical conviction and half of them

¹²⁶The Belgian “parquet” (in French).

¹²⁷<http://hatecrime.osce.org/belgium>, accessed 12 December 2015.

addressed the Muslim or the Jewish community. In 2014 hate speech reporting corresponded to the 88% of the media discrimination alerts collected by the Inter-Federal Centre. 32% of records concerning the internet are related to religious conviction.

In 2011 the Inter-Federal Centre intervened (by making a complaint) in 9 cases of violence and in 16 cases of racial discrimination combined with physical violence (ECRI, 2014: 27). Some hate crimes targeting Muslims were reported, such as, in 2011, the physical aggression of a couple (a Belgian and a Moroccan) in Schaerbeek (Brussels) by unidentified people (ECRI, 2014: 28).

In 2014, the Inter-Federal Centre opened 260 new cases of discrimination and expressions of hatred against Muslim people linked to their religion. Hate messages on the internet and in the media (44%) remain prominent (Inter-Federal Centre, 2015: 31). In 2014, 55 incidents of hate crime/speech was recorded as they contained elements inciting discrimination, hatred or violence and therefore breaching hate-crime law. Incidents included physical assaults against women wearing headscarves in Brussels, Liege and Verviers; calls to burn mosques via Facebook and Twitter; and militant of Voorpost (a Flemish nationalist group) attack of a mosque in Zelzate, for which the person responsible has been convicted.¹²⁸ The intervention of the Inter-Federal Centre in these cases first calls for the racist content to be removed, if this does not take place, other actions can be taken including judicial proceeding.

In the Inter-Federal Centre 2013 annual report more than half of the Islamophobia complaints concern individual or collective online hate speech.. Islamophobic hate speech takes place on various mediums, such as email chains as the Inter-Federal Centre shows it in a brochure on cyber-hate (Inter-Federal Centre 2009: 14-15). One of these incidents was a videogame diffused by a politician of the Vlaams Belang party in Anvers just before the Belgian federal election in 2014. This game entitled "Minder, Minder, Minder" ("Less, Less, Less") directly attacked the Muslim community in Belgium.

¹²⁸ <http://www.diversite.be/lislamophobie-fait-des-victimes-de-la-toile-vers-lespace-public>, accessed 15 December 2015.

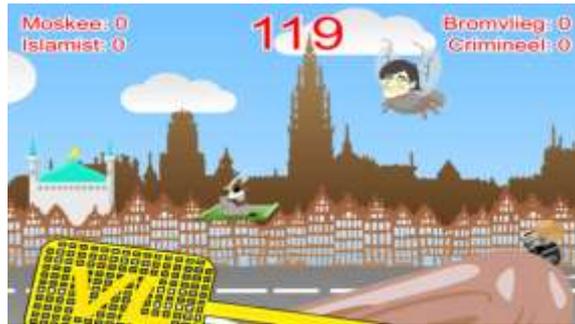


Figure 16_ "Minder, Minder, Minder" videogame¹²⁹

Although this data clearly illustrates Islamophobic racist violence and speech, it is less clear to see the gender dimension, not least because the data are not disaggregated by gender. However, the CCIB figures do give an indication as 63.6% of around 50 Islamophobic hate crimes and offenses that the association identified between January 2012 and September 2015 concerned women.¹³⁰

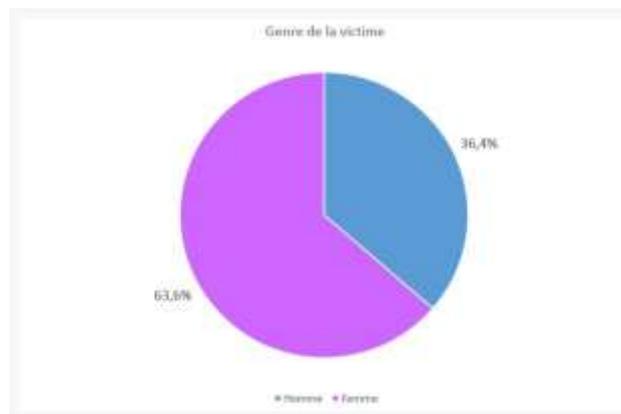


Figure 17_Gender division of Islamophobic hate crimes and offenses 2012-2015¹³¹

5.2. Under-reporting

ECRI raises concerns around under-reporting of hate crimes in Belgium, which is partly due to the lack of contact persons within the police who could improve the response to these kinds of complaints. Data on hate speech and racist violence are too dispersed or not detailed enough to give a clear picture of the situation in the country. Moreover, the phenomenon of under-reporting of racist crimes is worrying. The situation concerning hate speech on the internet is extremely worrying with an increase in racist web pages and discussion forums on Belgian sites (ECRI, 2014: 10). More generally, associations state that data only highlights a small part of the reality, comparable to the visible section of an iceberg (MRB, 2014).

¹²⁹ <http://www.vice.com/be/read/minder-minder-minder-the-game>, accessed 9 December 2015.

¹³⁰ CCIB 2015. Droits des femmes et dimension sexiste de l'islamophobie : factsheet.

¹³¹ CCIB 2015, –Islamophobie en Belgique - crimes et délits de haine : factsheet (01/2012-09/2015).

Interlocutors of this study described attacks of headscarved women in Liege; during an annual fair in one case and a cultural initiative in another. These cases are taken forward by the prosecutor of the city of Liege (the Inter-Federal Centre could intervene as civil party in the proceedings). Other frequent cases are reported by the interlocutors of this study (even if not the object of legal proceedings are Muslim women being spat at.¹³² A woman also reported being asked to stand on a bus to give her seat to other more legitimate passengers.¹³³ A woman who, after 50 years in Belgium, now finds herself confronted by offensive gestures and remarks while just going to do her shopping. She reports that these kind of acts seem to have increased compared to the past.¹³⁴ Further information could be obtained by a systematic collaboration between the Inter-Federal Centre and the Institute for the Equality of women and men on this subject. This collaboration should be accompanied by the concrete possibility to collect and extrapolate racist crime and hate speech complaints and data aggregating gender with religious belonging..

5.3. Legislation, policies and case law

Laws of 2007 punish the incitation to discrimination, hate and violence towards a person, a group or a community on the basis of the attribution of some distinguishing criteria such as race, skin colour, religion, language, nationality, ethnicity and sexual orientation. In particular, the Inter-Federal law against racism punishes on a penal basis the diffusion of ideas based on superiority or racist hate (article 21, ECRI, 2014: 14). This also includes the diffusion of ideas encouraging discrimination based on religion. On the contrary, the discrimination based on religion that acts within work relationships or in relation to the access to goods and services is not considered as a penal infraction (ECRI, 2014: 14). Other general penal dispositions can also punish hate speech, such as those concerning calumny, defamation and insults (ECRI, 2014: 20). The discrimination based on gender identity is not forbidden in itself by legislation. Nevertheless, discriminating motivations concerning ethnicity, gender, religion, can generally constitute aggravating circumstances which could lead to an increased punishment for the crime that has been accomplished.

The law of 12 February 1999 inserted an article into the Law on Party Financing, which provides that when a political party, by its own doing or that of its components, its lists, its candidates, or its elected representatives, shows manifestly and through several consistent indications hostility to the rights and freedoms guaranteed by the European Court of human rights, allocation granted to it can

¹³² Interview with Research and Training Centre, 9 November 2015.

¹³³ Interview with blogger and responsible for association, 9 November 2015.

¹³⁴ Interview Inter-Federal Centre, 9 November 2015.

be suppressed by the State Council (ECRI, 2014: 21). Nevertheless, this law has not been actively applied in practice.¹³⁵

5.4. Case studies and examples

The experience of a young student from Anvers reveals to which extent women converted to Islam can be the target of discrimination. In the framework of a research project realized at the University of Ghent, this student pretended to have converted to Islam and posted this news on her Facebook account to see the reactions of her friends and acquaintances. She changed her profile image with a photo of her wearing a headscarf.



Figure 18_Anvers student fake conversion

The reactions were indeed quite violent, the student was the target of racist statements and she seemed to have lost the majority of her friends.¹³⁶

There are reports of other examples of discrimination targeting Muslim women on social media, in particular if they have a certain visibility such as at a political level. . Messages on Twitter can be extremely violent, and insulting on the basis of an aversion toward the wearing of the headscarf but not only that. Racist statements accuse some Muslim women of exploiting the Belgian social security system and they also violently invite them to “go back to their country of origin”.¹³⁷ The fact that they are, in most cases, born in Belgium and Belgian citizens does not erase the stigma linked to their presumed and attributed ethnic and religious belonging.¹³⁸

¹³⁵For example, the action implemented against the VlaamsBelang party has not been achieved.

¹³⁶ See <http://www.sudinfo.be/1394770/article/2015-10-12/une-etudiante-belge-devient-musulmane-le-temps-d-une-experience-sociale-3/4-de-s>, accessed 9 December 2015.

¹³⁷ Complaint recorded by Muslim Collective, fieldwork document, unpublished.

¹³⁸ Other testimonies shared by Muslim women: <http://www.kifkif.be/actua/beste-mevrouw-homans-een-tijdje-geleden-overkwam-me-iets-zeer-onaangenaams> and

5.5. Good practices

Numerous judicial proceedings were initiated against people inciting hatred and violence. In a number of judgments the Belgian courts have used the option provided by federal laws of 2007 against racism and discrimination to suspend civil and political rights of persons found guilty of racism or racial discrimination, including hate speech. ECRI estimates that the media self-regulation bodies are particularly active in the fight against the spread of hate speech through the media (ECRI, 2014: 9). The Inter-Federal Centre has created a Cyber-hate unit, in charge of elaborating a methodology to fight this phenomenon and of analysing and responding to complaints related to it. Nevertheless, legal action is considered appropriate only in exceptional cases, since it is not always easy to prove the existence of a crime.

Some of the associations contacted in the framework of this study have established monitoring instruments or projects concerning discrimination online (such as the IMAN program, Islamophobia Monitoring and Action Network). A Flemish association created an online tool aimed at screen-shootings racist speech and sending them to the Inter-Federal Centre.



Figure 19_Wiper tool

This tool called Wiper was implemented by a Flemish association. It was active only for a short period as the Inter-Federal Centre rapidly considered it did not fully respect privacy rules.

The hashtag #DailyRacism called on people to share their personal experiences with racism via Twitter and Facebook. The response was staggering, both in content and volume, and dominating the headline news in Belgium. Many of the testimonies concerning racist speech/violence were coming from Muslim women.

6. Conclusions and recommendations

Muslim women can be victims of discrimination which takes many forms and occurs in several areas and times of their lives. They cope with these discriminations by choosing, or having imposed on them, possible exit paths strategies as described above. Sometimes they may also initiate one and divert thereafter, as different needs and problems may appear gradually. They lead to different solutions or sometimes they find themselves in a situation of social and labour immobility, which influences the conditions of their daily lives and the possibility of fulfilment. This national report aims to illustrate this process and to formulate recommendations that also demand an institutional commitment to the fight against this specific form, multiple and gendered, of discrimination.

Women belonging to a religious minority can be the victims of multiple forms of discrimination, based on gender, religion or ethnic origin (Amnesty, 2012: 27). The intersectional approach¹³⁹ to discrimination include class, gender, origin,¹⁴⁰ religious and ethnic belonging in the analysis.¹⁴¹

The multiplicity of the discriminations suffered by Muslim women is also due to the specific effects of the domestication of women in the domain of work that they experience, as we saw in this report. Furthermore, it is reinforced by the fact that (more often in the past than at present) feminist claims and movement have not always supported their battles. “When [feminists] had to take charge of Muslim women to denounce gender discrimination¹⁴² and [as examples legitimating] the fight against the inequalities between women and men, there were no problems. But when Muslim women decided to affirm their belonging, this caused a problem”.¹⁴³ This statement points out some still actual divergences among feminist groups with regard to both Muslim women’s practices (wearing the headscarf, but not only) and to the notion of emancipation in more general terms. The point is about the compatibility of this (Western and theorized in liberal terms) notion with different women’s perspectives,¹⁴⁴ as well as, more largely, about the incommensurability between Islam and the West triggered by the “women question” (Fadil, 2015: 52) and by discursive practices embracing

¹³⁹ This approach is used not only in the scientific and academic analysis of gender dynamics and gender discrimination in particular, starting from the work of Crenshaw (1989), but it also inspires the recommendations of international bodies, as we can see in the general recommendation n. 28 on the Core Obligations of States Parties under Article 2 of the CEDAW (<http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC2.pdf>, accessed 14 December 2015).

¹⁴⁰ The “triple sentence” (Kachouk, 2011: 15).

¹⁴¹ Ethnic belonging concerns, for Muslim women, being considered as Arab in more general terms or as associated to more specific ethnic (and national but not Belgian) groups (Moroccans for example).

¹⁴² The reference is, for example, to polygamy and wife repudiation, practices which were objet of feminists claims in the 1990s (Interview Inter-Federal Centre, 9 November 2015). A French feminist movement has been mentioned with regard to this discourses and in particular with the further stigmatisation of Muslim women (and men), through the pretext of saving them from religious and cultural submissive practices, that is the group “Ni putes ni soumises” (neither whores nor submissive), which also has a committee in Belgium (<http://www.niputesnisoumises.be/>, accessed 12 December 2015).

¹⁴³ Interview Inter-Federal Centre, 9 November 2015.

¹⁴⁴ To deepen this subject, please refer to Mohanty, 1988.

the “local fabrication of the ‘headscarved woman’” (Frigoli, 2011: 31). “‘Women’s emancipation’ is used as a boundary marker of Western civilization and how Muslim women end up being the objects of rescue narratives” (Fadil et al., 2014: 252, quoting Bracke, 2007). The wearing of the headscarf has long been interpreted by some feminist movements as the symbol of women submission and sexist violence;¹⁴⁵ the racist violence which hides behind this kind of anti-sexism, tends to reinforce sexist violence (Hamel, 2005). In fact, neither Muslim women’s perspective on this practice and the meaning they associate to it, nor the fact that this practice can also constitute a means to protest against racism by “diverting the stigma” (Gaspard and Khosrokhavar, 1995; Brion, 2000) are taken into account, thus neglecting women’s agency. The multiple uses and meanings of the headscarf are inspired by the awareness that patriarchal practices of which they have been victims are not grounded on a scriptural basis (to which they have access) but on the social and historical context where these practices were first spread (Vanderwaeren, 2012: 190). On an academic basis the compatibility of women’s agency with Islamic belonging and practices has been attested by a large corpus of literature highlighting the diverse paths and forms that Muslim women’s agency can undertake and take (see for example Ahmed, 1992; Abu-Lughod, 1999; Mahmood, 2005).¹⁴⁶ Nevertheless, this issue is still not universally accepted at the level of social movements. On the other hand, or maybe for this reason, the participation of Muslim (and headscarved) women in feminist demonstrations is still not visible, “there is a lot of work to do, there are other issues [concerning women rights] and we are not present”.¹⁴⁷ Concerning the anti-racist movement and other forms of movements, such as the Labour one, they are often dominated by the male presence, which leaves women and their rights (shared with men or specific) in the shadow and that implicitly establishes a hierarchy of rights and a priority of values.¹⁴⁸ The participation of women in the framework of these more general fights, as well as the consideration of eventual specific claims made by Muslim women, are some essential prerequisites to reach a more equal and respectful society.

Some recommendations that specifically concern Muslim women have already been stated by institutions, national or international, as well as by various kinds of associations and by scholars. Discussed below are the recommendations in line with the data shown in this report and that we support or integrate with other observations, thus highlighting the need for their implementation.

¹⁴⁵ Among the consequences of this view is the fact that feminist movements promoting it give legitimate arguments to governments to prohibit the wearing of the veil, as it clearly happened in France, as well as to put in place other means to prevent the realization of the “Islamic threat” and its supposed sexist consequences (see Delphy, 2006).

¹⁴⁶ More recently, the journal *Hommes & Migration* devoted a special issue to feminism and Islam in Great Britain (Joly & Wadia 2012).

¹⁴⁷ Interview blogger and responsible of association, 9 November 2015.

¹⁴⁸ Activist, National Roundtable, 30 November 2015.

- Before presenting more precise recommendations, it is useful to revisit the general principle of article 14 of the European Convention on Human Rights which underscores most of them. It states that “the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”.¹⁴⁹ First of all, the disproportionate effect of the restrictions to the enjoyment of the rights and freedoms stipulated by the Convention on Muslim women should be taken into account both on an individual and on a collective basis. As Amnesty International points to the General observation n. 28 (Equality of the rights between men and women, article 3, 29/03/2000, § 13) of the Human Rights Council, the wearing of religious clothing and signs comes with the right to freedom of expression and the right to manifest religion or belief. Each individual must be free to decide whether or not to bring signs of his/her religious beliefs or cultural customs. The dress code imposed on women in public places can be a violation of their right to freedom of expression or of their right to manifest their religion (Amnesty, 2012: 27). As a consequence, Belgian public authorities should not introduce restrictions on wearing of religious clothes and signs through the interpretation of the principle of neutrality as prohibiting officers or State agents from making their belief visible. This interpretation does not comply with the definition of the UN Special Rapporteur on freedom of religion or belief which underlines that the state has to treat the believers of different religions with equality and has to ensure a non-discriminatory application of freedom of religion or belief (Amnesty, 2012: 41). In particular, it is necessary to strictly interpret the principle of objective and reasonable justification for genuine occupational requirement and limit its use according to the nature of the position and of the tasks (Amnesty, 2012: 112-113), in order not to penalize Muslim women at work. Concerning this issue and ECRI recommendations, as already mentioned above, paragraph 4 of article 8 of the law against discrimination provides for the possibility to adopt a royal decree aimed at listing those situations within which the anti-discrimination law should not be active and this for professional reasons. The adoption of such a decree protecting Muslim women rights at work is urgent.
- The existence of multifactor discrimination (Carles, 2011: 49) and of its impact on women has been recognized by the European directives against discrimination adopted in 2000 (Directive 2000/43/EC and 2000/78/EC) prohibiting direct and indirect discrimination on grounds of racial or ethnic origin, religion or belief, disability, age and sexual orientation and

¹⁴⁹ https://ec.europa.eu/digital-agenda/sites/digital-agenda/files/Convention_ENG.pdf, p. 12.

inspiring general national laws against discrimination. Nevertheless, complementary actions have to be created in order to improve the efficacy of politics and practices, since no adequate legal instrument has been created to properly address multifactor discrimination (Carles, 2011: 49). Associations working on the field (anti-discrimination, Muslim-oriented and feminist-oriented) need to be involved in the management of this issue together with the institutional bodies which are in charge of it in order to meet this legal lack or inadequacy. The European Commission against Racism and Intolerance (ECRI) points out that the Belgian Federal Law against discrimination should include some of the dispositions contained in the Federal Law against racism with the aim of improving the protection against discrimination based on religion and language. Besides this, for ECRI the authorities should amend the law against discrimination both at the federal and national level in order to include gender identity among discrimination proscribed criteria. Moreover, an assessment of the application and effectiveness of the legislation against racism and discrimination need to be implemented as soon as possible (ECRI 2014: 11).

At the European level, ECRI reiterates its recommendation to Belgium to ratify the Additional Protocol to the Convention on Cybercrime of the Council of Europe, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (ECRI, 2014: 25).

- Besides the legal issues, the question of data (under)reporting and of the difficulty to disaggregate or, conversely, aggregate some specific data must be addressed. As the European Women Lobby highlights it,

“[t]hroughout the EU, both at the national and European level, gender equality institutional mechanisms are diluted into bodies dealing with diversity and all grounds of discrimination, and in some cases into human rights bodies. This leads to an invisibility of the goal of women’s rights and a decrease of human and financial resources for gender equality and women’s rights. [...] There is an urgent need for gender disaggregated data and specific reports that reflect gender issues. When it comes to gender equality measures, the data and information have many short-comings and the data collected [...] is not systematically used in other policy frameworks.” (EWL, 2015: 23)

Correctly report data is key to fight discrimination or related issues. Concerning hate crime, Belgium reports hate crime data to the Office for Democratic Institutions and Human Rights (ODIHR). Nevertheless, and besides the fact that Belgium’s Criminal Code includes several penalty-enhancement provisions for specific offences, the data reported to ODIHR do not

present cases of hate crime, incitement to hatred and discrimination separately.¹⁵⁰ Hate crime data are collected by law enforcement agencies, the Prosecutor's Office and the Inter-Federal Centre for Equal Opportunities. Currently it is not possible to disaggregate Islamic religious belonging and gender, for that to take place, the police must record this information when a complaint is made.. ECRI recommends that the authorities ensure the effective implementation of new regulations on data collection of racist and homophobic / transphobic hate crimes. This will result in specific and reliable data on offenses relating to hate speech and potentially an appropriate responses by the criminal justice system (ECRI, 2014: 20). For all other forms of discrimination faced by Muslim women, the gender dimension should be recorded in a systematic way. It is also necessary to disaggregate religious belonging within the data concerning gender discrimination (as we saw in this report, these groups of data in Belgium are dealt with by two different institutions. Each of them should work, in collaboration as well as on its own domain of competence, in order to make access to relevant data possible).

- In relation to this, further research on multiple discrimination suffered by Muslim women is needed. The availability of disaggregated data would make it easier for researchers to more deeply investigate this issue. These research would be useful to assess the eventual possibility to promote, through the support of special policies or recommendations,¹⁵¹ the incorporation of Muslim women in all sectors of employment. This recommendation is in line with similar initiatives that are taken to prevent, more generally, discrimination and violence against women.¹⁵²

¹⁵⁰ <http://hatecrime.osce.org/belgium>.

¹⁵¹ Related to this, we state the importance that the recommendations that the Interfederal Center formulates in specific cases but also in more general terms have to be unquestionably adopted by the concerned employers.

¹⁵² As an example, the Secretary of State to the Equality of the Chances will sponsor a study about the violence against women in Brussels region and she stated that the results of this study would inform her future politics and policies addressing this subject (Article published on <http://www.dhnet.be/>, accessed the 9 December 2015, no more available online).

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