



European Network Against Racism

Réseau européen contre le racisme

FORGOTTEN WOMEN:

The impact of Islamophobia on Muslim women in France



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EXECUTIVE SUMMARY

Muslim population overview

Key data

France has the largest Muslim community in Europe. While there were 44 million European Muslims in 2010 representing 6% of Europe's total population¹, the French Muslim community accounted for **8%** of the total population in France, or about **2.1 million** people aged 18 to 50. Estimations place the figure between 3.9 and 4.1 million Muslims in France with children and elderly included.² **Muslims form the second largest religious group in France after Christians.**

Trends

The French Muslim population is mainly comprised of immigrants and second-generation immigrants from North Africa, Sub-Saharan Africa and Turkey.³

Legislation and policies

In France, the anti-discrimination legal framework is solid. The EU Directives (Racial Equality Directive 2000/43/EC and Employment Equality Framework Directive 2000/78/EC) **were transposed into French law in 2001 and the French Constitution guarantees fundamental rights such as equality, religious freedom, the right to manifest one's religion or belief.**

The EU Framework Directive on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008/913/JHA) was partly implemented in France. **Recent French legislation (2014 and 2015) against racism and anti-Semitism** focused on public hate speech and online hate speech in an anti-terrorism context in the aftermath of the Paris attacks of January 2015.

As far as religious freedom is concerned, France sets itself apart from most European states with the **concept of secularism ("laïcité")**. The **2004 legislation on the prohibition of conspicuous religious symbols in French public primary and secondary schools** extended the legal understanding of secularism, as it was defined in the **1905 Act on the separation of Church and State**. Religious neutrality now extends to students, whereas it used to only concern civil servants.

The 2004 Act had a disproportionate impact on Muslim girls and women, especially those wearing headscarves.⁴ Many legal attempts have aimed at extending neutrality in spaces such as universities or private companies. Some succeeded, such as the **2010 Act on the prohibition of concealment of the face in the public space**, which mainly targets full-face veiled Muslim women. This edited definition of secularism indirectly excludes Muslim veiled women from many social spaces.

Temperature test

¹ Pew Research Center. 2011. 'The Future of the Global Muslim Population, Projections for 2010-2030': 121.

² INSEE/INED. 2010. 'Trajectoires et Origines (TeO), Enquête sur la diversité des populations en France'. Documents de travail 168: 124.

³ Ibid: 125.

⁴ According to the only official report on the impact of the 2004 law on students' scholarship, in 2005, on the 639 reported cases of religious symbols in public schools, 626 involved Muslim girls and on the 47 permanent exclusions, 44 were pronounced against Muslim girl students.

Cherifi H. 2005. 'Application de la loi du 15 mars 2004 sur le port des signes religieux ostensibles dans les établissements d'enseignement public': 35 and 37.

Despite a recent recognition of Islamophobia as a social issue and a certain interest for Muslim voices in some media spheres, **mainstream media coverage of Islamophobia and Muslims is still stigmatising**. Muslim women are often depicted as stereotypical figures such as the submissive woman or the Islamist threat.

In the political realm, the existence of Islamophobia is denied by a large number of political representatives who contribute to the **trivialisation and normalisation of Islamophobic discourse**.

“The veil, which prevents women from being who they are, remains for me, and must remain for the Republic an essential fight.”

Current Prime Minister Manuel Valls, *Europe 1*, 6 February 2013.

“We don’t want veiled women.”

Former President Nicolas Sarkozy, *Europe 1*, 19 February 2015.

Nevertheless, political personalities are beginning to consider Islamophobia and religious discrimination as an important social issue.

French public opinion on Muslims and especially on Muslim women is worrisome. According to some opinion polls, **the French Muslim community is the least tolerated population, with 53% of positive responses (compared to 79.5% for the Jewish community)⁵ and only 26% of the French population having a positive image of Islam**. From a gender perspective, Muslim women are very negatively perceived: **79%** and **93%** of the French population consider that wearing Islamic religious symbols, such as the headscarf and full-face veil, constitutes a barrier to “co-existence” (“*vivre-ensemble*”).⁶

Self-identified Muslims experience more discrimination than other religious groups (47% against 22% for Catholics and 20% for Jews).⁷

Islamophobia: discrimination and violence

Key facts on Islamophobia in France

In 2014, the CCIF recorded 764 Islamophobic acts, which is 10.6% more compared to 2013.⁸ On the contrary, the National Observatory against Islamophobia (*Observatoire national contre l’islamophobie*) registered a 41.1% decrease in of anti-Muslim acts between 2013 and 2014.⁹ This difference can be explained by the methodology used by the two organisations. The Observatory’s data are based on those of the Ministry of Interior and only take into account the number of complaints concerning anti-Muslim actions and threats. CCIF’s data also include the number of complaints and add cases of Islamophobia reported to the organisation or released in the media. In its annual report for 2014, the Observatory admits that the 2014 data **“did not reflect reality as most Muslim victims do not report their cases to the police nor do they file a complaint”**.¹⁰ Since the Paris attacks in January 2015, the Observatory changed its methodology and now includes data sent by the mosques’ network of the French Council of Muslim Worship (Conseil Français du Culte Musulman, or CFCM,).

⁵ CNCDDH. 2014. ‘La lutte contre le racisme, l’antisémitisme et la xénophobie. Les essentiels’: 7.

⁶ CNCDDH. 2014. ‘La lutte contre le racisme, l’antisémitisme et la xénophobie’: 30-36.

⁷ INSEE/INED. 2010. ‘Trajectoires et Origines (TeO), Enquête sur la diversité des populations en France’. Documents de travail 183:8.

⁸ CCIF. 2015. ‘Annual Report 2014’: 24.

⁹ Observatoire national contre l’islamophobie. 2015.

¹⁰ Ibid.

However, Islamophobic acts have exploded over the last five years. 2015 foreshadows an unprecedented increase. In the aftermath of the **January 2015 terrorist attacks**, more Islamophobic acts were registered in one month than in a whole year (128 acts between 7 and 20 January 2015).¹¹

Data on Islamophobia in France highlight a **two-fold issue**:

- **Islamophobia is a predominantly institutionalised form of discrimination.** In 2014, **71.6%** of Islamophobic acts were perpetrated by French institutions as opposed to private institutions or individuals. **One quarter** of the total Islamophobic acts occurred in the field of education (primary and secondary public schools).¹²
- **Islamophobia tends to be a form of sexism that combines gender and religious discrimination.** In 2014, **81.5%** of Islamophobic acts and speech targeted women. Muslim women, and especially Muslim veiled women (whatever the type of veil) because of their great visibility, account for **almost 100%** of victims of physical aggressions.¹³

“Forgotten women”

Being a Muslim woman in France means being confronted with Islamophobic violence and discrimination at every stage of life: at school, during educational and professional training, for administrative procedures, at doctors’ offices, on the streets, in restaurants, at banks, at public swimming pools, etc.

In the employment field, discrimination occurs in vocational training, in access to employment, and in the workplace as well.

Employment field

In the French labour market, **two common trends** can be observed: women are in a more vulnerable position than men, and, the majority population is more privileged than minority populations (be it foreigners, immigrants and second-generation immigrants).

As far as Muslim women’s situation in the French labour market is concerned, similar trends can be noticed, revealing two types of gaps, on the grounds of gender and ethnicity:

- **The gender gap:** native women are less employed and equally affected by unemployment than male foreigners (from all origins). This difference is confirmed and even more pronounced among foreign women (from all origins): women from all origins are disadvantaged compared to men (native or not) but also to non-immigrant women.¹⁴
- **The ethnic gap:** employment rates of immigrant women from Turkey, Algeria, Morocco, Tunisia and Sub-Saharan Africa (who are mostly Muslims) are inferior to employment rates of immigrant women from Southern Europe or the rest of the EU.¹⁵

According to CCIF data, in **2014, 99 cases of religious discrimination were recorded in the fields of higher education and vocational training (13% of the total acts of discrimination)**.¹⁶ In **2013, 18.6%** of Islamophobic acts occurred in the employment field. **7.35%** of the discrimination cases took place in the workplace and **11.25%** of them were perpetrated by private companies, mainly in access to employment.¹⁷

¹¹ Ibid.

¹² CCIF, 2015: 26-27.

¹³ Ibid: 28.

¹⁴ Eurostat. 2013. ‘Labour Force Survey, Activity Rates by Sex, Age, and Nationality’.

¹⁵ INSEE/INED, 2010 (168): 56.

¹⁶ CCIF, 2015: 27.

¹⁷ CCIF. 2014. ‘Annual Report 2013’: 9 and 11.

Among CCIF's reported cases, a large majority of victims of discrimination in employment are Muslim women, especially veiled women. Their headscarves often prove to be a barrier in accessing employment. CV testings reveal **three different trends** as far as discrimination against Muslim women is at stake:

- **The “intersectional effect”**: The intersectional effect results in the creation of **multiple discrimination**; gender and origin do not simply add up. The crossed effects of gender and origin create a **double glass-ceiling effect for women of African descent**. Discrimination on the basis of gender and origin combines.¹⁸
- **The “Muslim effect”**: Within the same gender and ethnic intersectional categories, it is possible to detect a “Muslim effect”. The candidate perceived as Christian received 2.5 times more positive responses to her application than the candidate perceived as Muslim.¹⁹
- **The “headscarf effect”**: Within the same gender, ethnic and religious intersectional categories, wearing an Islamic religious symbol such as a headscarf reduces the chances of getting an interview close to zero.²⁰

Islamophobic violence and speech

As far as Islamophobic violence and speech are concerned, the CCIF recorded **103 cases of Islamophobic discourse, 28 cases of verbal aggressions and 22 cases of physical aggressions in 2014**. The Paris attacks of January 2015 had a dramatic impact on Muslim women. Reported cases of Islamophobic violence and speech increased exponentially during the first quarter of 2015. CCIF monitoring registered more violence and insults within six months than in a whole year. **Between January and June 2015, physical and verbal aggressions respectively showed a 500% and 100% increase compared to the same period in 2014**. 87 cases of Islamophobic discourse, 30 verbal aggressions and 32 physical aggressions were reported to the CCIF. Most victims are Muslim women, veiled women particularly.²¹

Muslim women are therefore victims of multiple discrimination on the grounds of gender, religion and ethnicity. Wearing a headscarf clearly constitutes an additional barrier when it comes to entering the French labour market or facing verbal and physical violence.

Obstacles to a better recognition of discrimination against Muslim women

French State policies

French public policies regarding racism and more precisely Islamophobia are limited. Political representatives prefer to **hint at extending exclusive religious neutrality in public spaces** such as in educational and vocational training, in the private sector of employment, etc., while **supporting and promoting an inaccurate definition of secularism** (compared to its 1905 original legal definition).

French legislation

Some French case laws on religious discrimination tend to **extend the scope of application of the 2004 and 2010 laws** and not to be aligned with national law and European Directives. In the field of employment, two court cases are particularly controversial:

¹⁸ Petit P., Duguet E., L'Horty Y., du Parquet L. and Sari F. 2013. 'Discrimination à l'embauche: les effets du genre et de l'origine se cumulent-ils systématiquement?'. *Economie et Statistiques* 464-465-466: 141-153.

¹⁹ Adida C. L., Laitin D. D., Valfort M.-A. 2010. 'Identifying barriers to Muslim integration in France'. *National Academy of Sciences* 107 (52): 384-390.

²⁰ Tisserant P. 'Discrimination à l'embauche liée au port de voile: les résultats d'un *testing* sur CV réalisé en France'. Conference 'The Making of Discrimination', 6 November 2014.

²¹ CCIF. 2015. 'Rapport sur l'islamophobie en France six mois après les attentats de janvier. 1^{er} semestre 2014 – 1^{er} semestre 2015'.

- **Decision 03/30212 of 19 June 2003** (Court of Appeals of Paris): which gives employers the possibility to restrict religious manifestations depending on the commercial imperatives of the company;
- **Decisions 536 and 537 of 19 March 2013** (Court of Cassation): which states that religious neutrality must apply in public services companies but not in private companies, even if they accomplish a mission of public services. These decisions feed the confusion between laws ruling religious freedom in public and private companies, as the notion of “mission of public services” remains blurry.

In the field of education, **Muslim girl students are often harassed because of their clothing, which is considered religious** (long skirts, loose-fitting or dark clothes, etc.). Moreover, the **2012 Chatel circular**, which prevents parents from wearing religious symbols (i.e. veiled Muslim mothers) from participating in school outings with the children, does not rely on any legal provisions and cannot be considered as a legal document either.

French institutions

In the field of justice, research led to a two-fold issue regarding Islamophobia court cases. On one hand, **legal officers and experts lack training on multiple discrimination** and, on the other hand, there is a **large gap between sanctions and sentencing**, which can be understood as a licence to discriminate. As a result, French justice does not seem **uninterested in and insensitive to the issue of discrimination and violence against Muslim women**, which contributes to the denial of their victimhood.

In the field of law enforcement, the current collection and monitoring of complaints is a **huge obstacle to properly identifying Islamophobic acts on religious and gender grounds**, mainly because it relies solely upon the assessment of the agent in charge of the file. Police officers also lack specific legal and vocational training on this specific discrimination and the issues at stake.

Civil society feminist and anti-racism organisations

Most mainstream feminist and anti-racism organisations have shown little interest in discrimination and violence against Muslim women. Anti-racism organisations are reluctant to recognise Islamophobia as a specific form of racism. Feminist organisations, because they focus on the headscarf issue and **perceive it as a religious symbol of patriarchal oppression**, have difficulties recognising Muslim women’s victimhood on a gender basis and including them in the struggle against discrimination and violence.

Consequently, **Muslim women have created their own organisations to tackle Islamophobic discourse and violence.** Although they are well represented in European and international civil society networks, they remain marginalised and excluded from French mainstream civil society stakeholders. They also lack national visibility in the media and institutions, which contributes to silencing them in public debates.

Employment sector

In the field of employment, a **paradoxical situation** can be observed. **The management of religious diversity in the workplace has become an issue over the last five years.** CEOs, managers and human resources departments are very interested in developing or acquiring processes or guidebooks to face potential religious requests from their employees.

Nevertheless, **ignorance of anti-discrimination legislation, especially on the grounds of religion, seems to be the rule in private companies.** Consciously or not, employers often discriminate against Muslim employees, especially Muslim women wearing headscarves.

Conclusion – The impact of Islamophobia on Muslim women

The impact of Islamophobia on Muslim women is highly negative. In France, a Muslim woman may be the victim of discrimination and violence at every stage of her life.

This discrimination proves to be intersectional. As it is based on perceived gender, religion and ethnicity, it should be taken up by both the feminist and anti-racism struggles and lead to common actions and campaigns tackling Islamophobia.

The struggle against violence and discrimination against Muslim women should take place in the field of Civil Rights. Beyond the religious discrimination dimension of Islamophobic acts, the gender dimension should emerge as the common denominator because the fundamental rights of these women are being denied on a regular basis. Combating Islamophobia also amounts to respecting women's freedom and legally guarantees the protection of women's integrity.

INTRODUCTION

Presentation of ENAR's project

Islamophobia, as a form of racism, refers to acts of discrimination and violence that target individuals or a group on the basis of their real or perceived belonging to the Muslim population. Most European institutions and Non-Governmental Organisations (NGOs) share the definition of the United Nations (UN) Human Rights Council:

Islamophobia refers to a baseless hostility and fear vis-à-vis Islam and, as a result, a fear of and aversion towards all Muslims or the majority of them. [Islamophobia] also refers to the practical consequences of this hostility in terms of discrimination, prejudices, and unequal treatment of which Muslims (individuals and communities) are victims and their exclusion from major political and social spheres.²²

Muslim women are disproportionately affected by this phenomenon. They suffer from discrimination, stigmatisation and exclusion in many areas such as employment, education, vocational training, access to goods and services, etc. In France, Islamophobia tends to be an institutional phenomenon as the State appears to be the number one perpetrator of Islamophobic acts.

There is no pan-European comprehensive research analysing the impact of Islamophobia on women though some national reports have attempted to look at Islamophobia from a gender perspective. Muslim women and their experience of discrimination are primarily understood as based on the sole ground of religion. This focus on the religious aspect can be misleading as it does not grasp the complexity of Islamophobia affecting women. Indeed, religion, and Islam especially, is often considered as intrinsically contrary to gender equality.

The project “Forgotten Women: The Impact of Islamophobia on Muslim Women” is a unique and innovative joint effort between anti-racism (ENAR) and feminist movements. It aims to get the Member States of the European Union (EU) to adopt specific strategies fostering the inclusion of Muslim women and to demonstrate the need for an improved implementation of EU equality legislation.

Whereas the French State sometimes appears reluctant to recognise Islamophobia and lacks specific and concrete public policies on the issue, NGOs offer a precious alternative to measuring and understanding the complexity of Islamophobia and its gender dimension in the French context. Their insight represents an important advocacy tool which highlights the importance of the phenomenon. The French Ombudsman (*Défenseur des Droits*, DDD) is also involved in combating religious and gender discrimination. This report is based on both extensive desk research and stakeholders interviews. In addition, it presents a close focus on Muslim women's testimonies and experiences of Islamophobia in the field of employment as well as in various public spaces. An informal and qualitative approach will thus complement more official and quantitative aspects.

Statistical overview on the French population

In France, there is no available census or population register on religion as there is a general prohibition principle (although some foreseen exceptions do exist). When it comes to studying discrimination and Islamophobia, whether in society or in the field of employment, the French context represents an obstacle from a data collection perspective. Indeed, since 1978, the legislation forbids, with some exceptions, interviewing people on any personal details such as religious, racial, ethnic, sexual or political data.²³

²² UN Human Rights Council. 21 August 2007. Document A/HRC/6/6: 8.

²³ The law was edited several times to adjust contemporary issues and to conform to the EU legislation.

http://www.cnil.fr/fileadmin/documents/approfondir/textes/CNIL-78-17_definitive-annotee.pdf, accessed January 2015.

Nevertheless the Data Protection Authority, the National Council of Information and Freedoms (Commission Nationale de l'Informatique et des Libertés, CNIL) makes some derogations to the general principle, depending on the institution, purpose of the survey, individual consent, etc.²⁴ Data collection on religion is thus only authorised for some studies on discrimination or victimisation surveys. As far as official censuses are concerned, proxies such as parents' origin or nationality have to be used to determine trends and gaps concerning the Muslim population.

Foreigners and immigrants

Latest available official data on the French population only make the difference between foreigners,²⁵ immigrants²⁶ and the majority population²⁷. Among immigrant and foreigner categories, it is possible to distinguish some groups according to geographical origins, as well as for the first and second generations of immigrants.²⁸ In 2012, there were 3.8 million foreigners in France (5.8% of the total population²⁹) and 5.8 million immigrants (8.5% of the total population).³⁰ The share of women immigrants has been on the rise since the beginning of the 21st century. In 2012, they represented 51% of the total immigrant population, even if this trend varies according to the country of origin. Women accounted for the majority of Sub-Saharan, South-European and Asian immigrant populations. 60% of the immigrants living in France are foreigners. Immigrant women from all origins (43%) are more likely than men to become French citizens.³¹

With regard to the geographical origin, one third of immigrants were born in one of the 28 EU Member States. Almost 43% of immigrants originate from Africa. Most of them come from North Africa (13.2% from Algeria, 12.2% from Morocco) and Sub-Saharan Africa (13%). Immigrants from Asia account for 14.3% of the immigration population, 4.5% of them originated from Turkey. The rest of the immigrant population, only 5.4%, comes from America and Oceania.³²

The French population is also characterised by a large number of second-generation immigrants. According to the latest available data, they represent 13.5% of the total population (6.7 million).³³ Only 3% of them are not French citizens.³⁴

Muslims

France has the largest Muslim community in Europe. While there were 44 million European Muslims in 2010 representing 6% of Europe's total population,³⁵ the French Muslim community accounted for 8% of

²⁴ Since 2007, the law was edited to make it possible for academic and official surveys to collect parents' country of birth and nationality. Data collection on physical appearance (including skin colour) is also authorised in the framework of studies covering perceptions of discrimination (which is the purpose of the "Trajectories and Origins" survey ("*Trajectoires et Origines*" survey)). Recently (November 2014), the French Senate voted on a resolution which authorises the same kind of data collection in official national censuses. This is a huge step in the implementation of ethnic statistics in France. When the law passes, it will hopefully force national institutions to recognise and address racial discrimination.

²⁵ According to the High Council for Integration (Haut Conseil à l'Intégration, HCI), a foreigner is a person who resides in France and does not have French nationality.

²⁶ An immigrant is a person who is born abroad (from non-French parents) and resides in France. Immigrant is a permanent status as people remain immigrants even if they get naturalised. Immigrant and foreigner groups can overlap: when individuals are not born in France but live in France. People of foreign origin who were born in France are not counted as immigrants.

²⁷ INED. 2010. 'Les discriminations, une question de minorités visibles': 2. Second-generation immigrants are immigrants' children. This category also includes children from Overseas Departments.

²⁸ The majority population is composed of any French individual who is neither an immigrant, an immigrant's child nor someone born in the Overseas Departments. This group also includes French people born abroad, their children and immigrants' grandchildren (third generation immigrants).

²⁹ 66 million on 1 January 2014. INSEE. 2014. 'Tableau de l'économie française': 24.

³⁰ Ibid: 37. The most up-to-date available data relates to the year 2012.

³¹ INSEE. 2012. 'Immigrés et descendants d'immigrés en France': 106 and 113.

³² INSEE, 2014: 37.

³³ Second-generation immigrants aged from 25 to 64. INSEE, 2012: 18-19. The most up-to-date data of this study relate to the years 2008 or 2009.

³⁴ Second-generation immigrants aged from 18 to 50. Ibid: 115.

³⁵ Pew Research Centre, 2011: 121.

the total population in France, i.e. 2.1 million people aged 18 to 50. Estimations place the figure between 3.9 and 4.1 million Muslims in France with children and elderly included.³⁶

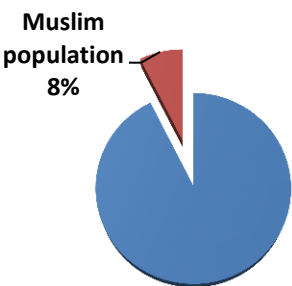
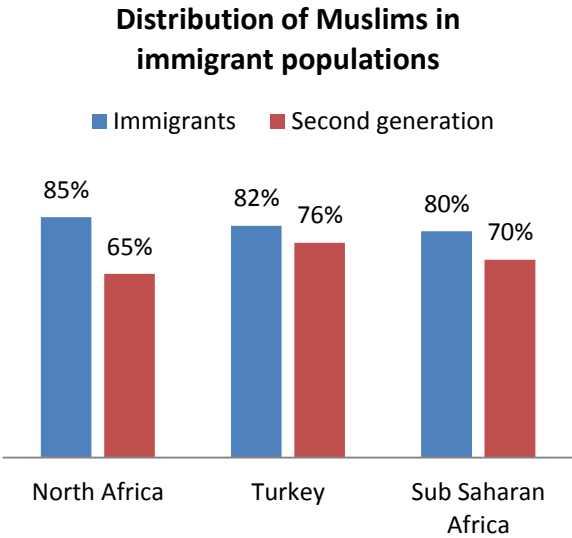
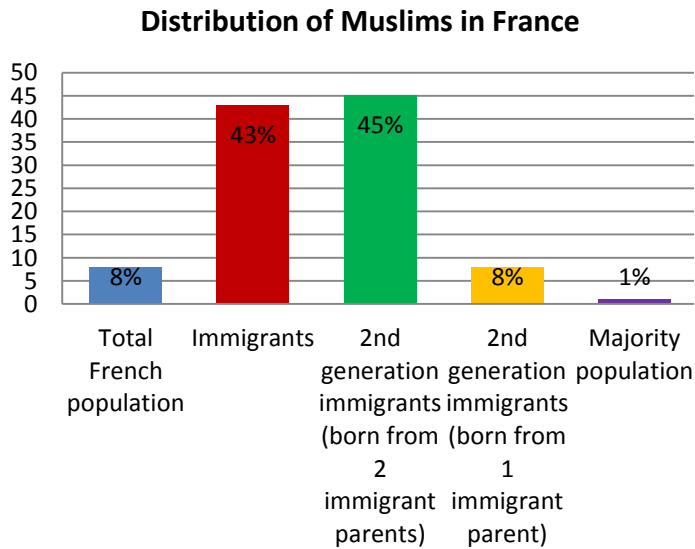


Chart of Muslims in the total French population

In France, the most recent available data on religion come from the “Trajectories and Origins” survey (*“Trajectoires et Origines”* survey, TeO). If Catholicism remains the first religion (11.5 million people aged from 18 to 50), Muslims form the second religious community.

43% of the immigrant population and 45% of second-generation immigrants identify themselves as Muslims. Moreover, Islam is the religion of a significant majority of immigrants and second-generation immigrants from Africa and Turkey. 85% of North African immigrants and 65% of North African second-generation immigrants self-declare as Muslims. Islam is also the religion of 80% of immigrants and second-generation immigrants from Turkey. Around 80% of Sub-Saharan immigrants and 70% of immigrants’ descendants also identify themselves as Muslims.³⁷



Consequently, there is a strong enough correlation between origin and religion, here between African and Turkish origins and Islam, to use this proxy as a relevant tool to draw a global overview of the situation of Muslims regarding discrimination (with a special focus on the field of employment) and Islamophobia in France.

Women

As far as women are concerned, official statistical data disaggregated by gender are available. Gender inequalities can be thus studied in the field of employment, but also in the fields of poverty, exclusion and violence. Sometimes these gender data are crossed with the immigration filter but it is far from being the norm.

Women’s situation in the French labour market

³⁶ INSEE/INED, 2010 (168): 124.

³⁷ INSEE/INED, 2010 (168). 125.

Available data do not allow for complex analysis. Nevertheless, at this stage of the study, it is possible to identify two simple trends. First, inequalities persist between men and women, as shown in the total population figures, as well as between majority and immigrant populations. In both cases, the general trend is that women (immigrant or not) have a less valuable position than men (immigrant or not) in the labour market. Second, immigrant women account for the least privileged category of women; they are confronted with more inequalities than women from the majority population.

In 2012, 71% of the French population was active (i.e. percentage of people aged between 15 and 64 active in the labour market, being employed or registered as unemployed), which ranked France 15th among the 28 EU Member States.³⁸ The share of women in the active population is slightly higher in France (47.8%) than in the 28 EU Member States (45.6%).

The activity rates by sex underline persistent inequalities between men and women: 66.6% of French women were active in 2012, compared to 75.3% of men. Nevertheless, over the past decade, women's activity rate increased by 8 points whereas it remained quite stable for men.³⁹

The gap between men and women in unemployment has narrowed considerably over the past few years. In 2012, the unemployment rates for men and women were almost equal (10% and 9.7% respectively). As far as gender distribution in economic activity sectors is concerned, it is notable that French working women are over-represented in the third sector: 9 out of 10 women (88.8%) compared to 2 out of 3 men.⁴⁰ There are 42.5% of women (18.8% of men) working in public sector (public administration, teaching), and in the fields of health and social action.⁴¹ For example, 66.1% of teachers in the public sector and 74.1% in the private sector, mainly in primary education, are women.⁴²

At this stage, it is interesting to underline that immigrant women's situation in the labour market is less enviable than that of the total population. They suffer from even more inequalities than women in general. In 2012, only 48.6% of immigrant women were active (i.e. percentage of immigrant women aged between 15 and 64 being employed or registered as unemployed), and 47.4% were employed, which represents one quarter less than the total amount of employed women in the total population. During the same period, immigrant men's employment rate was below the majority women's rate (56% against 60%). The same gap between total and immigrant populations is noticeable with regard to unemployment rates. 17.4% of immigrant women were unemployed (7.4 points more than the national average for women) and 16.3% of male immigrants were in the same situation (6.5 percent more than the national average for men).⁴³

A deeper look into the figures reveals even more inequalities. Indeed, the share of part time jobs within employment rates show that precariousness affects women far more than men. 30.2% of women work on a part-time basis whereas 93.1% of men work on a full time basis.⁴⁴ In the French labour market, only 18% of the positions' total are part-time positions. 80.1% of part-time positions are occupied by women, whereas they account for 40.6% of the full-time positions' share.⁴⁵

Gender data also highlight a correlation between women's activity rates and the number and age of children. Whereas men's activity rates are quite similar whether they have one (96%), two (97%) or three (94%) children under three, women's activity rates decrease as their family enlarges. When 80% of those having one child in charge are active, the proportion lowers to 66% for women with two children and 41% with three.⁴⁶ These figures can be balanced as women's activity rate increases as children get older. For

³⁸ Eurostat, 2013.

³⁹ INSEE, 2014: 38-39.

⁴⁰ Ibid: 55.

⁴¹ INSEE, 2014: 55.

⁴² Ibid: 107.

⁴³ Ministère des Droits des Femmes, 2014.

⁴⁴ INSEE, 2014: 49.

⁴⁵ Ministère des Droits des Femmes, 2014.

⁴⁶ Ibid.

example, 74% of those who have three children above three are active. Moreover, when women go back to work after a period of inactivity to raise their children, they find part-time jobs in a large proportion.⁴⁷

Because of the persistent trend that a large proportion of women used to suffer professional and economic consequences for taking care of the household, gender inequalities are also noticeable at the moment of retirement. French women keep retiring later and earning less than men. Indeed, 57% of women retire at 60 (61% of men) and 21% work until 65 years old (15% of men). On average, women retire one year after men and their pension is 42% less than that of men.⁴⁸

Consequently, poverty and exclusion affect women more than men. In 2011, 14.3% of people were living below the poverty line (people earning less than 60% of the average salary), ranking France 9th amongst the 28 EU Member States. 14.9% of French women are in this situation, especially young women aged 18 to 29 (21%).⁴⁹

Inequalities and discrimination in the workplace

The issue of gender pay gap is possibly the touchiest point considering gender inequalities in the French labour market. Even if the situation in France is getting better every year, the pay gap between men and women is still striking. On average, in 2011, in the private sector, French women were paid 19.3% less than their male counterparts, which is a bit better than in 2012 (19.7% less). Data also revealed that the gender pay gap is combined with professional position categories. Indeed, it seems that in higher positions in both the private and public sectors, a wider gap can be observed. For instance, female managers earn almost 22% less than men in the same position. The pay gap narrows if the sector of activity, the age, the socio-professional category and employment conditions are taken into account: on equal basis, women are paid 10.6% less than their male colleagues.⁵⁰ The situation is not better in the public sector. For example, in 2011, the average salary gap between male and female civil servants in the health sector was 28%. This is due to the over-representation of men among doctors whereas a large proportion of women can be found among nursing or administrative staff. The gender pay gap in the public and private sectors is similar: men are respectively paid 18% and 12% more than women.⁵¹

French women also suffer from a glass-ceiling effect as far as their professional career and advancement are concerned. Over the past decade, France implemented several laws to reduce the gaps. The situation is getting better as incentive measures or directives are being implemented, but despite some encouraging trends, the glass-ceiling effect on women's professional career is still huge.

As far as the public sector is concerned, 61% of the female workforce in 2013, the enforcement of the 12 March 2012 law provided a gradual raise of women's share in executive positions.⁵² Whereas the results exceeded the 2013 expectations, the proportion of executive women is still weak compared to their over-representation in the sector. For instance, 77% of women work in public hospitals, but they only represent 40% of the executive. In the State authority public service sector, 19% of women have executive positions while they account for more than half of civil servants.

In the private sector, while the feminisation of the CAC 40 companies is progressing (27% in 2013, which is 4.5 points higher than in 2012) thanks to the implementation of a similar legislation in 2011,⁵³ women only represent 6% of executives. The share of executive women in French companies follows the same trend: only 18% of them are CEOs.⁵⁴

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ INSEE, 2014: 60.

⁵⁰ Ibid: 56-57.

⁵¹ Ibid: 58.

⁵² Law 2012-347 of 12 March 2012 (Title III on discrimination. Chapter 1 on 'Equality between Men and Women').

⁵³ Law 2011-103 of 27 January 2011.

⁵⁴ Ministère des Droits des Femmes, 2014.

In the political field, despite laws (in 2000 and in 2013) on parity between women and men in local and national elections, government members, etc., women only account for 25% of French deputies and senators, and 14% of mayors.⁵⁵

Violence against women

Harassment, especially in the workplace, is a phenomenon that affects a large proportion of women. In France, few official studies or surveys are available; cases remain highly under-reported and there is a lack of official data. The available data are therefore very poor and imprecise; their interpretation and analysis are highly limited. For instance, in one of the few official surveys (SUMER, Dares) in 2010, one quarter of women declared they were victims of at least one aggression (verbal, physical or sexual) at work during the previous twelve months. Verbal aggressions represented 25.5% of the total (19.8% for men), 20% of which came from costumers when women work in contact with the public and 12% from their co-workers or superiors.⁵⁶ Even if there is a high probability that the verbal aggressions' motive collected in this survey is sexism, nothing allows ascertaining it so, or measuring the proportion of other motives such as origin, nationality, age, religion, etc. Nevertheless, since the formation of the government in 2012, a Ministry of Women's Rights has been created. One of its missions is to focus on monitoring relevant data to efficiently combat violence against women. In 2013, an official survey by the Council of Professional Equality revealed the persistence of ordinary sexism and its negative impacts on women's quality of life in the work environment. Almost 80% of women considered themselves victims of sexist attitudes and decisions on a regular basis. The workplace appears to be a privileged place for sexual harassment: according to official data, 8% of sexual aggressions and 25% of inappropriate gestures occur at work.⁵⁷

Considering the whole field of violence against women, the National Institute of Statistics and Economic Survey (*Institut National de la Statistique et des Etudes Economiques*, INSEE) data show some stability between 2006 and 2012. French women aged 18 to 75 are first confronted with verbal violence such as insults (13%) or threats (5%), and then with physical violence (around 3% both inside and outside the domestic sphere). Lastly, women are confronted with sexual assaults in the domestic sphere (0.5%) and outside the domestic sphere (1.5%). Young women aged 18 to 29 are more vulnerable, especially with sexual aggressions; they are three times more likely to be raped than the average. These figures have to be taken with great precaution as cases of violence against women are largely under-reported. In 2006, only 12% of the victims of physical violence and 8% of victims of sexual violence filed a complaint with the police.⁵⁸ The 2012 survey produced more precise data on the treatment of violence cases (according to the types of violence and perpetrators). For example, among female victims of physical and/or sexual violence committed by a stranger, 40% went to the police but only 32% of complaints were registered.⁵⁹

INSEE also produced data considering the victims' origin (e.g. born in France, naturalised, EU, rest of the world). These figures are worthless and impossible to analyse because they are too vague and not correlated to other socio-demographic elements such as income level, location, education, family background, etc.⁶⁰ The 2012 survey is more precise and insists on the fact that violence against women (in the domestic sphere) occurs in quite the same proportion according to social status or residence.

Even if they sometimes lack precision and complexity, official gender data on the labour market situation, on discrimination and violence clearly depict French women as a highly vulnerable group. But within this minority, Muslim women are even more discriminated against and victims of specific violence.

⁵⁵ Ministère des Droits des Femmes, 2014.

⁵⁶ SUMER Survey, Dares. 2010. 'Données sur les risques professionnels par sexe en 2010'.

⁵⁷ Ministry of Justice, <http://stop-harcelement-sexuel.gouv.fr/>, accessed January 2015.

⁵⁸ INSEE. 2007. 'Conditions de vie et sécurité. Violences faites aux femmes' and *ibid*, 2012.

⁵⁹ *Ibid*, 2012.

⁶⁰ *Ibid*, 2007.

Looking for the “Forgotten Women”

Muslim women are invisible in French official data, which reveals a political blindness on the issue of Islamophobia. Nevertheless, this report aims at highlighting that they are one of the most vulnerable groups as far as unequal treatment, discrimination and violence are concerned, in many fields of French society.

Yet, in France, discrimination and violence against women were officially recognised as an important social and political issue only a few years ago. The existence of gender data accounts for this recognition. Since the 2000s, French government members and the whole political class decided to tackle gender inequalities and to make the struggle against discrimination against women a national priority. Even if the purported attention to gender equality by politicians has not resulted in such a big change of mentalities or outcomes for women, several important measures were taken, such as the 2000 “parity law” (equal access to electoral mandates and positions for men and women)⁶¹ and the creation in 2012 of a Ministry of Women. Combating gender inequalities is also a priority in National Education where equality between girls and boys is part of the agenda since the orientation law of 2005 and became more and more central within the two following orientation laws of 2009 and 2014.⁶² In the private sector, the State incentives were translated into management practices: initiatives such as the Diversity Charter that encourage companies to combat any kind of discrimination help to implement legal frameworks and to change mentalities.

This success can also be explained by the legal pressure put on companies to respect gender equality. Indeed, the French Labour Code foresees financial sanctions and penalties for employers who do not make efforts to reduce the gender gap.⁶³ As a result, even if sexism and discrimination against women are still a reality in French companies, women are well protected by law. Unlike for discrimination on the grounds of religion (see below), it is impossible to legitimately limit women’s rights in companies’ official policies. Nothing can justify the limitation of women’s rights whereas religious freedom can be restricted for proportional and legitimate motives such as proselytism, hygiene, health and security (in the workplace) or public order in the public sphere. Moreover, in France, there have been several attempts to further restrict public religious manifestations for the purpose of secularism or religious neutrality, even in the workplace, which is illegal, as will be demonstrated further.

In fact, a Muslim woman, because of her religion, is paradoxically more exposed to discrimination and violence and is less protected than the average French woman. There are several explanations for this. First, the French context plays a role. As will be discussed later in the report, Muslim women are at the centre of huge tensions concerning French identity and values, anti-religious feelings and some unilateral feminist definitions of women’s emancipation. Second, French anti-discrimination legislation makes it difficult to provide good recognition and protection for Muslim women. The judicial staff is not trained to discuss multiple discrimination. Discrimination cases involving Muslim women are therefore treated on the sole ground of religion. Yet, Muslim women are also discriminated against because they are women. They seem to lose their womanhood, and even their humanity, when they choose to manifest their faith publicly, especially when they wear headscarves. Alternative data, for instance from the Collectif Contre l’Islamophobie en France (CCIF, Collective Against Islamophobia in France) show the gender dimension of Islamophobia in France. In 2014, more than 80% of the victims of Islamophobic discrimination, hate speech and physical violence were women.⁶⁴ Many Muslim women can easily be identified as Muslims. Their headscarves, dress styles or origins (skin colour, names, etc.) make them highly visible in the public sphere. Consequently, Islamophobia also proves to be a gendered form of discrimination (i.e. sexism).

⁶¹ Law 2000-493 of 6 June 2000.

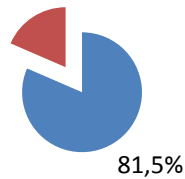
⁶² Ministère de l’Éducation Nationale. 2013. ‘L’égalité entre filles et garçons dans les écoles et établissements’.

⁶³ See the following articles of the Labour Code on gender equality in the workplace: L.1141-1 to L.1146-3, L.2242-5 to L.2242-7, L.2323-57 for example.

⁶⁴ CCIF. 2015. ‘Rapport annuel du CCIF: l’islamophobie progresse’, 11 February.

Acts of islamophobia by gender (2014)

■ Women ■ Men



Lastly, it seems that the gender dimension of Islamophobia is crucial to understand the phenomenon of multiple discrimination. These women are discriminated against on the grounds of a combination of several types of discrimination. Consequently, gender and religion (and sometimes nationality, ethnicity or class) have to be considered together to offer full legal protection to Muslim women who face Islamophobia.

This report aims at analysing Islamophobia both on religious and gender biases. Muslim women suffer from the same inequalities as other women (access to employment, gender pay gap, glass-ceiling, verbal and physical violence, etc.) but additional factors such as perceived religion or ethnicity deepen these preliminary gender gaps.

This report will thus present the quantitative and qualitative aspects and realities of multiple discrimination against Muslim women in France through surveys, testimonies and interviews; identify the trends and gaps at stake in the EU and French anti-discrimination, racist violence and hate speech laws; and highlight good practices and breaches at the State and civil society levels in the field of employment (section 2), but also in all public spaces (section 3). As Islamophobia results from a social construction that attributes essentialised characteristics to Muslim people or people perceived as such, this report will start with an overview of the French context and its specificities (section 1), especially the media, political and social dynamics as regards Islamophobia and Muslim women.

SECTION 1 - ISLAMOPHOBIA IN THE FRENCH CONTEXT

This section is a temperature test aiming at framing religious discrimination and Islamophobic violence and speech in the French legal, media, political and social contexts.

Legal framework on religious discrimination and Islamophobic violence and speech

International, European and national provisions ensure the fundamental right for individuals to have a religion or belief. Article 1 of the French Constitution states that France is an indivisible, secular, democratic and social Republic; it ensures the equality of all citizens before the law, without any distinction of origin, race or religion; and respects all beliefs.⁶⁵ In the same way, Article 18 of both the Universal Declaration of Human Rights (UDHR)⁶⁶ and the International Covenant on Civil and Political Rights (ICCPR) protects the right to freedom of thought, conscience and religion⁶⁷; and so does Article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms⁶⁸ or Article 10 of the Charter of Fundamental Rights of the EU.⁶⁹ These texts also guarantee the right to manifest one's religion, either alone or in community, in private or in public. Moreover, they give general limits to public manifestations of religion such as protection of public order for instance.

European standards and directives

The European anti-discrimination framework reaffirms and protects this fundamental right, as in Article 14 of the European Convention on Human Rights (ECHR).⁷⁰ The non-discrimination principle is reiterated in Article 21 of the Charter of Fundamental Rights: "Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited".⁷¹ The Declaration on the Elimination of all Forms of Intolerance and Discrimination also prohibits discrimination on the grounds of religion and beliefs.⁷²

On one hand, the Racial Equality Directive provides protection against ethnic and racial discrimination in the field of education, social protection, health and access to goods and services. It also recognises direct and indirect discrimination.⁷³ However, the directive does not provide equal levels of protection against different grounds of discrimination. Discrimination on the ground of religion is not prohibited in various areas covered by the law. Several attempts were made at the EU level to correct this lack of legal protection. In November 2000, Protocol 12 was added to the European Convention and stated that no one shall be discriminated against on any grounds by any public authority. France never signed nor ratified the text.⁷⁴ In 2008, another EU Directive was proposed to introduce European standards of protection on the grounds of religion, sexual orientation, age and disability in all areas (education, social security, access to

⁶⁵ French Constitution, 4 October 1958.

⁶⁶ Universal Declaration of Human Rights, 1948, <http://www.un.org/Overview/rights.html>, accessed March 2015.

⁶⁷ International Covenant on Civil and Political Rights, 16 December 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, accessed March 2015.

⁶⁸ Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, <http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>, accessed March 2015.

⁶⁹ Charter of Fundamental Rights of the European Union, 18 December 2000, http://www.europarl.europa.eu/charter/pdf/text_en.pdf, accessed March 2015.

⁷⁰ European Convention of Human Rights, 1950, http://www.echr.coe.int/Documents/Convention_ENG.pdf, accessed March 2015.

⁷¹ http://www.europarl.europa.eu/charter/pdf/text_en.pdf, accessed March 2015.

⁷² Declaration on the Elimination of all Forms of Intolerance and Discrimination, 15 November 1981, <http://www.un.org/documents/ga/res/36/a36r055.htm>, accessed March 2015.

⁷³ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial and ethnic origin, <http://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32000L0043&from=FR>, accessed March 2015.

⁷⁴ Protocol 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=177&CM=&DF=&CL=ENG>, accessed March 2015.

goods and services).⁷⁵ This text is still pending adoption because there is no consensus on the need to implement such legislation among EU Member States; Germany is still blocking its adoption. As unanimity is needed to implement the law, the status quo remains.⁷⁶

On the other hand, the Employment Equality Directive provides a general framework for equal treatment of individuals on the basis of religion or belief, disability, age, or sexual orientation in access to employment and occupation, vocational training and membership in employer or employee organisations.⁷⁷ Contrary to the Racial Equality Directive, religion is recognised as a potential motive for discrimination. The field of employment (including access to employment, occupation and vocational training) thus offers a more comprehensive protection against discrimination on several grounds.

As far as hate crime and speech are concerned, the EU waited until 2008 to adopt a significant legislation on hate crime, aiming at combating certain forms and expressions of racism and xenophobia by means of criminal law. This long period of maturation was due to difficulties in finding a common ground among the various national legislations, especially on the issue of freedom of speech. Even if the notions of “hate crime” and “hate speech” are not used by the Framework Decision, it defines a common-law approach to these specific forms of racism and xenophobia. As far as hate speech is concerned, the Council Framework Decision states that Member States must ensure that the following intentional conduct is punishable when directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic: public incitement to violence and hatred, and public condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes.⁷⁸ Member States can limit the application of criminal law provisions, in the case of “groups defined by reference to religion”, to the cases where religion is intended to cover conduct which is “a pretext for directing acts against a group of persons or a member of such a group defined by reference to race, colour, descent, or national or ethnic religion”.⁷⁹ Unlike for hate speech, the Framework Decision requires less involvement from Member States regarding hate crime. The racist or xenophobic motive is only considered as an aggravating circumstance.⁸⁰

French legislation and specificities

Before implementing the EU anti-discrimination and racist violence directives, French criminal legislation on racist violence and hate speech already proved to be quite satisfying, especially with regard to incidents of hate speech. The 1881 Press Law, combined with provisions of the French Penal Code, also punishes racist violations of the press laws (e.g. defamation, insults, or provocations occurring either in public or in private).⁸¹ When it comes to hate crimes, racism is considered as an aggravating circumstance of most common crimes or offences. The Act of 1 July 1972 on the struggle against racism provides penal condemnation of racist crimes.⁸² More recently, the Perben Act allowed including religion (along with race, origin and nationality) into the racist motives list covered by the law.⁸³

This first set of laws was amended in 2014 and 2015, in the aftermath of the emergence of the Islamic State (IS or Daesh) and of the Paris attacks of Charlie Hebdo and the Kosher supermarket. Two decrees were adopted and go beyond the Framework Directive provisions, especially on the issue of hate speech. The

⁷⁵ Council Directive 2008/0140 of 2 July 2008 on implementing the principle of equal treatment between persons, irrespective of religion or belief, disability, age or sexual orientation, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0426:FIN:EN:PDF>, accessed March 2015.

⁷⁶ Sophie Latraverse, French Ombudsman’s Expertise and Judicial Affairs Department’s Director. Interview, 8 April 2015.

⁷⁷ Council Directive of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, <http://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:32000L0078&from=EN>, accessed March 2015.

⁷⁸ Article 1, Council Framework Decision 2008/913/JHA of 28 November 2008, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008F0913&from=EN>, accessed March 2015.

⁷⁹ Ibid.

⁸⁰ Ibid, article 4.

⁸¹ Articles R.625-7 and 624-4 of the Penal Code, and article 24, Act of 29 July 1881 on the Press Rights.

⁸² Act 75-545 of 1 July 1972.

⁸³ Act 2004-204 of 9 March 2004.

Anti-terrorism Law of November 2014⁸⁴ emphasises the “glorification of terrorism” crime (i.e. French “*apologie du terrorisme*”), and provides for harsh prison sentences and fines for this motive, especially for online speech.⁸⁵ The law also authorises intelligence agencies to block or de-index terrorist content without the need of a court order.⁸⁶ The Intelligence Law of July 2015⁸⁷ is part of a three-year plan launched in May 2015 by Prime Minister Manuel Valls. It is an extension of the Act of December 2013 generalising wires and spying systems for national security and protection purposes.⁸⁸ One of the main provisions of this law is to re-classify hate speech, which until then was considered a criminal offence and has now moved to criminal law. As a matter of fact, suspects can be fast-tracked to courts for immediate sentencing. But the most controversial provisions concern individual or collective surveillance under terrorism suspicion motives. Although the law gives all power to intelligence agencies to install recording devices in private homes as well as computer intrusion software (Article 6), it also allows them to force Internet Service Providers (ISP) to install “black boxes” (algorithms that analyse users’ metadata) to monitor users’ “suspicious behaviour” in real time and give them unfettered access (Article 5).⁸⁹

Concerning discrimination, European legislation was progressively implemented in France. The Act of 16 November 2001 on the fight against discrimination amended the French Labour Code. Two criteria of discrimination were added: family name and physical appearance, which includes colour of skin, height and weight, but also style of dress.⁹⁰ Compared to EU legislation, the ethnic origin discrimination criterion is precisely defined. It is therefore easier to identify ethnic or racial discrimination.

In addition, the Act of 26 July 2005 added new provisions against discrimination in the public sector, concerning vocational training and working conditions, and reaffirmed equality between women and men.⁹¹ The Act of 31 March 2006, among other measures to support equality, aimed to enforce the use of testing methods as a way to tackle discrimination in access in employment but this act was never officially ratified.⁹²

It took more time for French legislators to implement two specific aspects of the European directives. First, the notion of indirect discrimination did not seem to be part of the French legal tradition.⁹³ Indeed, it took eight years to enforce the Act of 27 May 2008 which amended the former Labour Code provisions and prohibited direct and indirect discrimination.⁹⁴ Secondly, France waited until late 2004 to create the Ombudsman, the French Equal Opportunities and Anti-discrimination Commission (*Haute Autorité de Lutte contre les Discriminations et pour l’Egalité*, HALDE, now DDD).⁹⁵ The late implementation of the Ombudsman reveals France’s reluctance to establish an adequate equality body and to efficiently address discrimination.

As far as religious freedom is concerned, France sets itself apart from most EU Member States with the concept of secularism (“*laïcité*”). The 1905 law ratifies the separation of Church and State, which implies the State’s neutrality on religious issues and the obligation to guarantee religious freedom and expression in the public sphere.⁹⁶ Consequently, in the French public sector, public servants are prohibited by law from wearing any religious symbols during the exercise of their function.⁹⁷

⁸⁴ Act 2014-1353 of 13 November 2014.

⁸⁵ Ibid. Article 5 provides 5 years of prison and a 75,000 EUR fine for the sentence of “glorification of terrorism”; 7 years of prison and a 100,000 EUR fine for online speech.

⁸⁶ Ibid, Article 8 and 13.

⁸⁷ Act 2015-912 of 24 July 2015.

⁸⁸ Act 2013-1168 of 18 December 2013, Articles 20 and 22.

⁸⁹ Act 2015-912 of 24 July 2015.

⁹⁰ Act 2001-1066 of 16 November 2001.

⁹¹ Act 2005-843 of 26 July 2005.

⁹² Act 2006-396 of 31 March 2006.

⁹³ Frédérique Ast, jurist and anti-discrimination legal expert. Interview, 9 April 2015.

⁹⁴ Act 2008-496 of 27 May 2008.

⁹⁵ Act 2004-1486 of 30 December 2004. The DDD replaced the HALDE with the implementation of the Law 2011-333 of 29 March 2011.

⁹⁶ Articles 1 and 2, act of 5 December 1905 on the Separation of Churches and State.

⁹⁷ Secularism in the public sector was reinforced with the act 83-634 of 13 July 1983 on rights and obligations of civil servants.

Nevertheless, in 2003, as the political class wished to ban headscarves from French public schools, the debates preceding the adoption of the Act of 15 March 2004 amended the original legal definition of secularism to restrict the fundamental right to manifest one's religion in public. The 2004 Act aroused strong reservations within European institutions. The UN Human Rights Committee is still clearly sceptical on the compatibility of such a restrictive law with the Declaration on the Elimination of All Forms of Intolerance and Discrimination on the grounds of religion and belief.⁹⁸ Nevertheless, the European Court of Human Rights (ECtHR) gave its agreement on the law's conformity with the ECHR.⁹⁹

In addition, the 2004 Act had a huge impact on girls and women wishing to wear the headscarf at school but it was also the first of a series of attempts, either legal or going beyond the law's provisions¹⁰⁰, to extend religious neutrality to other fields. Indeed, many legislative attempts to limit public religious manifestations (i.e. Muslim visibility) were launched. Some of them had not succeeded at the time this report was written (e.g. prohibition of religious symbols at university or in private companies); some others were adopted, such as the 11 October 2010 Act on the prohibition of face concealment in the public sphere, which only targets full-face veiled Muslim women.¹⁰¹ Although both the French State Council and the National Human Rights institution (*Commission Nationale Consultative des Droits de l'Homme*, CNCDH) were hostile towards the adoption of the law, the French Constitutional Court gave its support and the Act was voted and adopted.¹⁰²

This questionable definition of secularism only aims at excluding Muslim women wearing headscarves from many social spaces.¹⁰³ They are victims of both legal and illegal injunctions to religious neutrality. By limiting their fundamental right to publicly manifest their religion, France has created propitious grounds for direct and indirect discrimination, not only on a religious basis, but also on a gender basis, as some women, because of their religious belief and appearance, are legally or illegally excluded from many areas of French society. Thus, the 2004 Act amounts to and leads to discrimination and Islamophobic violence; it also targets mostly Muslim girls and women, as Muslim men do not wear visible religious symbols such as the headscarf.

Besides, the focus on secularism reveals another specific trend as far as the perception of Muslim women is concerned: France's influence on the ECtHR.¹⁰⁴ This point is quite problematic because over the past decade, France developed a very narrow view of religious freedom, especially when it comes to Muslims and Muslim women. On one hand, judicial instances consider that religion must remain a private matter and that secularism should be understood as neutrality for all, not only applied to institutions but also to individuals. On the other hand, they see the Islamic headscarf as the symbol of women's oppression and therefore incompatible with gender equality. These skewed and unilateral interpretations of both secularism and Islamic veiling are also present in the European judicial and legal instances. Legal anti-discrimination experts regularly warn about the dramatic consequences of these partial views on the

⁹⁸ Human Rights Committee. 2015. 'Concluding observations on France's 5th periodic report': §22.

⁹⁹ *Aktas v. France* (application no. 43563/08), *Bayrak v. France* (no. 14308/08), *Gamaleddyn v. France* (no. 18527/08), *Ghazal v. France* (no. 29134/08), *J. Singh v. France* (no. 25463/08) and *R. Singh v. France* (no. 27561/08).

¹⁰⁰ For instance, the "Chatel" circular (Circular 2012-056 of 27 March 2012), prevents Muslim veiled mothers from accompanying their children on school outings because of their headscarves. The circular states parents have to respect the principle of religious neutrality when they participate in public school activities whereas the 2004 circular (Circular 2004-084 of 18 May 2004) on the application of the 2004 act precisely states that parents are not concerned with the prohibition of conspicuous religious symbols at school. Nevertheless, this document prevails, although it is illegal.

¹⁰¹ Act 2010-1192 of 11 October 2010.

¹⁰² Ast F. and Duarte B. (dir.). 2012. *Les discriminations religieuses en Europe*. Paris: L'Harmattan: 165.

¹⁰³ Some Muslim women are victims of discrimination and violence in the field of education (because their outfits are considered as conspicuous religious symbols), at university (harassment in the classroom, during exams, etc.), in the field of employment (vocational training, access to employment and in the workplace), in the field of leisure (Muslim veiled women are sometimes violently insulted and expelled from restaurants, recreational centres, cinemas, shops, etc.), in access to goods and services (they can be discriminated against or harassed in administrations, banks, post offices, at the supermarket, etc.) and in the field of health (some doctors refuse to take care of them or their children because of their headscarf).

¹⁰⁴ Lila Charef, head of the CCIF legal department. Interview, 3 March 2015; and Frédérique Ast, interview. These interviews were the source of the whole paragraph.

recognition of multiple discrimination (based on gender and religion). Muslim women's victimhood is almost systematically denied. These institutions' stakeholders are not yet ready to consider Muslim women as full women, to take into account the gender dimension of their discrimination and to consider headscarves as a part of women's integrity.

Media context

In France, Muslim women became a media issue at the beginning of the 2000s. They appeared in the media sphere in 1989 with the first "headscarf affair", but became a recurrent media issue in 2003, during the last "headscarf affair" in French public schools. This case sparked many controversies in the media and political spheres and eventually led to the decision to legally prohibit religious symbols in primary and secondary public education. Whereas veiled Muslim women were at the centre of public debate, mainstream media treated them as subjects, not as agents. Their voices were silenced, they were not given any credit, they were never invited to speak for themselves.¹⁰⁵ Journalists, experts, mainstream feminists and intellectuals talked in lieu of Muslim women. They progressively created a collective imagery on Muslim women, and especially on Muslim veiled women.

This collective imagery is fuelled by stereotypes of Islam and the assumed position of women in the Islamic tradition.¹⁰⁶ It is also fostered by media coverage of international issues in the aftermath of 9/11, which were dichotomous and promoted the idea of a clash of civilisations. As a result, Muslim women's imagery in mainstream media is two-fold. On one hand, they are presented as submissive and oppressed women who depend on a male figure (father, brother or husband). Their headscarves are the symbols of their oppression. Muslim women are regarded as unable to think or act independently, which eventually legitimated the discourse of mainstream French feminists who claim their duty to rescue and free Muslim veiled women from patriarchal and religious yokes, "even against their will", in order for these women to emancipate themselves according to an ethno-centred and unilateral pattern. This first media imagery is the left-wing discourse's prerogative, which presents itself as humanist, secular and feminist but sounds neo-colonial and patriarchal.¹⁰⁷ On the other hand, media rely on right-wing arguments of security, nationalism and French identity to present Muslim veiled women as a threat to French society and safety. Their headscarves are used as a sign of an oncoming Islamist invasion of the national territory, which is part of a wider Muslim plan to conquer Europe. In this setting, mainstream media raised fears around the figure of the Muslim veiled woman who is presented as a front line silent and disciplined soldier of radical Islam.

For instance, covers and editorial policies of some newspapers and weekly magazines such as *Le Point*, *L'Express*, or *Valeurs Actuelles* participate in the "business of Islamophobia".¹⁰⁸ Over the last five years, they have published several front pages with stigmatising titles and pictures: "Why are French people afraid of Islam?", "This careless Islam" or "The Islamist spectrum" illustrated with Muslim women wearing the *hijab* or *niqab*.¹⁰⁹ They often use racist stereotypes on Muslims, Islam and immigration to stigmatise and fuel fear into society while making a profit.

This double image of the Muslim veiled woman figure prevails until now in media, political, social and even judicial spheres. The creation of a "Muslim issue" in the beginning of the 2000s relied on this stereotypical gender figure. It was used as a recurrent means of diversion to elude social and economic issues. Spread by mainstream media, it contributed to creating a collective fear and hysteria within French society.

¹⁰⁵ Tévanian P, Chouder I. and Latrèche M. 2008. *Les filles voilées parlent*. Paris: La Fabrique.

¹⁰⁶ Deltombe T. 2005. *L'islam imaginaire. La construction médiatique de l'islamophobie en France. 1975-2005*. Paris: La Découverte and Saddek R. 1999. *L'islam dans le discours médiatique*. Paris: Albouraq. These works are the sources of the whole paragraph.

¹⁰⁷ Bouamama S. 2004. *L'affaire du foulard islamique. La production d'un racisme acceptable*. Paris: Editions Le Geai bleu.

¹⁰⁸ Hajjat A. and Mohammed M. 2013. *Islamophobie. Comment les élites françaises fabriquent le "problème musulman"*. Paris: La Découverte.

¹⁰⁹ Dubois R. 2015. 'Presse et islamophobie, qu'en est-il ?'. *Le sens des images*, 15 January; and Salingue J. 2012. 'Les obsessions islamiques de la presse magazine'. *Acrimed*, 6 November.

Political context

Over the last decade, a political consensus progressively took shape on issues related to Muslim communities and Islamophobia. It includes three dimensions which have shaped the political line when it comes to referring to French national identity and values.

First, since 2003, and the last “headscarf affair” in public schools, the whole French political class converged on a similar askew definition of secularism, which essentially and progressively excluded Muslims, and especially Muslim women, from various social spheres. As discussed above in this section, this renewed definition of secularism became an injunction. It also became a synonym for gender equality since mainstream French feminists co-opted the concept to turn it into the guarantor of women’s rights. Secularism, which in the French context, used to be a legal concept, became highly ideological. According to its original definition, secularism can be understood as the separation between religious and State institutions in order to guarantee pluralism and the freedom to manifest one’s religion or belief within French society.¹¹⁰ However, since the 2004 legislation and political interventions to redefine the concept, secularism became an exclusive concept aiming at neutralising public space and erasing any manifestation of religiosity in public, especially when it comes to Islam.

Second, political parties and representatives, as well as members of successive governments, contribute to normalising Islamophobic discourse in the public sphere. From the far-right to the far-left of the French political spectrum (with some exceptions), they are part of a national consensus on the issue, even if the motives are different according to political affiliation. The right-wing is more likely to legitimise Islamophobic discourse through security and identity motives, often inspired by far-right arguments,¹¹¹ whereas the left-wing would rather hide behind notions such as secularism or feminism to justify Islamophobic positions. In France, most of the political class refuses to use the word “Islamophobia”, arguing on semantic objections and thus questioning the existence and realities of the phenomenon itself.¹¹² Nevertheless, in the aftermath of the Paris attacks, President François Hollande and Minister of Interior Bernard Cazeneuve publicly expressed their concern on the alarming rise of Islamophobic acts. It was the first time that such important political personalities used the word “Islamophobia”.

Lastly, normalised and trivialised Islamophobic discourse often focuses on Muslim women. First rank political personalities such as former President Nicolas Sarkozy recently declared that “we [supposedly French people] don’t want veiled women”.¹¹³ Similarly, current Prime Minister Manuel Valls, when he was Minister of Interior, declared that “the veil, which prevents women from being who they are, remains for me, and must remain for the Republic an essential fight”.¹¹⁴ These two statements illustrate the level of violence and rejection that Muslim French women have to face. They are not different from what can be heard in far-right political parties such as the National Front (*Front National*, FN) when, for instance, its leader Marine Le Pen pleads, since 2012, for the total prohibition of the Islamic veil in every public space.¹¹⁵

Consequently, no Muslim woman wearing a headscarf has access to political positions, either in a party or in local or national governments. The issue of the headscarf is more than touchy in the political sphere. Even in progressive and inclusive political parties such as the New Anticapitalist Party (*Nouveau Parti Anticapitaliste*, NPA), the candidacy of a Muslim veiled woman in a local election in the south of France in 2009 resulted in significant controversies and dissensions within the party, and the Muslim candidate finally stepped down.¹¹⁶

¹¹⁰ Baubérot J. and Milot M. 2011. *Laïcités sans frontières*. Paris: Seuil.

¹¹¹ FEMYSO. 2013. ‘European Muslim youth and the rise of far-right anti-Muslim narratives’: 21-26.

¹¹² Hajjat and Mohammed, 2013.

¹¹³ Nicolas Sarkozy, *Europe 1*, 19 February 2015.

¹¹⁴ Manuel Valls, *Europe 1*, 6 February 2013.

¹¹⁵ Bronner L. 2012. ‘Marine Le Pen : ‘je mets à la porte tous les intégristes étrangers’’. *Le Monde*, 21 September.

¹¹⁶ Corcuff P. 2010. ‘Le NPA, le foulard et l’émancipation: avec Ilham Moussaïd’. *Mediapart*, 12 February.

Social context

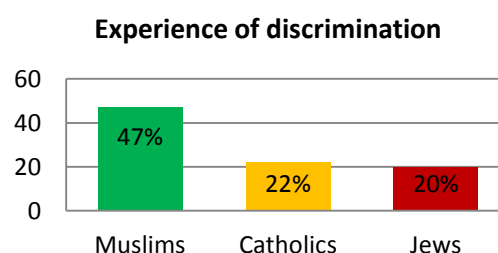
The tense climate created by media and political discourse on the “Muslim issue” is echoed within French society. Recent surveys and polls on expressions of racist feelings among the French population reveal worrisome trends.¹¹⁷

First, in 2014, as well as in 2013, a paradoxical trend reveals that on one hand, French people massively condemned racism as a concept (more than 80%) and 64% agreed on the necessity to strongly combat racism. On the other hand, an increasing proportion, almost 54% in 2013 and 57% in 2014, considered themselves as racist on various levels (“racist”, “a little bit racist”, “not really racist”). For example, in 2014, 25% (26% in 2013) admitted they are a little bit racist and more than 70% estimated that coexistence between ethnic and religious communities in France is a synonym for “tensions”. In 2013, 44% of them thought that cultural diversity is an obstacle to the so-called “vivre-ensemble”. In 2014, and for the first time since 2010, the proportion of French people that does not consider themselves racist at all decreased: 43% against only 39% of the respondents in 2013. Moreover, in 2014, 72% of French people had the feeling that there were too many immigrants in France, which is 2 points higher than in 2013. 64% of the respondents said they did not feel at home in their own country any more. Among the people who gave such answers, a majority lives in the French countryside, in locations where there are not many immigrants, Muslims or other religious and ethnic minorities.¹¹⁸

Second, in 2014 as well as in 2013, North Africans and Muslims were identified as the main victims of racism in France (47% and 46% of the respondents respectively) but victimhood is being denied as a majority of French people (58% and 61% respectively) thought that some behaviours could justify racist reactions. Moreover, the survey conclusions acknowledge an important confusion between immigrants, Arabs or North Africans and Muslims.¹¹⁹

Consequently, in 2014, Islam was identified as the central line of tension within French society. Even if Roma people are identified as the most marginal group (87% of the interviewees gave that answer), 48% of the French population think that Muslims are a group apart from the rest of society (28% for Jews and 9% for Protestants). Although this figure is 8 points lower compared to 2013 (56% thought Muslims form a group apart from the rest of society), Muslim people remained the least tolerated religious minority in 2014.¹²⁰

These data confirm the TeO survey’s figures on experiences of discrimination. The survey shows that those who self-identified as Muslims experienced more discrimination than other religious groups. This is the case for 47% of them, compared to 20% for Jews and 22% for Catholics.¹²¹



As far as Islam and Islamic practices are concerned, only 26% of the population have a positive image of Islam (compared to 20% in 2013). Only two thirds of the respondents (both in 2013 and in 2014) consider that Muslims are French like any other citizen. 46% (compared to 54% in 2013) think Muslim worship should not be encouraged or supported by the French State. In addition, Islamic practices are aggressively

¹¹⁷ BVA/CSA Survey, 2013: 32-36, and CNCDH, 2014: 30-36.

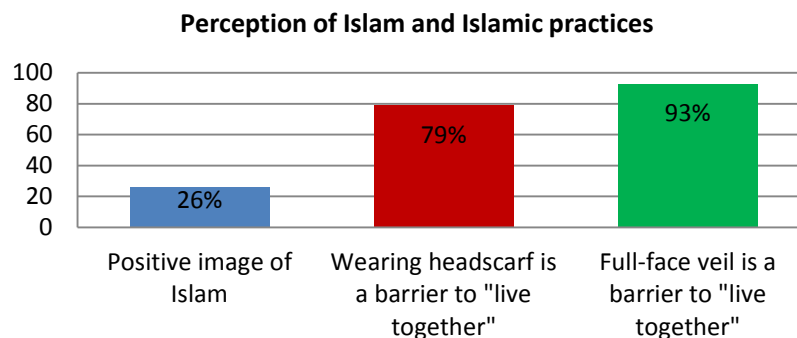
¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ INSEE/INED, 2010 (183): 8.

perceived; respectively, 46%, 40% and 38% of the interviewees consider praying, the prohibition of pork and alcohol consumption, and fasting during the month of Ramadan as a problem which prevents French people from living together. The most striking element of the survey is the impressive proportion of the French population that condemns the headscarf and full-face veil, and thus massively rejects some Muslim women's practices. In 2014, 79% of the respondents admitted that the headscarf was problematic for "vivre-ensemble", which is 11 points higher than in 2013. Moreover, almost the entire French population (93%) has the same feeling about the *niqab*, which has been rising constantly over the last five years.¹²²



In its preliminary 2014 report, the CNCDH data on tolerance indicators within French society show that even if Muslims do not form the most marginal group in French society (that would be Roma), the intensifying rejection of Islamic practices made them the least tolerated group in France with only 53% of positive responses, compared to 79.5% for the Jewish community.¹²³

Lastly, in its 2014 report, the Research Centre for the Study and Observation of Life Conditions (Centre de Recherches pour l'Etude et l'Observation des Conditions de Vie, CREDOC) reveals a phenomenon of sacralisation of the secularism concept. Interviewees also put forward a huge anti-religious feeling, which can be specific to the French context due to its religious (Catholic) history. 93% of them agree on the fact that religion can create tensions within society.¹²⁴ Moreover, the CREDOC report highlights French people's narrow vision of secularism. 78% of the interviewees have a positive image of the concept and three out of four think secularism is the only means to allow living together and protecting French identity. This strong attachment to secularism is shared by all types of respondents, regardless of gender, age, social class, location, political opinion, etc. Consequently, 67% of French people think religious beliefs and practices must not be visible in the public space. As far as Islam and Islamic practices are specifically concerned, it is evident that most French people mix the 2004 and 2010 laws. A large proportion thinks that secularism enables prohibiting any religious symbols (especially the headscarf) in every social sphere. For example, in 2005, only 49% of French people would agree to the prohibition of religious symbols in the workplace; whereas in 2014, 81% of them would do so.¹²⁵

These data reveal the intensifying tensions towards the French Muslim community. French Muslims are particularly exposed to discrimination and violence. Among them, women form an even more vulnerable group. Often visible and easily identifiable as Muslims in the public spaces, they are at the core of the "Muslim issue".

The Paris attacks of January 2015 increased this phenomenon of discrimination and violence against Muslim women. Even if more Islamophobic acts targeted Muslim men in the aftermath of the attacks, Muslim women remain the main targets of Islamophobic fury. As will be discussed in the following sections, they are discriminated against, insulted, assaulted or attacked even more than before. Their aggressors often refer to "Charlie" or freedom of speech to legitimise their discourse and acts. Because of their gender and religious visibility, Muslim women embody the invisible victims of collateral damages of media and political handling of the Muslim and Islamophobia issues.

¹²² BVA/CSA Survey, 2013: 32-36, and CNCDH, 2014: 30-36.

¹²³ CNCDH, 'Les essentiels', 2014: 7.

¹²⁴ CREDOC. October 2014. 'Le modèle social à l'épreuve de la crise'. Baromètre de la cohésion sociale en 2014': 41.

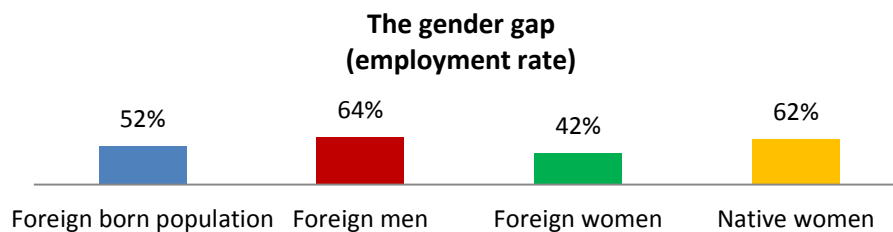
¹²⁵ Ibid: 10 and 45.

SECTION 2 - MUSLIM WOMEN AND DISCRIMINATION IN THE EMPLOYMENT FIELD

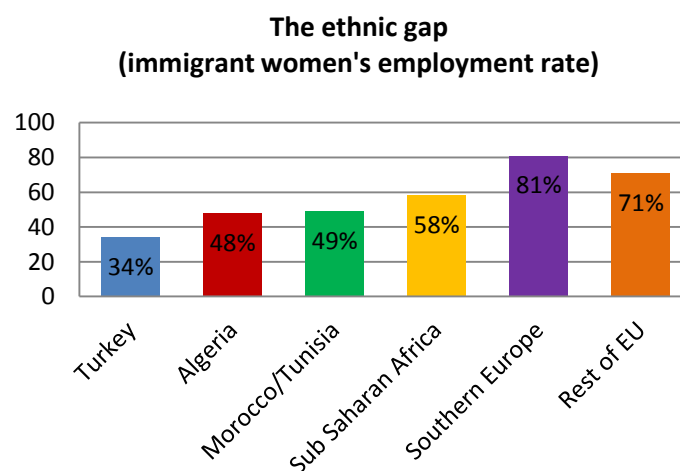
Labour market inequalities overview

Employment inequalities

From a gender perspective, native women are less employed and equally affected by unemployment in comparison with foreign men (of all origins). This difference is even more pronounced among foreign women (of all origins). Indeed, only 42% of them were employed in 2012, which represents 20 points less than native women, 22 points less than foreign men, and 10 points less than the total foreign born population in France. As a result, foreign women greatly suffer from unemployment: 21.9% of them are unemployed, which is more than twice as much as native women and the majority population rates (around 10%) and 1/4 more than unemployed foreign men.¹²⁶



Even if official data in France cannot provide any specific and intersectional details for the Muslim population, the proxies used in the TeO survey (gender and origin) appear to be relevant enough to highlight ethnic and gender gaps. From a gender perspective, the TeO survey reveals that, compared to the national average and majority population's employment rates, both immigrant and second-generation women form vulnerable groups in the French labour market. Huge disparities are also noticeable within each minority group, according to the origin, which confirms the ethnic gap just observed within the male categories. Employment rates of immigrant women from Turkey (34%), Algeria (48%), Morocco and Tunisia (49%) and Sub-Saharan Africa (58%) are significantly inferior to employment rates of immigrant women from Southern Europe (81% for Spain and Italy) or the rest of the EU (71%). Similar gaps can be observed between second-generation women from North Africa, Sub-Saharan Africa, Turkey, and second-generation women from the EU.



¹²⁶ EURtat, 2013.

Besides the ethnic gap, a gender gap clearly appears in the result of the survey. Considering the immigrant population as a whole, women suffer from unemployment more than men. For instance, women born in Algeria, Morocco and Tunisia have higher unemployment rates than men of the same origin. A different trend is noticeable among second-generation immigrant groups. Unemployment rates are quite similar between men (11%) and women (12%). Moreover, with the exception of the second-generation of Turkish descent, the usual gap between men and women is reversed in favour of second-generation women who are less unemployed than second-generation men. 15% of second-generation women of Sub-Saharan descent, 18% of Moroccan and Tunisian descent are unemployed, compared to 21% and 22% of men of the same origin, respectively.¹²⁷

Poverty, deprivation and exclusion in the French labour market

A deeper look at official data on inequalities in the French labour market confirms the former conclusions. In 2010, immigrant men from Africa and Turkey were overrepresented in the working class: 40% of Moroccan immigrants and 61% of Turkish immigrants were skilled or unskilled manual workers whereas the average proportion was 21%. On the contrary, both immigrants and second-generation immigrants from Turkey, North and Sub-Saharan Africa were underrepresented as managers or senior managers. Compared to the national average (17%), the number of managers can be 1/2 or 1/3 less in the population groups just mentioned. With regard to immigrant or second-generation women of African or Turkish descent, they are overrepresented as employees. More than 30% of them work as house employees or security and caretaking agents.¹²⁸

The professional distribution has repercussions on the median salary in France. Indeed, immigrants from Africa and Turkey have the lowest median salaries, (1400 EUR net for a full-time job). Immigrants from the EU28 have the highest median salaries (1800 EUR for a full-time job), which is more than the majority population (1700 EUR).¹²⁹ The situation of the second-generation immigrants is very similar. From a gender perspective, it appears that immigrant or second-generation women from Africa and Turkey earn less than immigrant and second-generation immigrant women from the EU28, who also earn less than native women and all categories of men.¹³⁰

It is thus not surprising to note that immigrant women (first and second-generation) have the most precarious professional situations, when 31% of the majority population women work more than 30 hours a week, only 18% of immigrant women do so.¹³¹ In addition, 36% of immigrant women and 30% of second-generation women have part-time jobs.

Young people's situation in the French labour market is also worth analysing. Along with older people, they represent a very vulnerable category. Again, intersectional data combining age and origin allow us to define general trends. According to a survey from the Study and Research on Qualifications Centre (*Centre d'Etudes et de Recherches sur les Qualifications*, Céreq) in 2007, second-generation youngsters whose parents were born in Africa and are about to enter the labour market are systematically in a less-privileged position than second-generation immigrants from Europe, the native population and the national average.

¹³² Three years after they finish their curriculum, 25% of second-generation immigrants from Africa are unemployed whereas only 11% of the natives and second-generation immigrants from Europe are unemployed.¹³³ These results are confirmed in the 2010 TeO survey. According to the study, compared to

the majority population, second-generation immigrants under 30 whose parents were born in North and Sub-Saharan Africa are almost twice as likely to be unemployed (with similar rates between immigrants from North and Sub-Saharan Africa). Along with origin and gender, youth thus constitutes an additional obstacle for women of African or Turkish descent in the French labour market.

¹²⁷ INSEE/INED, 2010 (168): 56.

¹²⁸ INSEE, 2012: 193.

¹²⁹ Ibid: 210-211.

¹³⁰ Ibid: 210-213.

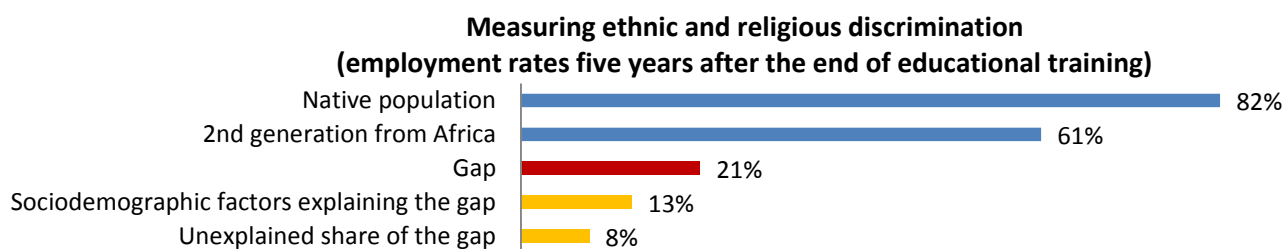
¹³¹ Ibid: 202-203.

¹³² Céreq. 2007. 'Enquête auprès de la génération 2004'.

¹³³ Ibid.

This general overview of inequalities in the French labour market with regards to ethnicity and gender clearly shows that the French population of North, Sub-Saharan African and Turkish descent, which in a large proportion accounts for the French Muslim population, form a very vulnerable group that suffer from unemployment. As a result, they face poverty, deprivation and exclusion more than the average or other immigrant categories. Among them, women are particularly vulnerable to this situation, as they combine intersectional disadvantages due to their gender and origin. In the workplace, they have low-paid jobs and precarious working conditions, have lower salaries and suffer from the glass-ceiling more than women from the majority population.

These multiple factors of inequalities in the French labour market can be explained with social demographical elements such as social and educational backgrounds, location, social or symbolic capital, etc. If these structural effects have to be taken into account to balance the existing gaps, many unexplained differences remain and lead to the conclusion that multiple discrimination plays a role. The Céreq survey studied the gaps between explained employment rates and unexplained employment rates for second-generation immigrants from Africa. It revealed that considering several social and demographical variables such as level of diploma, sex, social and family backgrounds, location, the gaps between African immigrants and the majority population narrow but a share of unexplained gaps remains in the employment rates studied (from 5% to 16% according to the implemented variables in different case studies). For example, five years after the end of their curriculum, 61.2% of second-generation immigrants from Africa are employed, compared to 82.3% of the native population, i.e. a gap of 21 points. When social and demographical variables were introduced into the survey, the gap narrowed to 8 points.¹³⁴ This remaining 8% gap may be explained by discriminatory practices by employers.



Consequently, even if the economic crisis also has an impact on employment and unemployment data, proxies clearly demonstrate that discrimination on the grounds of gender and origin is a significant explanatory factor. People of African (Sub-Saharan and North African) and Turkish descent, especially women, constitute a vulnerable group. Nevertheless, if proxies on origin are necessary to account for discrimination in the field of employment, they are not precise enough to measure the proportion of religious discrimination among these vulnerable groups. As ethnic and religious statistics are forbidden in France, the limits of official data lie in the fact that it is mostly impossible to identify intersectional motives of discrimination and separate ethnic and religious motives because in the case of discrimination against Muslims, origin, ethnicity and religion mix. Specific data on religion are clearly missing.

Multiple discrimination in employment

Official data

In 2013, the *Défenseur des Droits* (DDD) dealt with 3,673 reported discrimination cases, on a total of 78,822 complaints.¹³⁵ Among them, a large majority concerned discrimination in the employment field, either in the private (36.8%) or in the public sector (27.8%). Origin is the main motive for discrimination in employment (almost 14% of total cases). Religion and sex are only cited in 2.4% and 4.8% of total cases, but the majority of religious and gender discrimination occurred at work.

¹³⁴ Ibid.

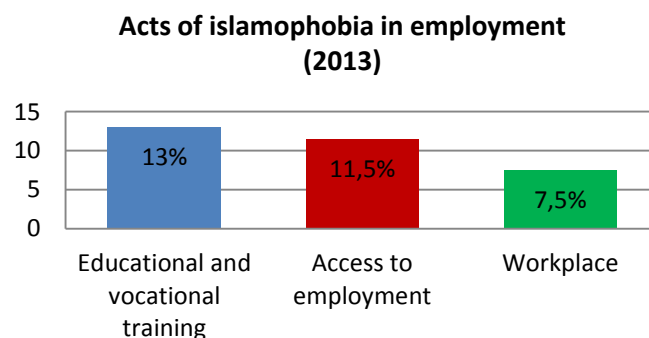
¹³⁵ DDD. 2013. 'Rapport annuel d'activité 2013': 206-207.

The DDD report highlights the fact that in France, almost one third of employees of both private and public sectors declared they were victims of discrimination (once at least) over the past five years. These figures are quite stable in the private sector but keep on rising in the public sector. This situation affects women more than men (7 point gap on average).¹³⁶ Women appear to be the most discriminated against as gender and pregnancy come first on the scale of declared motives of discrimination. Then comes ethnic origin (which concerns 27% of discriminated women in the private sector, 16% in the public sector) and nationality (19% in the private sector and 10% in the public sector). The religious motive is evoked by 19% of the women victims in the private sector and by 8% of them in the public sector.

The TeO survey shows that discrimination takes place in a much wider proportion in access to employment than in situations of employment. This is especially true for both immigrants and second-generation immigrants from Africa and Turkey: one in two declare at least one instance of discrimination in access to employment over the past five years.¹³⁷ For instance, on equal basis, the risk of having felt an unfair refusal for a job application is higher for second-generation immigrants from Turkey, North and Sub-Saharan Africa than for the majority population. This risk is 3.6 times higher for second-generation migrants from Morocco and Tunisia, 3.1 from Algeria, 2.5 from Sub-Saharan Africa and 1.8 from Turkey.¹³⁸ Once again, origin is perceived as the main motive of discrimination, as confirmed by more than 70% of immigrants and more than 50% of second-generation immigrants as far as access to employment is concerned.¹³⁹

Alternative data

These trends are confirmed by alternative data relying on victimisation surveys. In France, the CCIF produces statistics on discrimination against Muslims in its annual report. In 2013, 18.6% of the Islamophobic acts registered by the CCIF occurred in the employment field. 7.35% of the discrimination cases took place in the workplace and 11.25% of them were perpetrated by private companies (in access to employment mainly).¹⁴⁰



In 2014, the CCIF recorded 99 cases of religious discrimination in the fields of higher education and vocational training (13% of the total discrimination acts). A large majority of victims of discrimination in employment are women, especially veiled women.¹⁴¹

As there are no precise and specific data demonstrating multiple discrimination against Muslim women, proxies have to be used to highlight employers' discriminatory practices in access to employment. Some economists and demographers led several academic studies using CV testing methodology. The most recent survey based on CV testing reveals that a candidate with a Muslim-sounding name has three times less of a chance to obtain an interview than a candidate with a Christian-sounding name.¹⁴² Three research studies also produced striking results on the issue of multiple discrimination on the grounds of gender and religion.

¹³⁶ DDD/IFOP. January 2014. 'Baromètre sur la perception des discrimination au travail': 5.

¹³⁷ INSEE/INED, 2010 (168): 10.

¹³⁸ Ibid: 61.

¹³⁹ INSEE/INED, 2010 (183): 12.

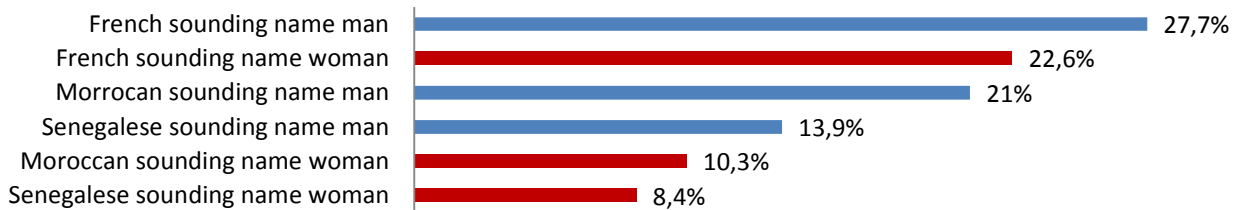
¹⁴⁰ CCIF, 2014: 9 and 11.

¹⁴¹ CCIF, 2015: 27.

¹⁴² Valfort M-A. 2015. 'Discrimination religieuses à l'embauche. Une réalité'. Institut Montaigne.

The first one was issued in 2009 and aimed at testing the existence of intersectional factors of discrimination when it comes to Muslim women's (or women perceived as Muslim) access to employment. Eight comparable resumes were sent to private companies in the IT sector. Origin and gender are the only variables which distinguish the CVs. The applicants were men and women with French-sounding, Moroccan-sounding, Senegalese-sounding or Vietnamese-sounding names. The man and woman with French-sounding names obtained the best positive response rates (27.7% and 22.6% respectively). The lowest rates of positive responses can be found among the female applicant with a Senegalese-sounding name (8.4%) and the female applicant with a Moroccan-sounding name woman (10.3%).¹⁴³

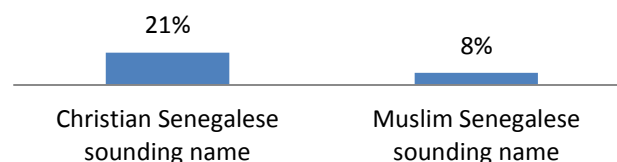
The "intersectional effect"
(positive responses - CV testing 1)



This first study proved the intersectional effects of discrimination on the grounds of gender and origin in access to employment. For example, a Moroccan woman applicant endures a triple penalty: she is discriminated against because she is a woman, because of her Moroccan origins and also because she is both a woman and of Moroccan descent. The intersectional effect thus results in the creation of a new category of discrimination; gender and origin do not simply add one to another. Moreover, the crossed effect of gender and origin create a double glass-ceiling effect for these women.¹⁴⁴

The second CV testing study focused on the "Muslim effect" on multiple discrimination in access to employment, that is, questioning the possible Muslim disadvantage in economic integration of immigrants. The researchers' goal was to separate the ethnic and religious effects on discrimination in order to identify the specific discrimination against Muslims (men and women) in access to employment. Their highly complex methodology targeted Muslim and Christian immigrant groups of people with cultural, economic and educational similarities between the two. Considering the French demographical context, the researchers concentrated on two Senegalese communities. The testing occurred in the secretarial and accounting sectors. Three comparable CVs were created with identical qualifications and backgrounds. Only the names (women with a Senegalese-sounding surname and Muslim-sounding and Christian-sounding first names and a woman with a typical French name with no religious connotations) and some elements (signs of religious identity related to volunteer work, for instance) changed. The research results were striking as they revealed a significant religious discrimination, as the Muslim Senegalese woman got 8% positive responses compared to 21% for the Christian Senegalese woman. A woman, when she is perceived as Muslim, has 2.5 times less chance than the one perceived as Christian of getting an interview.¹⁴⁵

The "Muslim effect"
(positive responses - CV testing 2)



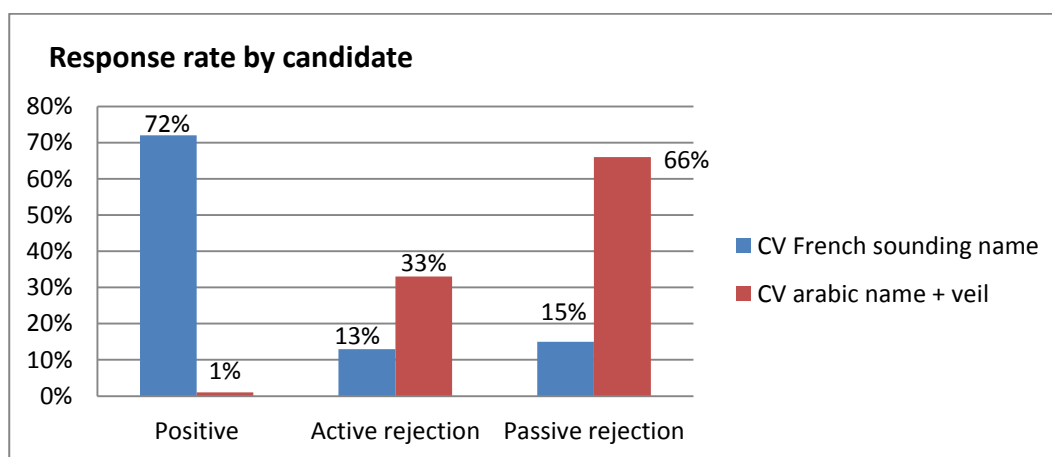
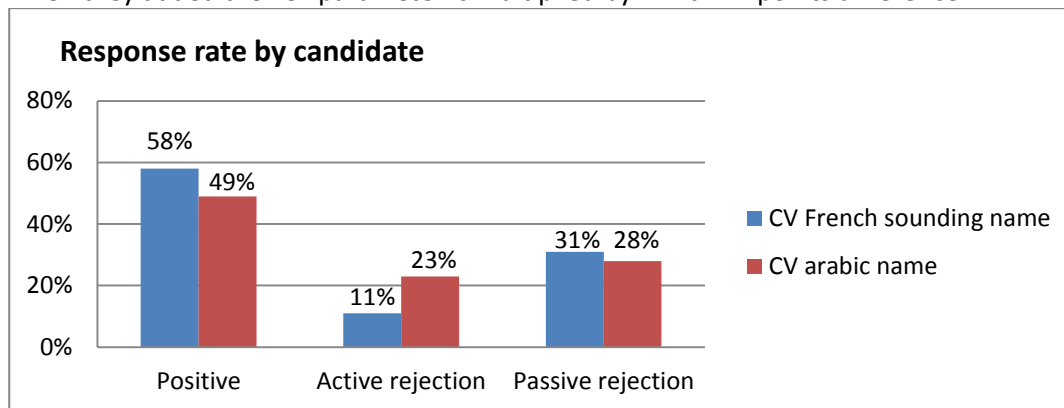
The last study based on CV testing confirms the religious penalty as far as Muslims are concerned and goes even further as researchers tried to measure the impact of wearing Islamic symbols in access to employment. They used the same process as the two other studies and tested three comparable CVs of

¹⁴³ Petit, Duguet, L'Horty, du Parquet and Sari, 2013: 147.

¹⁴⁴ Ibid: 149.

¹⁴⁵ Adida, Laitin and Valfort, 2010: 389.

female applicants in two distinct experiments. They first tested the application of the candidate with a French-sounding name against the applicant with an Arabic-sounding name. They then tested the application of the French sounding name against the Arabic and veil applicant. Only the names and the pictures changed. Once again, the results were significant. The difference in positive responses could go up to 10 points between the “French-sounding name” and the “Arabic-sounding name”. But the difference, when they added the veil parameter is multiplied by 7 with 71 points difference¹⁴⁶.



Alternative data prove to be helpful when it comes to identifying and analysing the “Muslim effect” in discrimination in the field of employment. In France, Muslims are victims of discrimination more often than non-Muslims. Muslim women experience multiple discrimination whether they wear religious symbols or not. Nevertheless, the headscarf obviously constitutes an additional obstacle.

Legislation, policy and case studies overview

Specificities of the French legal and political context

The recruitment stage constitutes a huge barrier to Muslim women’s economic and professional integration, but discrimination also happens in the workplace. As the report underlines, they suffer from many gender inequalities such as the pay gap, a glass-ceiling effect or precarious working conditions. They are the targets of Islamophobic discrimination often based on clothing requirements. A legislation and case law overview shows that most cases brought to courts occurred in situations of employment or in vocational training. As far as discrimination in the field of employment is concerned, Muslim women have to face hostile policies that deprive them of their fundamental right to manifest their religion or belief in public or in private.

The key obstacle in France is not legal but political. As underlined before, the biased interpretation of secularism as an attempt to impose exclusive neutrality in every social space has consequences both in the

¹⁴⁶ Tisserant, Conference ‘The Making of Discrimination’, 6 November 2014.

employment and legal fields. If in the public sector, public servants are prohibited from wearing any religious symbols by law in respect of the neutrality principle. Neutrality does not concern the private sector where secularism should guarantee the plurality of religious manifestations.¹⁴⁷ Nevertheless, since many French employers or employees consider the workplace as secular (i.e. neutral), the injunction to neutrality and the refusal to accept the wearing of visible religious symbols are not necessarily perceived as discrimination or as a violation of religious freedom.

The same issue is at stake concerning vocational training. The 2004 Act had a strong influence on mentalities as it is used to restrict religious freedom in public universities, private graduate schools, or public vocational training centres (CFA or GRETA). Indirectly, the 2004 Act is used as an argument to exclude Muslim women who are visibly perceived as such because of their headscarf or dress style. Although the circular accompanying the 2004 Act is clear about its non-application to students engaged in higher education (either in the public or in the private sectors), many attempts, individual as well as political and legal, are constantly made to prevent Muslim women from getting educated or trained.

Case laws and attempts to extend religious neutrality

This state of mind is also noticeable in French policies and case laws on religious discrimination. As seen in the previous section, French legislation provides protection from discrimination on the grounds of religion in the field of employment. This legislation was implemented in the French Labour code and in the Penal Code.¹⁴⁸

Nevertheless, restrictions to religious freedom can be allowed under certain legal provisions. The Labour Code stresses the general framework of such limitations. Article 1121-1 states that limitations should be motivated by a legitimate purpose, proportionate to the objective sought.¹⁴⁹ Proselytism is also forbidden in the workplace but no religious symbol or clothing can be judged as intrinsically proselytise.¹⁵⁰ In addition, religious manifestations (such as wearing a religious symbol) can be restricted if they are contrary to hygiene, security and health imperatives. Yet, employers are encouraged to promote accommodation policies in their company in order to conciliate religious freedom and work organisation as much as possible.¹⁵¹

As far as Muslim women and religious symbols and clothing are concerned, several case laws have led to consider that commercial imperatives such as being in contact with customers could constitute a legitimate and proportionate motive to restrict religious manifestations. Several court cases validated CEOs' decisions to dismiss their Muslim employees because they were veiled.¹⁵² In 2003, the Court of Appeals of Paris issued a reversed but controversial decision. On one hand, the veiled employee's dismissal was cancelled because the commercial imperative was not considered as legitimate and proportionate. On the other hand, the decision's justification stated that the veiled employee should be reintegrated because she was not directly in contact with customers, which still gives the possibility to restrict religious expression for specific commercial imperatives.¹⁵³ However, in 2008 and 2009, the former Ombudsman (HALDE) reaffirmed that according to the non-proselyte nature of religious symbols as such, the simple fact of being in contact with customers cannot be a legitimate and proportionate justification to restrict religious freedom.¹⁵⁴

In 2011, with regard to the very political and mediatised "Baby Loup" case (see below), several political and legal attempts were made to extend the principle of neutrality to several professional fields in the name of

¹⁴⁷ Decision 2170 of 3 May 2000, State Council.

¹⁴⁸ Article L1132-1, Labour Code and article 225-1/2/3, Penal Code.

¹⁴⁹ Article L1121-1, Labour Code.

¹⁵⁰ Decision of 27 November 1996, State Council.

¹⁵¹ Decision of 16 September 1991, Court of Cassation.

¹⁵² Decision 97/703397 of 9 September 1997, Court of Appeal of Saint-Denis de la Réunion and decision of 16 March 2001, Court of Appeal of Paris.

¹⁵³ Decision 03/30212 of 19 June 2003, Court of Appeals of Paris.

¹⁵⁴ HALDE deliberations 2008-32 of 3 March 2008 and 2009-117 of 6 April 2009.

secularism. Muslims, and especially Muslim women, were obviously targeted by these bills or case laws. The right-wing majority party at that time supported a bill aiming to amend the Labour Code to introduce internal restrictions on the wearing of religious symbols and clothing in private companies. The National Assembly even adopted a resolution to enforce religious neutrality in private companies.¹⁵⁵ Additionally, the High Council of Integration (*Haut Conseil à l'Intégration*, HCI), the former advisory body to the government on integration policies, confirmed the previous bills. In a report on religious manifestation and secularism in the private sector, it stated that the wearing of religious symbols and clothing should be prohibited in private companies for business related purposes, in order to extend neutrality to the private sector in respect of the secularism principle.¹⁵⁶ As it is not possible to enact a general prohibition as far as religious freedom is concerned, all these texts remained at the state of bills.

Nevertheless, to avoid the general prohibition legal constraint, a bill imposing the respect of religious neutrality in private child-care facilities was introduced to the Senate in October 2011.¹⁵⁷ The bill was adopted in 2012 and sent to the Assembly. Lastly, in March 2013, in the aftermath of the “Baby Loup” case, the Court of Cassation issued two decisions. It stated that religious neutrality must be extended to employees working in public services companies. It also stated that secularism cannot be a legitimate motive to impose religious neutrality in private companies, even if they are ruled by a general interest mission.¹⁵⁸

The conclusion of this controversial case gave the political class an opportunity to relaunch the prohibition of religious symbols and clothing in universities and public vocational centres. The HCI initiated the proposal but was immediately stopped by the Observatory of Secularism (*Observatoire de la Laïcité*). Nevertheless, this issue regularly comes back into political debate. At the time of writing this report, the State Secretary for Women’s Rights had initiated another discussion on the issue.

Secularism is wrongly used to restrict Muslim women’s fundamental right to manifest their religion, whereas the concept does not apply to the private sector. The constant attempts to impose the principle of religious neutrality to the employment field (in vocational training, in access to employment and in the workplace) exclude them more and more from economical and professional integration. Such legislation and policies are detrimental to women’s equality and autonomy. As underlined by NGOs such as Amnesty International, the State’s responsibility is clearly at stake as “France fails to exercise due diligence in order to ensure that non-State actors such as private employers do not discriminate on the grounds of religion and belief”.¹⁵⁹ The NGO states that it is “concerned that employers are still excluding Muslims from employment on the basis of stereotypes and prejudices and that this impacts disproportionately on Muslim women”.¹⁶⁰

Recent case studies

Cases of religious discrimination in educational and vocational training

As far as vocational training is concerned, most of the religious discrimination and harassment against Muslim women occur in areas such as access to vocational training, either in public or private centres, public universities or private graduate schools. In most cases, the headscarf is the source of the discrimination.¹⁶¹

As underlined above, the 2004 Act does not apply in higher education (private or public). Students’ religious freedom is guaranteed by fundamental laws and their right to access vocational training is reaffirmed in

¹⁵⁵ Points 7 and 10, resolution proposal 3397 of 5 May 2011, National Assembly.

¹⁵⁶ HCI. 2011. ‘Expression religieuse et laïcité en entreprise’.

¹⁵⁷ Bill 56 of 25 October 2011, Senate.

¹⁵⁸ Case laws 536 and 537 of 19 March 2013, Court of Cassation.

¹⁵⁹ Amnesty International. 2012. ‘Choice and Prejudice. Discrimination against Muslims in Europe’: 45.

¹⁶⁰ Ibid.

¹⁶¹ CCIF jurist. Interview, 11 February 2015.

several Ombudsman decisions.¹⁶² Nevertheless, Muslim young women's rights are regularly denied even if the law is on their side, which is often the case with CFA and GRETA centres that represent most of the contentious cases in the area of vocational training. Directors often ignore the law on purpose or refuse to apply it when recalled. They would rather be sued and lose the case than accept Muslim veiled women.¹⁶³

Discrimination also occurs in access to public or private higher education. For instance, a young Muslim student was questioned about her headscarf during her interview to enter a speech therapist prep school. The director clearly mentioned her headscarf as being a problem to enter the school arguing she was defending "social values" at stake in France and that the "situation won't change". The student received a refusal letter.¹⁶⁴ Another Muslim student was denied access to a law Master's Degree for the same reason. The head of the Master, an acknowledged law professor and expert in human rights, openly recognised that her refusal was motivated by the student's veil, as she said "I won't accept that here", referring to the student's headscarf.¹⁶⁵ Several other cases occurred in access to internships. Some veiled women cannot find any internship because all the companies they applied to accept them only if they are willing to remove their headscarves.¹⁶⁶ Lastly, another recurrent case is the systematic dismissal from the French teaching exam because the candidate presents herself wearing a religious symbol. The jury always relies on the principles of secularism and neutrality which apply to civil servants whereas when the candidate takes her oral exam, she is not a civil servant yet and thus has the right to manifest her religion and belief.¹⁶⁷

Many Muslim veiled students are being harassed or excluded from public universities because of their headscarves. Both professors and administrative instances are responsible for discouragement or drop-outs. Some Muslim students are asked to remove their headscarf on their student card picture, although it is illegal. Others are harassed during their exam (illegitimate identity checks, cheating accusations, etc.).¹⁶⁸ In addition, they can be the targets of Islamophobic speech during their class. For instance, a political sciences professor implied that one of his students was "the Trojan horse of Islamism" because she was wearing a headscarf.¹⁶⁹ In the same way, at a law school, a professor called out a Muslim veiled student and asked her if she could remove it. As other students sided with her, the professor began to take off his clothes and shouted "My religion is naturism!".¹⁷⁰ Lastly, in the aftermath of the Paris attacks, one law teacher asked a Muslim student in front other classmates "how do you dare come here with 'that' on, considering what just happened?", referring to her headscarf.¹⁷¹

Cases of religious discrimination in access to employment

As far as access to employment is concerned, most cases concerned Muslim women wearing a headscarf. They face similar discriminatory situations as described above. When they get an interview and choose to present themselves with their headscarf, they take the risk of being refused for the position. Usually the headscarf monopolises the interview, employers only focus on the religious symbol and not on the candidate's skills. In France, as many employers think that neutrality applies to private companies, they do not hesitate to openly express the specific motive of the refusal and thus exposed themselves to condemnation in court.¹⁷²

¹⁶² Decisions 167 and 168 of 1 September 2008, decision 239 of 8 June 2009, decisions 402 and 403 of 14 December 2009 and decision 339 of 28 September 2009.

¹⁶³ CCIF jurist, interview.

¹⁶⁴ CCIF case, 30 April 2014.

¹⁶⁵ Muslim student woman. Interview, 4 April 2015.

¹⁶⁶ CCIF jurist, interview.

¹⁶⁷ DDD case 09-05280, 2013.

¹⁶⁸ EMF (Muslim French Students) member. Interview, 4 April 2015.

¹⁶⁹ L'Obs. 2014. 'Sciences Po Aix: un prof accuse une élève voilée d'être "un cheval de Troie de l'islamisme"'. L'Obs, 2 October.

¹⁷⁰ Siraud M. 2015. 'La violente réaction d'un professeur de l'école du barreau devant une étudiante voilée'. *Le Figaro Etudiant*, 16 January.

¹⁷¹ EMF member, interview.

¹⁷² CCIF jurist and Frédérique Ast, interviews.

For instance, a young Muslim woman was about to sign her professional contract after having successfully passed the job interview with the human resources manager. The day of the interview, she did not dare to wear her headscarf because she was afraid of discrimination. When the manager saw her with her headscarf before the signature of the contract, she told the candidate that she did not say anything about the headscarf and that she would not let her sign the contract for that reason.¹⁷³ In the same way, another Muslim veiled woman was convoked for an interview for a pharmacist position. As the employer saw her arriving, he asked her if she really was a pharmacist and if she intended to wear her headscarf all the time. As the candidate answered she did, he put an end to the interview after a few minutes and told her she did not get the job.¹⁷⁴

Cases of religious discrimination in the workplace

Although discrimination in access to employment rarely leads to legal proceedings, dismissals for wearing religious symbols in the workplace do. This type of discrimination represents the majority of the court cases on religious discrimination in the field of employment. Here, as is often the case, the discriminatory act is acknowledged by employers.¹⁷⁵

The “Baby Loup” affair was taken an ideological turn when it was put into political and public debate. In 2008, a social worker in a day-care centre (Baby Loup) was dismissed when she started wearing a headscarf. The victim referred to the Equality body (HALDE) that condemned the Baby Loup centre in 2010. The case was re-examined upon request of the Ombudsman’s new president but it reaffirmed its first decision. When the case went to the Prud’Hommes (Labour Court) in 2010, the Ombudsman’s president openly supported the Baby Loup centre, arguing that the principle of secularism was not respected and the tribunal validated the dismissal. The decision of the Court of Appeals of Versailles in November 2011 confirmed the previous one but the decision of the Court of Cassation led to a new development as it recognised the abusive aspect of the dismissal, reaffirming that private sector companies were not concerned with secularism and religious neutrality.¹⁷⁶ This decision was followed by a media and political frenzy and the case went back to the courts twice. Both the Court of Appeals of Paris (2013) and the Court of Cassation (2014), which thus overturned its own decision, invalidated the latter decision and the victim definitively lost the case.¹⁷⁷

The “Baby Loup” case is emblematic of the political and judicial relentlessness when it comes to Muslim women and especially Muslim veiled women. It had significant consequences in several areas. Both the judicial authorities and the Equality body lost credibility as they proved to be partial and sensitive to political lobbying. Several members of parliament and political representatives, both from right and left-wing parties, also proposed several bills aiming at neutralising public and private spaces and thus excluding Muslim women even more. The years 2011 and 2013 were very harsh for Muslim women as they were at the core of repeated media and political bashing and bullying, but, their victimhood was not recognised by justice.

At the time of writing this report, two court cases were dealing with discriminatory dismissals on the grounds of religion. They involve two Muslim women wearing headscarves. The first case concerns a customer advisor working for a bank. Her employer used to be satisfied with her work and she had excellent evaluations. In spite of her headscarf never being a problem, without any reasons it suddenly became one and she was given an ultimatum: either she removed her headscarf and kept her position, or she refused and left the bank. The victim proposed some accommodations to the bank director (for example, she agreed to work in back office) but her employer refused any compromise. As she finally chose to keep her headscarf on, she was dismissed on that precise motive. Her case will be judged on appeal by the end of the year. This case is quite significant as it represents a trend among French employers who do

¹⁷³ CCIF case, 23 May 2014.

¹⁷⁴ CCIF case, 26 June 2014.

¹⁷⁵ Frédérique Ast, interview.

¹⁷⁶ Decision 10/05642 of 27 October 2011, Court of Appeals of Versailles and case laws 536 of 19 March 2013, Court of Cassation.

¹⁷⁷ Decision 13/02981 of 27 November 2013, Court of Appeals of Paris and decision 612 of 25 June 2014, Court of Cassation.

not consider themselves as perpetrators of discriminatory acts when they dismiss a woman because she publicly manifests her religion or belief. Indeed, they may even be engaged in the struggle against discrimination, which is the case for this bank director who signed the Diversity Charter (a document aiming at fighting discrimination and promoting diversity in private companies). Such employers wave the secularist argument to exclude women from the employment field.

The second case also concerns the dismissal of a Muslim woman because of her headscarf. She used to work as an engineer for more than a year and her employer had no problem with her being veiled. He gave a client complaint as a pretext to restrict her from working in contact with customers with her veil, then he eventually dismissed her for wearing a religious symbol in the company. Her dismissal was a violent experience as it was fast and she was left with no alternative. Both the Labour Court and the Court of Appeals validated the legitimacy of the dismissal. The case is on its way to the ECtHR.¹⁷⁸ If the victim gets a favourable decision, her case will become a new case law, which will prevail over the 2003 Law and the possibility to restrict manifestations of one's religion or belief for specific commercial imperatives.

Other cases of religious discrimination demonstrate the harassment Muslim veiled women can be exposed to in their professional exercise. As seen above, there were several attempts to prohibit the wearing of religious symbols in infancy day-care centres. The motive that was invoked was that children should not be exposed to adults' choice to manifest their religion or belief because it could have a bad influence on them. These attempts had repercussions on the whole childcare sector and even private childminders were affected by discrimination. For instance, during her interview to get the institutional agreement for home childcare, a Muslim woman was questioned about the religious pictures in her house, her headscarf and her religious practices. Her answers were judged incompatible with the requested skills to be a childminder.¹⁷⁹ This case is even more preoccupying because it appears that many Muslim veiled women choose to be childminders because they have the feeling that they cannot be discriminated against or harassed as they have to work at home with children.

Impact of discrimination on Muslim women

Perpetrators' profile

Two categories of perpetrators can be identified, according to CCIF data and analysis.¹⁸⁰ Some employers, teachers or administrative staff (about half of the total cases) are ignorant of the legal provisions and sincerely think that neutrality is the rule and that the 2004 Act applies to the private sector, universities, etc. With this type of perpetrators, a dialogue can be initiated and a simple reminder of the current legislation is enough to put an end to the discriminatory situation. The other half are clearly hostile to manifesting one's religion or belief (especially Islam) in public and want to impose neutrality. Whether they know the law or not, they deliberately discriminate against Muslim women because of their visible religious symbols or clothing. This category is hostile to any form of dialogue or compromise. They would rather go to court, even if they know, and sometimes reckon, that they act against the law.

Recent academic research on private recruiters' strategies to handle ethnic or religious discrimination reveals a complex situation.¹⁸¹ According to the sociologists, only a small minority of recruiters acknowledge openly discriminating against employees because this position is hard to defend in companies. The researchers identified a major trend among recruiters and found that discrimination, in the majority of the cases, was not the result of an assumed racism. According to them, recruiters put the responsibility of discrimination on their hierarchy or on the company policy. They minimise and justify their role in the discriminatory process using several strategies. For instance, they develop individual accommodation techniques: they accept discriminating against their will because they cannot afford to

¹⁷⁸ Muslim engineer woman. Interview, 24 April 2015.

¹⁷⁹ CCIF case, 14 May 2014.

¹⁸⁰ CCIF jurist, interview. This interview is the source of the whole paragraph.

¹⁸¹ Poli A. and Cortesero R. 'Recruteurs sous-tensions. Discrimination et diversité au prisme du recrutement'. Conference 'The Making of Discrimination', 6 November 2014.

undergo the consequences on their career or to be dismissed. They also adopt argue that they are not racist but they cannot change the system anyway because they are just a small part of it and have no power to improve the situation.

Psychological impact of discrimination on victims

From the victims' perspective, the feeling of injustice systematically prevails, even more so when the law is on their side. For Muslim women, wearing a headscarf constitutes a decisive choice in their life.¹⁸² The way they will be perceived will have practical and often dramatic consequences in many areas of their lives.

Fatiha Ajbli, a sociologist who dedicated her PhD thesis to the psychological impacts of Islamophobia on veiled Muslim women in the employment field in the northern region of France (2011), observed some large-scale trends.¹⁸³ Testimonies in her work reveal tendencies in anticipating, handling or escaping discriminatory situations. In addition to these most common trends, two veiled Muslim women profiles can be sketched: Muslim women who do not consider removing their headscarves as a possible option to find a job and those who finally agree to remove it to be able to work. These profiles are not fixed, they can evolve every time Muslim women reconsider their views on the context, the climate, the situation of discrimination, the mentalities, etc.

Veiled Muslim women are confronted with choices that most women do not have to deal with.¹⁸⁴ It appears that Muslim women, and especially veiled Muslim women, choose their vocational training and professional areas by anticipation of the difficulties. They know that some professional sectors constitute dead ends for them, either legally or otherwise. In the public sector for instance, religious neutrality is the rule. In the private sector, they know from experience that some branches such as banks are closed to them. Because of their headscarves, these women have limited educational and professional options compared to other women. They also anticipate, consciously or not, their educational or professional training taking the reality of the French labour market into account.¹⁸⁵ Self-exclusion can thus be noticed in some veiled Muslim women's educational and professional paths. For example, a veiled Muslim student who wished to study administrative law revised her orientation choice when she realised she had almost no chance of finding a job with her headscarf in the administrative sector.¹⁸⁶ Like her, many veiled Muslim women adapt their aspirations to the possible discriminatory situations they would have to face. Consequently, they often have to make default selections, either because of the reality of the French labour market, of their personal perceptions of the educational and professional fields or because they were obliged to choose another path after a refusal or a dismissal.

At this stage, Muslim veiled women often develop avoidance strategies in order not to be confronted with discrimination. Consciously or not, after they suffered from a discriminatory situation in the employment field, or after having anticipated the possible obstacles to reach their original professional goal, they consider alternative options. Some of them turn to their religious or ethnic community to find professional fulfilment and acceptance. Some others become entrepreneurs and create their own business. Lastly, some Muslim veiled women do not want to be confronted with the employment field anymore and choose to focus on marriage and family life in order to have a valuable social status. For them, taking care of the family may correspond to personal aspirations as well as a way of self-fulfilment. Gender social roles give the possibility to these women to find other possible enriching and significant positions.¹⁸⁷ Family life also constitutes a needed shelter to recover from a discrimination experience during professional training or in the workplace. For instance, several testimonies show that starting a family can be a way to rebuild oneself and regain self-esteem but also a step that allows bouncing. For instance, after a violent discriminatory

¹⁸² Tévanian, Chouder, Latrèche, 2008 and Zerouala F. 2014. *Des voix derrière le voile*. Paris: Premier Parallèle.

¹⁸³ Fatiha Ajbli, sociologist and expert on Muslim women discrimination in the field of employment. Interview, 19 June 2015. Fatiha Ajbli's academic work is based on interviews of Muslim veiled and educated women aged 22 to 40 in the situation of activity.

¹⁸⁴ Fatiha Ajbli, interview.

¹⁸⁵ Elsa Ray, interview.

¹⁸⁶ Muslim student woman. Interview, 4 April 2015.

¹⁸⁷ Elsa Ray, interview.

dismissal, the victim reckoned that spending three years to take care of her children helped her to close this harmful episode of her life and gave her the strength and the will to search for a job again.¹⁸⁸ Nevertheless, Muslim veiled women who, at the end of their curriculum, chose a family status and renounced a professional one, may have even more difficulties to enter the labour market thereafter.¹⁸⁹

Testimonies also reveal psychological dispositions have a great influence on the way Muslim veiled women handle discriminatory situations. Among the interviewees, all of them put forward their strength of character and perseverant personality as a means to overcome or even avoid discrimination. Nevertheless, NGOs such as the CCIF or psychologists who are dealing with victims of Islamophobia agree on the fact that more and more Muslim women suffer from depression and observe trends of self-denigration and lack of self-esteem.¹⁹⁰

Sometimes, Muslim veiled women make the decision to uncover in order to be able to enter the labour market. Usually, they do not permanently remove it, even though a few of them decide to do so. Either they remove it during working hours, or they find alternatives such as a beret, fashionable headscarf, head band, etc. Such a choice imposes itself upon Muslim women when the suffering of not finding a job overshadows the suffering of removing one's headscarf every day. The choice to uncover represents a harsh violence for the women who have resigned to do so. They endure this situation as a daily humiliation and a negation of their integrity, which may have disastrous psychological impacts.¹⁹¹

This profile of Muslim women can be encountered in the public sector, where religious symbols are legally banned for civil servants. Often, Muslim women turn to recruitment by competition because it represents their last option to get a job. This is the case of a Muslim veiled woman who graduated top of her class at university. As she realised that most of her peers found a job within a few months of finishing their studies, and that she did not, in spite of many applications sent, she fell into a deep depression. After a recovery period, she reconsidered her priorities and decided to become a civil servant because the entrance examinations are anonymous. She acknowledged that this professional and financial security would cost her a part of her integrity as she now has to remove her headscarf during working hours.¹⁹² Accepting to uncover is not the only violence Muslim public agents have to deal with. In the French public sector, the issue of religion and religious symbols is very sensitive and can turn into harassment and bullying situations. Consequently, in the workplace, Muslim women who wear headscarves outside the workplace sometimes adopt a low profile and develop strategies not to be unmasked. For example, they are very discrete, they install a distance between them and their co-workers, they never talk about personal matters, etc. They try as much as possible to hide their religious identity as if it was a secret. For instance, some Muslim women refuse to remove their headscarves at the entrance of their workplace because they do not want to be seen with them on. They would rather find a place at distance to discretely remove their headscarves.¹⁹³

The same strategies can be observed in the private sector. Muslim women are used to play a role in the workplace in order not to call attention towards them. The choice to remove the headscarf in the workplace is even more frustrating in private companies because no legislation forbids the wearing of religious symbols, which provokes a strong feeling of injustice among Muslim women. Nevertheless, depending on relations with their colleagues and hierarchy, they can take advantage of the scope offered to them to impose alternative forms of veiling. To make them acceptable, they have to find excuses to justify why they are covering their hair. For instance, they use headscarves disposed in a fashionable way (ethnic or hippy look), avoiding dark colours to erase the alleged religious aspect; they can also wear berets or caps and pretend to have health problems to explain why they are wearing them all the time in the office, etc.¹⁹⁴ Despite these arrangements in disguise, even in the private sector, many Muslim women have

¹⁸⁸ Muslim engineer woman, interview.

¹⁸⁹ Fatiha Ajbli, interview.

¹⁹⁰ Head of CCIF psychologist unit. Interview, 27 April 2015.

¹⁹¹ Fatiha Ajbli, interview.

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

to hide their religiosity in order to be accepted or even merely tolerated in the workplace. By doing so, they are obliged to deny a part of themselves and sometimes pretend to be someone else on a daily basis.

Consequences of discrimination on victims

Beside the psychological impacts, religious discrimination in the workplace also has material consequences for Muslim women. First of all, they are more and more economically and professionally excluded. At the stage of educational or vocational training, students' associations such as the Muslim French Students (*Etudiants Musulmans de France*, EMF), note that many veiled Muslim students drop out, although at the moment, no official or alternative data are available to measure this phenomenon.¹⁹⁵ They also note that the situation is getting worse because of the recurrent political attempts to extend religious neutrality to the employment field. Consequently, professional options for Muslim women, especially when they wear headscarves, are becoming or perceived as more and more limited.

In addition, even when Muslim women are employed, they are confronted with other kinds of obstacles. As women and as religious women, they have to deal with the glass-ceiling and several other barriers in their professional career. Muslim women happen to be in a highly dependent position as far as professional promotions are concerned. Indeed, testimonies reveal that their position and progression in a company is often due to the support of at least one manager. Depending on the power of this person, the Muslim woman employee will more or less peacefully progress within the company. For instance, after a first experience of discrimination in the workplace, a Muslim engineer found another job where she could wear her headscarf because her manager supported her despite some employees' remarks. Nevertheless, she knows she can never have a better position within this company because of her veil. She is now willing to search for another job but she feels discouraged to start everything from the beginning again and she is also afraid of not finding a company where she will be accepted with her headscarf and where she can hope to be promoted according to her skills and experience like others.¹⁹⁶

This fear of re-victimisation is also leads to under-reporting. Indeed, even if more and more Muslim women become empowered, received an education, are economically integrated and aware of their rights, only a few of them report the discrimination they experience. Religious discrimination in employment is often anticipated or interiorised. The tense context around the headscarf issue contributes to trivialising and normalising religious discrimination. In fact, Muslim women are self-prepared to face such situations and do not even consider reporting them. Moreover, because of the confusion created by repeated public debates and political attempts to extend neutrality to public areas, some Muslim women do not know their rights and sometimes even think that they cannot work or go to universities or vocational training centres with their headscarves.

Only serious cases such as dismissals are eventually reported and brought to court. Nevertheless, the French judicial system does not encourage victims to report discriminatory situations and to start judicial proceedings. The slowness of the institution is clearly a discouraging element for the victims. Even if the institutional recognition of their victimhood is important in their recovering process, bringing cases to court is not always the best way for them to win their case. For instance, a victim of discrimination in the workplace admitted that she was not expecting anything from the court decision as it came too long after the incident; she does not need it anymore to feel better. Nevertheless, she is willing to keep on fighting, "for the cause and for other Muslim women".¹⁹⁷ Second, the burden of proof is another discouraging factor explaining why victims give up and do not bring their cases to court.¹⁹⁸ In France, the burden of proof lies with the victim, which puts Muslim women in a very vulnerable position because they have to find witnesses ready to testify. Usually this task is difficult because witnesses are reluctant to support the victim against their managers or employers. In the case of Muslim women, finding support among their colleagues

¹⁹⁵ EMF member, interview.

¹⁹⁶ Muslim engineer woman, interview.

¹⁹⁷ Ibid.

¹⁹⁸ Sophie Latraverse, interview.

is a challenge because most of the time, they will not consider the religious neutrality request as discrimination.¹⁹⁹ Nevertheless, it is important to note that in France, as employers, directors or administrative staff often think it is legitimate to ban religious symbols from companies, the motive for the refusal or dismissal is often clearly notified and acknowledged, which simplifies the constitution of the evidence.²⁰⁰ Lastly, victims obviously do not trust justice and the French judicial system. They are aware of a double standard policy when it comes to Muslim women, and especially veiled Muslim women. Lawyers or anti-discrimination legal experts also highlight the little consideration of some judges or prosecutors for discrimination cases involving veiled Muslim women. They note their problematic state of mind and lack of specific training on this issue. Indeed, some French law enforcement officers do not recognise that asking a woman to remove her headscarf in order to be integrated professionally amounts to discrimination. They do not perceive the gravity of such a request as they lack understanding of the meanings of veiling.²⁰¹

Good practices

State initiatives

Regarding the very specific issues of discrimination against Muslim women or religious discrimination in the employment field, few relevant State initiatives can be mentioned. As seen above, French State and institutions are the first perpetrators of Islamophobic discrimination and this contributes to Muslim women's precarious position in the French labour market.

In 2012, French President François Hollande created the Secularism Observatory (*Observatoire de la laïcité*), whose main mission is to ensure the respect of the principle of secularism in France. Its first annual report (2014) draws an overview of the various applications of the concepts and provides guidebooks on the management of religious diversity in the field of employment, both in the public and private sectors.²⁰² Even if the initiative is worth mentioning as members of the Observatory clearly aim at calming tensions, this measure cannot be considered as a concrete policy to tackle religious discrimination in employment.

Recently, the French government showed its will to engage in anti-discrimination policies. Local governments and institutions are encouraged to apply for the Diversity Label, which is specific to public services. It mainly focuses on career management as access to public employment is, for most positions, by anonymous entrance examinations (except oral exams). The trainings to obtain the Diversity Label currently focus solely upon consensual motives of discrimination such as gender, age and disability. Religion and origin are not really addressed. A few Ministries, such as the Ministries of Economy and Culture, have already been awarded. The French government asked the remaining ministries to engage in the process by the end of 2015.²⁰³

Ombudsman initiatives

The French Ombudsman, the *Défenseur des Droits* (DDD), went through a significant restructuring over the last four years.²⁰⁴ The DDD auditioned most of the anti-racism organisations and law enforcement officers such as lawyers. This networking effort aimed to re-launch a dialogue, to introduce themselves and to explain their new operational model in order to deal with as many cases as possible. The DDD implemented its actions both nationally and locally in order to present itself as a key stakeholder to combat any kind of discrimination. In 2014, the DDD recorded a 20% increase in complaints received, which confirms that the trust is back.

¹⁹⁹ Lila Charef, interview.

²⁰⁰ Frédérique Ast and CCIF jurist, interviews.

²⁰¹ Frédérique Ast and Lila Charef, interviews.

²⁰² Observatoire de la laïcité. 2014. 'Rapport annuel de l'Observatoire de la laïcité, 2013-2014'.

²⁰³ Jurist in charge of Diversity Label applications. Interview, 15 June 2015.

²⁰⁴ The transition from the HALDE to the DDD was not easy as the new Ombudsman had to deal with the lack of popularity plus heavy internal reorganisation (merger of three very different bodies). The DDD thus had to recover from the negative image of the HALDE during the mandate of its last president. Since its creation in 2011, the DDD worked to regain legitimacy and trust from French legal institutions, civil society's NGOs and individuals who can also directly refer to the Ombudsman. Sophie Latraverse, interview (source of the whole section).

As far as religious discrimination is concerned, the DDD is involved in the struggle against Islamophobia. Since 2011 it has obtained three convictions for religious discrimination in public vocational centres and followed three more cases of religious discrimination in access to goods and services.

Civil society initiatives

Anti-racism organisations

The Collective Against Islamophobia in France (CCIF) is a proactive NGO combating all forms of Islamophobia. Created in 2003, the CCIF aimed to tackle racism with a different approach of the issue and a different agenda than mainstream anti-racism organisations. The CCIF imposed itself as a major NGO at the international level as it became a consultative member at the UN in 2011. In collaboration with the Forum of European Muslim Youth and Student Organisations (FEMYSO), the CCIF launched in 2012 the IMAN Project, which mainly aimed at mapping European organisations liable to take actions on the ground of Islamophobia in eight European countries, and, above all, collecting data and producing statistics on Islamophobia and religious discrimination to make up for the State's lack of concern.²⁰⁵ Although the project is in its early stages, it already identified several trends throughout European countries and drew relevant findings: at the French level, Muslim women are the main victims of Islamophobia; contrary to the United Kingdom, Islamophobic discrimination in France is mainly due to the wearing of religious symbols (any kind of veils); and the French State is the first perpetrator of Islamophobic acts.²⁰⁶

In 2014-2015, the CCIF also focused on religious discrimination against Muslims in the field of employment. It is about to launch an advocacy guidebook for Muslim workers in order to raise awareness of their rights and will organise a conference dedicated to religious discrimination against Muslim women in the French labour market. This initiative also aims at creating dialogues and partnerships with private companies in order to increase awareness on this issue. The CCIF also provides victims of discrimination with legal advice and representation in court. Its legal department is composed of three legal experts who help and guide the victims at every step of their case. They also act as legal referents and mediators between the victims and the perpetrators in order to solve some cases out-of-court.

Feminist organisations

The Collective of Feminists for Equality (Collectif des Féministes Pour l'Égalité, CFPE) is one of these movements. It forms an alternative to mainstream feminist organisations as it promotes an inclusive and even Islamic feminism. CFPE members come from different horizons: the association mixes historical feminists who took some distance from historical mainstream feminists on the issue of the Islamic veil, and younger Muslim feminists who entered into the public debates in the aftermath of the 2004 Law's enactment. Following the same pattern as the CCIF, the CFPE is well known at the European and international levels (institutions and civil society organisations) whereas they are paradoxically set apart by French institutions and mainstream feminist and anti-racism organisations. Nevertheless, the CFPE follows its own agenda to take actions to tackle religious discrimination against Muslim women. It organises conferences and meetings on the issue and it is involved, along with the Islam & Secularism Commission (*Commission Islam & Laïcité*) in advocacy trainings addressed to state and political representatives as well as education union members (FSU and Sud Education).²⁰⁷

Student unions

EMF is involved in the struggle against religious discrimination. They regularly organise internal advocacy meetings which are very popular and answer an important demand from Muslim students, such as the situation of the French labour market and discrimination practices on the ground of religion in the

²⁰⁵ Islamophobia Monitoring and Action Network (IMAN) involves eight European countries: France, Belgium, United Kingdom, Germany, Italy, Sweden, Holland and Hungary.

²⁰⁶ Elsa Ray, interview.

²⁰⁷ Ismahane Chouder, CFPE member. Interview, 15 April 2015.

employment field. These meetings aim to raise awareness among Muslim students and prepare them to face and overcome some potential discriminatory situations.²⁰⁸

They also launched, in collaboration with the CCIF, an extensive guidebook for Muslim students, especially young Muslim women, on religious discrimination in educational and vocational training, access to employment and in the workplace.²⁰⁹ It aimed at empowering Muslim students, raising awareness and providing them with legal advice and references in order to combat discrimination on the ground of religion.

Academic initiatives

In 2013-2014, the Montaigne Institute²¹⁰ launched an important survey on this issue, headed by Marie-Anne Valfort, a French economist who works on this issue since 2010. She conducted a large CV testing based on more than 6,000 fake applications to positions in the private sector. Her report was released in October 2015 and proves again that in France, Muslims (both men and women) are discriminated against in access to employment more than other religious minorities, whatever their social, economic and educational background.²¹¹

Initiatives in the field of employment

Private initiatives

For a few years, the issue of management of religious diversity in the private sector has come to the fore and obviously focuses on Muslim employees and Islamic practices. CEOs, managers, human resources staff, who are often ignorant of the legislation, willingly take action and get involved in advocacy training.

The French Association of Diversity (*Association Française des Managers de la Diversité*, AFMD,) published its guidebook in 2013.²¹² It provides managers with an overview of religious issues in the workplace, practical case studies and legal tools to face any employees' religious demands and stresses the importance of dialogue in the management of religious diversity.

This initiative was inspired by Dounia Bouzar's expertise on this specific topic.²¹³ The anthropologist audited 350 French private companies in various activity sectors. Her research drew a great interest among big companies' employers. As a result, many guidebooks on the management of religious diversity in the workplace were issued, in collaboration with Dounia Bouzar. These documents are confidential and reserved for companies' managers and CEOs only.²¹⁴

Employers have also developed comparable initiatives by themselves. The first good practice is the Diversity Label, which is a highly demanding norm created in 2008. More than 420 diversity labels were awarded mainly to large companies (85% of the total labels).²¹⁵ Companies have to prove they are already engaged in the struggle against discrimination and willing to improve their diversity management and policy to apply for the label. Religious discrimination is often discussed. Companies are very demanding, especially on the headscarf and other religious symbols. Employers and managers are eager to know the anti-discrimination legislation and its specificities. For now, the Diversity Label allows companies to find out if they are in conformity with the anti-discrimination legislation, but does not go further. Its implementation takes a long time and the human factor seems to be the main limit (employers or

²⁰⁸ EMF member, interview.

²⁰⁹ EMF/CCIF. 2014. 'Guide pratique pour les étudiants. Stop à l'islamophobie'.

²¹⁰ The Montaigne Institute is a French think-tank whose main mission is to make propositions to public services in order to better social cohesion and economic competitiveness. Its members come from the private, academic, and associative sectors.

²¹¹ Valfort, 2015.

²¹² AFMD. 2013. 'Entreprise et diversité religieuse. Un management par le dialogue'.

²¹³ Bouzar D. and Bouzar L. 2009. *Allah a-t-il sa place dans l'entreprise?* Paris: Albin Michel.

²¹⁴ Bouzar Expertises, <http://www.bouzar-expertises.fr/experiences-professionnelles-et-partenaires>, accessed March 2015.

²¹⁵ AFNOR, <http://www.afnor.org/liste-des-actualites/actualites/2012/aout-2012/le-label-diversite-un-engagement-concret-et-efficace-en-faveur-de-la-prevention-des-discrimination>, accessed March 2015.

employees who do not apply the processes). Even if the Diversity Label has an economic cost and requires the companies' involvement (which may give an impression of additional workload to employees), few companies decide to drop out and the Label constitutes one of the best existing good practices in the field of employment.²¹⁶

The Diversity Charter, created in 2004, is less demanding than the Diversity Label. It consists of a short document (six articles) that French but also European companies can ask to sign to demonstrate their will to engage in the struggle against discrimination in employment. The Diversity Charter is much more popular than the Diversity Label; more than 3,000 companies signed it in 2014, 80% being small or medium-sized companies. Although the Charter was originally created to face discrimination on the basis of origin or ethnicity, it mainly focuses on discrimination on the grounds of gender, age and disability.²¹⁷

Thus, as far as religious or ethnic discrimination in employment are concerned, the Diversity Charter cannot be considered as an efficient good practice. Indeed, the Charter has no vocation to impose any anti-discrimination policy on companies but rather to offer them a showcase to promote a respectable and positive image in order to impact on business. The Diversity Charter does not provide any tool to evaluate and monitor the companies that have signed the document apart from a short qualitative annual balance assessment. Moreover, the ratification of the Charter is not a guarantee of conformity with the anti-discrimination legislation, as some companies have been condemned for racial discrimination.²¹⁸ Recurrent critics generally attack the Charter for being a marketing concept for managers and employers only and for neglecting other stakeholders such as trade unions for instance.²¹⁹

Trade unions

The French Democratic Labour Confederation (CFDT) shows a growing interest in the issue of religious discrimination in private companies. On the 10th anniversary of the Diversity Charter, CFDT representatives identified the concept of "diversity" as an obstacle to efficiently address ethnic and religious discrimination as well as equal opportunities because it focuses on the employability of individuals targeted under the Diversity Label, and not on the proper handling of discrimination.²²⁰ The union already initiated a good practice as it is about to publish a national report on religious discrimination and manifestations of one's religion or belief in the workplace.

²¹⁶ Jurist in charge of Diversity Label applications, interview.

²¹⁷ Several factors explain this evolution. First, these types of discrimination are the only ones to be officially monitored, contrary to ethnic data, which cannot be collected in France. Second, French companies are eager to tackle these specific types of discrimination because the Labour Code provides for penalties in case of non-respect of the anti-discrimination legislation. Consequently, there is little interest for ethnic and religious discrimination in employment.

Sylvie Savignac, General Secretary of the Diversity Charter. Interview, 16 April 2015.

²¹⁸ Ibid.

²¹⁹ Benfaid O., Confederal Secretary of CFDT. Lecture, 'High Level Event. 10 Years of the French Diversity Charter' Conference. UNESCO, Paris, 23 October 2014.

²²⁰ Ibid.

SECTION 3 - MUSLIM WOMEN, ISLAMOPHOBIC VIOLENCE AND SPEECH

This section aims at highlighting the gender dimension of Islamophobic violence and speech in France as Muslim women may undergo verbal, psychological, and physical violence coming from individuals, moral persons, as well as institutions.

Islamophobic violence and speech overview

Official data

Islamophobic violence and speech have spread and increased over the last 10 years. The French State is becoming aware of the need to collect data on religious discrimination and violence. Since 2010, the Ministry of Interior specifically records criminal acts of Islamophobic violence and speech, as it is already the case for anti-Semitism. The National Observatory against Islamophobia was created in 2011, thanks to an institutional partnership between the Ministry of Interior and the CFCM. Data are collected according to complaints recorded by police, however there is an important gap between the recorded cases and the reality of Islamophobia in France. Indeed, according to the CNCDH, monitored data cannot be representative of the situation for two reasons. First of all, victims underreport the offences; only 8% of racial insult cases are reported to the police. Second, the CNCDH highlights several failures in police services. Most cases are recorded as incidents rather than proper complaints, and thus are not taken into account, statistically speaking. As a result, only 16% of the victims who went to the police filed a complaint.²²¹ Even the National Observatory against Islamophobia renounced filing complaints arguing that on the 29 complaints they filed in 2013, none of them were followed up with proceedings.²²² Nevertheless, these official data on Islamophobia are helpful to observe the trends and evolution of anti-Muslim acts and speech.

In 2013, according to the Ministry of Interior, 1274 racist, anti-Semitic and xenophobic acts and threats were recorded in France. Among racist acts and threats, 230 affected individuals of North-African descent, which constitutes 36.8% of the total.²²³ The National Observatory against Islamophobia registered 226 anti-Muslim acts (164 threats and 62 actions). These figures continued increasing over the last three years (+30% in 2011, +28% in 2012 and +11.3% in 2013). Threats were up 14% and acts up 10.1%. Most of the cases were concentrated in Paris and its suburbs: 38 threats and 11 acts. Considering the entire French territory, most Islamophobic incidents concern degradation of places of worship (mosques and prayer rooms). The Observatory insists on the fact that most verbal or physical aggressions concerned women wearing headscarves.²²⁴

In response to the Paris attacks of 7-9 January 2015, the National Observatory against Islamophobia published an alarming statement. 128 Islamophobic acts were registered between 7 and 20 January. This is as much in two weeks as in the whole 2014 year (133 acts), according to the Observatory. Detailed figures show that there were 33 acts (mainly against mosques) and 95 threats (i.e. insults, or other verbal aggressions). No explanation was given about the 41% fall in Islamophobic acts between 2013 and 2014.²²⁵ However, it is important to note that since January 2015, the Observatory changed its methodology: whereas its data previously came from the Ministry of Interior and only took into account filed complaints, it now also includes cases reported by the CFCM-affiliated mosques.

²²¹ CNCDH. 2013. 'La lutte contre le racisme, l'antisémitisme et la xénophobie': 100.

²²² Observatoire National contre l'Islamophobie, 2015.

²²³ CNCDH, 2013: 94-95.

²²⁴ Observatoire National contre l'Islamophobie, 2015.

²²⁵ Le Monde. 2015. 'Presque autant d'actes antimusulmans recensés en 2015 que sur toute l'année 2014'. *Le Monde*, 23 January.

These data are the only official data available in France. This monitoring is clearly not significant as it only relays the Ministry of Interior's figures. It does not give a precise and comprehensive overview of Islamophobic violence and speech in France, first for the aforementioned reasons, and second because it lacks complexity. Indeed, no hints are given as to the distribution according to gender, age, origin, etc.

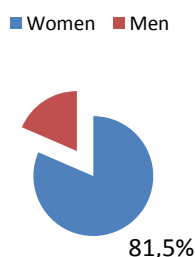
Alternative data

Equality bodies and NGOs have observed the same trend for the last few years: racist speech and violence are spreading throughout French society. The economic crisis, the designation of scapegoats and the normalisation of racist discourse have helped to create a tense climate as far as the issue of identity is concerned. The CNCDH noticed a persistent drop in tolerance since 2009 and underlines that tensions increased towards the Roma and Muslim populations.²²⁶ In addition, Amnesty International mentions the responsibility of French political parties, public officers and the media's portrayal of Muslims in fuelling stereotyped and negative views of French Muslims.²²⁷

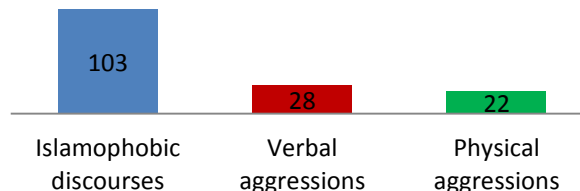
The LICRA confirms the increase and systematisation of anti-Muslims acts and the multiplication of physical assaults on veiled Muslim women.²²⁸ *SOS Racisme* also noted an increase in the level of racist violence and of the number of acts perpetrated.²²⁹

In its 2014 report, the CCIF confirms these general trends as it recorded 764 Islamophobic acts, which constitutes an increase of 10.6% compared to 2013 (691 acts).²³⁰ A gender analysis of CCIF data on Islamophobia reveals that in 2014, 81.5% of reported Islamophobic acts and speech targeted women. Muslim women, and especially veiled Muslim women because of their great visibility, account for almost 100% of victims of physical aggressions.²³¹

Acts of islamophobia by gender (2014)



Islamophobic violence and speech (2014)



As far as Islamophobic violence and speech are concerned, the CCIF recorded 103 cases of Islamophobic discourse, 28 cases of verbal aggressions and 22 cases of physical aggressions in 2014.²³²

The CCIF highlights the intensification of physical violence. Perpetrators hesitate less to carry out their acts, which are pre-meditated. In 2013, the CCIF recorded 27 high-intensity violent acts, all of them targeting Muslim women.²³³

As mentioned in section 1, the Paris attacks of January 2015 had a dramatic impact on Muslim women. Reported cases of Islamophobic violence and speech increased significantly during the first semester of 2015. CCIF monitoring recorded more violence and insults within six months than in a whole year: 87 cases of Islamophobic discourse, 30 verbal aggressions and 32 physical aggressions were reported to the CCIF.²³⁴

²²⁶ CNCDH, 2013: 7 and 11.

²²⁷ Amnesty International, 2012: 5.

²²⁸ LICRA's contribution to CNCDH, in CNCDH, 2013: 401-402.

²²⁹ SOS Racisme's contribution to CNCDH, in CNCDH, 2013: 429.

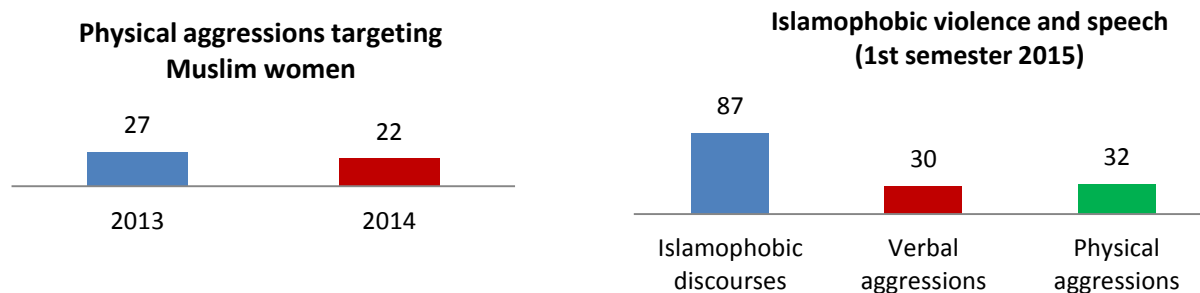
²³⁰ CCIF, 2015: 24.

²³¹ Ibid: 28.

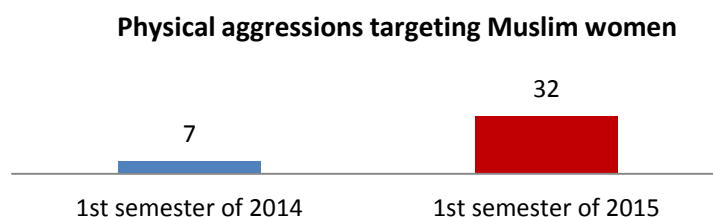
²³² Ibid: 26.

²³³ CCIF, 2014: 2.

²³⁴ CCIF. 2015. 'Rapport sur l'islamophobie en France 6 mois après les attentats de janvier. 1^{er} semestre 2014 – 1^{er} semestre 2015'.



Between January and June 2015, physical and verbal aggressions showed a 500% and 100% increase, respectively, compared to the same period in 2014.²³⁵



Legislation, policy and case studies overview

Specificities of the French legal and political context

The implementation of the 2014 and 2015 laws on hate crime and speech earned many critics among journalists, human rights and anti-racism organisations, who denounced the potential limitations of freedom of speech and the excessive powers given to intelligence agencies to spy on individuals.²³⁶ According to Freedom House's latest report, France, along with Libya and Ukraine, lost two places on the scale of freedom of expression in "free" countries (9th place out of 18) because of its controversial policies adopted in the aftermath of the Paris attacks.²³⁷

Indeed, this attempt to implement the Framework Directive brings many reservations. The positive aspect of these laws is that they enabled a proper legal response to hate speech, especially online hate speech. Nevertheless, legally speaking, hate crime was not better recognised. The stress was put on the "glorification of terrorism", which is severely punished, but other aspects were not addressed.

This situation created a double standard which puts French Muslims in general, and French Muslim women in particular, at a disadvantage because as emphasised above, they represent a large majority (if not the entirety) of victims of Islamophobic violence. As in the employment field, politicians and State representatives steer public debate towards the non-recognition of Islamophobic violence and speech. Cases of online hate speech, verbal or physical aggressions against Muslim women do not give rise to indignation or condemnation; they are rather met with silence and indifference, as will be demonstrated further in this section.

The 2004 and 2010 laws, as well as the political attempts to extend neutrality in various public spaces (e.g. companies, universities, etc.), tend to trivialise and normalise Islamophobic violence and speech against Muslim women, especially against veiled Muslim women. These policies, added to the fact that there are few public (political and media) condemnations of Islamophobic violence in France, encourage negative

²³⁵ Ibid.

²³⁶ Manenti B. 2015. 'La loi sur le renseignement: les cinq dangers du texte'. *L'Obs*, 5 May, and Chrisafis A. 2015. 'France launches major anti-racism and hate speech campaign'. *The Guardian*, 17 April.

²³⁷ Freedom House. 2015. 'Freedom on the Net 2015. France', and Gradt J-M. 2015. 'La liberté d'expression sur Internet recule dans le monde, la France épinglée'. *Les Echos*, 28 October.

perceptions of wearing religious symbols in public spaces and almost zero tolerance for Islamic veils. Consequently, Islamophobic incidents are more and more frequent because of a strong feeling of impunity.

Court cases

In July 2014, the mayor of Wissous implemented an illegal municipal decree prohibiting all religious symbols in the recreational area of the city (a seasonal beach).²³⁸ He then refused access to the site to two veiled Muslim women and their children. This decision marked the beginning of several Islamophobic episodes, which demonstrate that while illegal and Islamophobic decrees and decisions can be judged as such in court, hate speech (and here, online hate speech) did not result in a court conviction.

First, the CCIF and several other complainants initiated legal proceedings. In the meantime, the mayor, along with other city representatives, publicly expressed Islamophobia on the mayor's official Facebook account (Islamophobic pictures, posts and comments). The mayor lost the case and was therefore obliged to remove the illegal decree. The mayor of Wissous then decided to ignore the Administrative Court of Versailles' decision and published another decree, very similar to the first one. Another veiled Muslim woman was excluded from "Wissous Beach". The CCIF initiated legal proceedings and won the case again. As the mayor continued to expressing Islamophobia on Facebook, the CCIF brought up the issue with local authorities, the prosecutor and the president of his political party. They all condemned the mayor's actions and statements but did not adopt any concrete measures or sanctions against him so far.

Recent case studies

Cases covered in the media

As mentioned previously in the report, mainstream media make few cases of Islamophobic acts. This trend is even more striking when it comes to violent physical aggressions towards Muslim women. In France, only one case received some media coverage. During the summer of 2013, Argenteuil (a city in the region of Paris) was the scene of three violent and Islamophobic muggings of three Muslim young women and became the symbol of media and political indifference regarding violence against Muslim women.

At the moment of their aggression, they were respectively wearing a *hijab*, a *niqab* and a *jilbab*. The first assault occurred on 20 May, when Rabia, 17, was attacked by two men, described as skinheads. Three weeks later, on 11 June, Sofia, a full-face veiled Muslim was the victim of zealous policemen who insulted, humiliated, brutalised, and finally arrested her in front of a crowd of Argenteuil residents. To those who tried to interfere and protect Sofia, the policemen replied with flash ball shootings and tear-gas grenades. Two days later, on 13 June, Leila, 21, was attacked extremely violently by two men (also described as skinheads). She was insulted, her aggressors tore off her veil, cut her hair, and as she was implored them to stop because she was pregnant, she was kicked in the belly. Leila miscarried a few days later.

The Argenteuil events, because of their extremely brutal character, had more echo in the mainstream media than the usual. Several reports were launched on national TV channels. Nevertheless, this coverage was the result of a wide mobilisation on social networks. French Islamic organisations, as well as anti-racism and anti-Islamophobia associations, strongly denounced what happened in Argenteuil as the result of the growing Islamophobic climate within French society and institutions.

Above all, they all pointed to the media, social and political silence around the Argenteuil muggings. The mainstream media only covered the last aggression. It was briefly mentioned on TV and local and national press (*Le Parisien*, *Libération*, *Le Nouvel Observateur*, *Le Monde*) dedicated very few articles to the subject, most of them factual or even doubtful about the truthfulness of the victims' testimonies. The silence of mainstream anti-racism and feminist organisations was also striking. None of them reacted to the events.

²³⁸ CCIF. 2014. 'Best of Wissous'. 17 September. This article is the source of the whole section.

In the political class, no firm condemnation or clear recognition of the Islamophobic nature of the aggressions was noted. Members of the French government did not react at all or, if so, did so several days after the aggressions. Najat Vallaud-Belkacem, Women Rights' Secretary and spokeswoman of the government at that time, made no official statement; she only expressed her concern on *Twitter*. French President François Hollande officially reacted more than ten days after the last aggression. His declaration was a simple statement to assert the government's determination to combat any kind of racism, including anti-Muslim acts. As for the former Minister of Interior Manuel Valls (now Prime Minister), he proposed a meeting with the victims at his office. This generalised silence highlighted a double standard when it comes to Muslims, and to veiled Muslim women especially. A parallel can be drawn between the Argenteuil Islamophobic aggressions and two other cases that aroused vivid reactions and a general mobilisation all over the country.²³⁹

Since this 2013 tragic episode, many more veiled Muslim women have experienced similar assaults. None of these aggressions were mentioned in mainstream media.

Cases of Islamophobic aggressions

In addition to these cases of Islamophobic discrimination, veiled Muslim women undergo Islamophobic speech and are increasingly the victims of verbal and/or physical aggressions. This violence is the result of the Islamophobic tension throughout French society but also comes within the scope of violence against women. Because of their gender and their visibility in the public space, Muslim women (and especially veiled Muslim women) are in a vulnerable position. They are attacked when they are in a weak position, either when they are isolated or when they are pregnant or in presence of their children.

This violence is often perpetrated by individuals, both men and women, and it manifests itself in various ways, from someone pretending to shoot a veiled Muslim woman with his hand²⁴⁰ to very violent assaults. Verbal and physical violence often mix. For instance, because of a quarrel between children, the mother of one of them went to talk to the other mother who replied she would not talk to veiled women. Her husband screamed at the Muslim mother and insulted her. Then he shook her and slapped her in the face. The victim was shocked and was declared unable to work for seven days.²⁴¹ In the same way, a young Muslim woman was attacked while she was waiting for her train in Paris. The aggressor introduced himself as a policeman and said "This is France here". He then tore her headscarf off and pulled her hair. The assault ended when another man tried to interfere (he was punched in the face).²⁴² Also, in a supermarket parking lot, when a Muslim woman (accompanied by her daughter) drove into another car, the female owner stepped out of her car, tore the woman's *jilbab* through the window and punched her several times in the face. A witness shouted to the aggressor "stop and go shopping, I will finish it off". As the security guard arrived, he told him "I'm going to smack her, leave me alone, that will be one less".²⁴³ Lastly, whereas she was getting out of her car, a Muslim woman was attacked by a couple who strangled her, forced her to the ground, beat her and tore off her headscarf.²⁴⁴

²³⁹ The first one, known as the "the affair of the RER D" (2006), refers to the so-called anti-Semitic aggression of a Jewish woman in a Parisian suburban train which resulted in a general and immediate indignation among politicians, media, feminist and anti-racism associations. A few days later, public support manifestations turned to embarrassment as the woman proved to be a pathological liar who made up the whole story. The second affair is possibly even more meaningful, as it happened at the same moment as the aggressions in Argenteuil. On 6 June, an 18 year-old left-wing and anti-racism activist was beaten to death by two skinheads in Paris. For days, this tragic event was commented on and deplored by the entire media, political and civil society spheres. Several gatherings were organised by anti-fascist groups and left-wing unions all over the capital in memory of the victim. Thousands of people came to protest against fascist and extremist organisations and express their concern, whereas only a hundred people, mostly Muslims, attended the Argenteuil gatherings to support the three Muslim women who were assaulted.

²⁴⁰ CCIF case, 5 November 2014.

²⁴¹ CCIF case, 11 August 2014.

²⁴² CCIF case n°4542, July 2015.

²⁴³ CCIF case n°4192, May 2015.

²⁴⁴ CCIF case n° 4428, July 2015.

In the aftermath of the Paris attacks, three physical aggressions occurred in three weeks.²⁴⁵ The first one (2 March 2015, Saint-Etienne) involved a Muslim woman wearing a *jilbab*, her 11 month-old baby, and another woman who insulted her in the street for no reason, arguing that her dress style “upset” her. She strongly gripped the baby’s arm. The Muslim mother called the police but they hung up on her. When she went to the police station, the policemen refused to file a complaint arguing that her aggression was “nothing important”. The second aggression (24 March 2015, Toulouse) occurred on the street, after a Muslim woman who was eight months pregnant dropped her children off at school. A man violently tore her headscarf and tried to snatch it, shouting “we don’t want this here!”. Then he beat her and inflicted heavy blows in her stomach. He left threatening her with death. The last case (26 March 2015, Aulnay-sous-Bois) involved two parents waiting for their children to get out of school. The father began to insult the Muslim mother and violently snatched her headscarf. The Muslim woman, who lost a lot of hair in the attack, went to the police to file a complaint. Once again, the policemen refused to record her statement because she was not punched.

Cases of Islamophobic violence and speech in French institutions

According to the CCIF, French institutions are the main perpetrators of Islamophobic acts. First of all, in the field of education, the 2004 law is indirectly the source of Islamophobic violence and speech as some teachers or administration staff of French public schools who, because of an extensive misinterpretation of the law, harass and insult Muslim girl students mainly because of their style of dress which is considered “religious”. Every year since 2004, hundreds of cases of “Islamic skirts” are recorded. Muslim girl students are asked to dress with shorter skirts or skinnier outfits. In some cases, they are expelled from classes, school ceremonies or exams. In most of the cases, they are insulted and harassed for months, which constitute an important psychological violence. In 2014, the CCIF reported 130 attempts to exclude young Muslims girls on that ground.²⁴⁶

The last case (April 2015) had an important international echo. Sarah, a 15-year-old Muslim student, was harassed and expelled from classes because the head teacher considered her long black skirt as a conspicuous outfit showing her religious affiliation. Even though Sarah and her parents claimed that there was nothing religious about her skirt which was bought in a popular outlet store, the school administration, supported by the Minister of Education Najat Vallaud-Belkacem, continued to deny her access to the classroom.²⁴⁷

These cases are quite recurrent and reveal the institution’s harassment towards veiled Muslim students. For instance, in June 2014, a few minutes before taking her exam, a Muslim high school girl, who wears a headscarf outside the school, was called out by the headmaster who told her that her dress was not appropriate (long black skirt, white jacket and headscarf around her neck) because it was religiously connoted. Convening in the headmaster’s office, the Muslim student was asked to raise her skirt for the headmaster to check if she was wearing a leggings underneath. As it was the case, she concluded that as the student was wearing several layers of clothes, her outfit was religious and she ordered her to remove her skirt. As the young girl refused, the headmaster forced her to write down her refusal and to remove her headscarf to be finally authorised to take her exam. After the exam, the headmaster refused to give the headscarf back to the Muslim student who had to go back home uncovered.²⁴⁸

In May 2014, a physical education teacher expelled a Muslim girl student (who wears a headscarf outside the school) from her classes for two months because her T-shirt was too long. Even after the student changed started wearing shorter T-shirts, she was not accepted in sport classes.²⁴⁹

Second, Islamophobic violence and speech are also perpetrated by the police. Most of the time, they manifest themselves through zealous and abusive identity checks, due to an abusive application of the

²⁴⁵ CCIF. 2015. ‘Trois agressions de femmes voilées en peu de temps’. 27 March. This article is the source of the whole section.

²⁴⁶ Chambraud C. 2015. ‘Crispations à l’école sur les jupes longues’. *Le Monde*, 29 April.

²⁴⁷ Ibid.

²⁴⁸ Muslim student woman. Testimony, ‘Meeting against Islamophobia’, Saint-Denis, 6 March 2015.

²⁴⁹ CCIF case, 9 May 2014.

2010 Act. Some policemen exceed the limits of the 2010 law and abuse their power to threaten full-face veiled women. For instance, a Muslim woman wearing a *jilbab* was the only one in the bus to have her identity checked and as she asked the policemen the reason, they answered that her type of veil was not legal because her chin was not visible. This attitude is clearly abusive as *jilbabs* are not full-face veils and thus the 2010 Act's provisions do not pertain to them.²⁵⁰

Some police interventions prove to be more violent. For example, some policemen aggressively arrested a woman wearing a *niqab* in her car although she had the right to do so, as cars are considered private places. After the identity check, one of the policemen shouted at her "apparently you did not understand, take off your veil and put it in the back of the car!". As he was threatening to place her in custody and to put her children under social services protection, the woman removed her *niqab* and was free to go.²⁵¹ Sometimes, identity checks of Muslim women wearing full-face veils can be very strong-armed and humiliating. When a woman wearing a *niqab* was stopped by the police as she was going out of the mosque and about to enter her car, she first accepted to submit to the identity check (showing her face out of sight to a female officer). The policewoman who arrested her refused and took her to the police station because she did not want to uncover in front of her colleague officers. On their way, the Muslim woman, who was eight months pregnant, was treated roughly and handcuffed. Once at the police station, she showed her face to the policewoman in a private room as it is provided for in the 2010 Act. Nevertheless, the police officer required she entirely removed her *niqab*, which is illegal. As the Muslim woman refused, the officer went out of the room shouting "with her mug, she is right to hide her face!". Another police officer, upon noticing that the woman wearing a *niqab* was a converted Muslim, added "I'm not even surprised, these are the worse".²⁵²

The institutional dimension of violence and hate speech against Muslim women is highly symbolic as consciously or not, it can be perceived by individuals as a legitimization of such violence and a licence to act. The impact on Muslim women victims is tremendous as many of them are psychologically affected.

Impact of Islamophobic violence and speech on victims

Psychological impact of Islamophobic violence and speech on victims

French NGOs insist on the existence of psychological and traumatic impact of Islamophobic violence and speech on Muslim women and young women. According to some psychologists, victims develop a strong feeling of exclusion, especially when Islamophobic discrimination or violence comes from institutions (school, police). Many Muslim women highlight the fact that they do not feel like full citizens, only co-citizens.²⁵³ This deep feeling of exclusion turns to mistrust and even distrust towards French institutions, especially towards the National Education.²⁵⁴

As a result, these women look for support and comfort within their community (ethnic or religious). The cultural dimension appears to be a very important factor in the victims' recovery process. Nevertheless, community withdrawal is a double-edged sword. On one hand, it can contribute to regaining self-esteem and to overcoming one's victimhood, and on the other hand, there is the risk of a permanent victimisation process which can turn into a vicious circle.²⁵⁵

As far as psychological consequences of Islamophobic violence and speech are concerned, Muslim women who experienced symbolic or physical violence develop stress and anxiety. They often self-disparage and lose self-esteem. Those who have been physically attacked or were victims of police violence often suffer from major depression. Psychologists noted that the tense national context and climate were aggravating

²⁵⁰ CCIF case, 5 November 2014.

²⁵¹ CCIF case, 19 November 2014.

²⁵² CCIF case, 24 December 2014.

²⁵³ Head of CCIF psychological unit, interview.

²⁵⁴ MTE member, interview.

²⁵⁵ Head of CCIF psychologist unit, interview.

factors in such pathologies as victims feel this is a never-ending story and that they will always go through more discrimination and violence.²⁵⁶ Nevertheless, not all the victims react in the same way. There seems to be a generation gap which reveals a two-fold issue. The older generation of Muslim women tends to be defeatist, which is probably due to the migration history in the French context. First generation migrants were used to keeping a low profile and never reacting to discrimination or racism. On the contrary, second-generation immigrant women are willing to combat Islamophobic violence and to enforce their rights. Indeed, this generation was born and educated in France and wishes to fully enjoy their citizenship, which includes the right to manifest one's religion and belief.²⁵⁷

Both generations seem to share a common point, the need to be considered as human beings. As women this humanity is often denied because Muslim women disappear behind their veil. The various cases of Islamophobic violence presented in the report clearly demonstrate that perpetrators focus on the Islamic veil. Consequently, they do not see a person in front of them, which allows them to express disdain and hatred. They show no compassion, and violence against Muslim women seems to be implicitly tolerable and accepted. Most experts noted the paradoxical state faced by victims of Islamophobia. Indeed, the humanisation process often requires an institutional recognition of Muslim women's victimhood. However, as in France institutions are the first perpetrators of Islamophobic acts, this necessary recognition rarely happens. Psychologists and legal experts stress the importance of judicial recognition for the victims, but the reality of the French context makes them pessimistic.²⁵⁸

Two trends can be noticed as regards the recognition of Islamophobic violence and speech in the judicial sphere. First, there is an important gap between the penalties provided for by the legislation and the actual sentences. For instance, although the maximum sentence is a 45,000 EUR fine, a gym manager who refused to register a Muslim woman because she was wearing a headscarf was only condemned to a suspended sentence of 500 EUR. The derisory character of the sentences can be interpreted as licence to discriminate.²⁵⁹ Second, this lack of concern can be associated with multiple discrimination. Violence against Muslim women, just like violence against any kind of women, is not taken seriously enough in France. Cases of domestic violence or sexual harassment are often judged according to a so-called cultural dimension which minimises or denies these phenomena and assimilates sexist behaviours to French so-called traditional seduction techniques.²⁶⁰

Consequently, the necessary humanisation of Muslim women seems difficult to put into practice. Victims are clearly reluctant to report Islamophobic violence and speech to the police or to the law enforcement authorities. Under-reporting is thus at the core of the fight against Islamophobia. Victims' fear or mistrust in French institutions is not the only explanatory factor for such a wide phenomenon. Institutional dysfunctions have their share of responsibility in increasing the under-reporting effect even more.

Under-reporting: Institutional dysfunctions and their consequences

According to European and national civil society organisations, under-reporting is a massive phenomenon as regards discrimination and violence of any kind. According to the EU Agency for Fundamental Rights (FRA), in 2012, only 18% of victims of discrimination in Europe reported these acts, which is comparable to 2009 specific figures on Muslims. 79% of the Muslim respondents stated that they did not report their most recent experience of discrimination in the last 12 months to any competent organisation.²⁶¹ On a national scope, according to the CCIF's 2014 victimisation survey, only 20% of French Muslims report Islamophobic

²⁵⁶ Head of CCIF psychologist unit, interview.

²⁵⁷ Ibid.

²⁵⁸ Ibid., Lila Charef and Frédérique Ast, interviews.

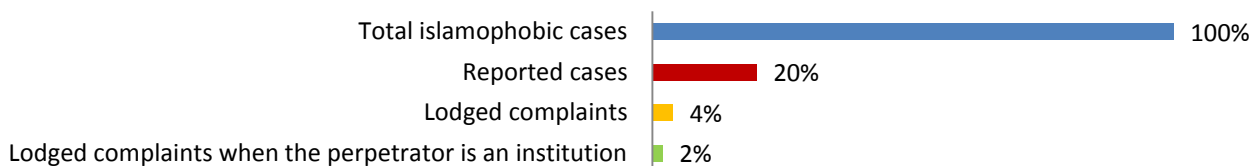
²⁵⁹ Lila Charef, interview.

²⁶⁰ Ibid.

²⁶¹ FRA/EU-MIDIS. 2009. 'European Union Minorities and Discrimination Survey': 3.

acts.²⁶² Among them, 4% decide to file a complaint and only 2% do so when discrimination occurs in institutions.²⁶³

Under-reporting islamophobia



The causes of this under-reporting phenomenon are various. In France, 50% of victims of Islamophobic violence and speech identified anti-Muslim political and media discourse (75% of the respondents) as the number one cause of Islamophobia.²⁶⁴ As far as victims are concerned, it appears that ignorance of the existence of effective legislation and anti-racism organisations emphasises the under-reporting effect. In Europe, 80% of the Muslim respondents could not name any organisation that could offer support or advice to people who had been discriminated against. In France, more than 2/3 of Muslim respondents are in this situation. Moreover, one in six Muslim respondents think that discrimination is not forbidden by law.²⁶⁵

Nevertheless, more generally, under-reporting data highlight an important lack of trust of the victims toward institutions and identify them, especially the police, as one of the main explanatory factors. Among the European Muslim respondents who did not report any discrimination, 59% of them felt nothing would happen or change if they did in fact report. 38% think there is no point in reporting discrimination. A large majority of them did not report any discrimination, mainly because they were not confident the police would be able to do anything (43%).²⁶⁶ The police are thus clearly targeted for two reasons. First, regarding the stop and search data, victims consider that the police are one of the main perpetrators of racist or Islamophobic acts. In France, in 2009, 44% of North African and 37% of Sub-Saharan African Muslims were stopped by the police in the last 12 months. Respectively 44% and 66% of them declared they were stopped because of their ethnicity.²⁶⁷ Even if stop and search mostly concerned men rather than women, it results in a negative image of the police within the whole Muslim community. Second, police officers often underestimate the racist or Islamophobic nature of the violence. Very often, they refuse to record complaints and advise victims to simply declare the incident, which in France does not give rise to any further investigation and legal proceedings.

Several dysfunctions also explain victims' reluctance to report Islamophobic violence and speech. As far as the police are concerned, three factors of reluctance can be observed. Indeed, even if the French Ministry of Interior showed a recent concern for Islamophobia (since 2012, the police monitor anti-Muslim acts), several practices need to be reformed. First, as highlighted previously in the report, the issue of recording incidents is problematic. In France, only proper complaints are followed up by investigations and potential legal proceedings. Victims' testimonies show that police officers often urge them to simply declare the incident and refuse to file a complaint. Second, the CNCDH highlighted a problem of classification of the racist motive when a complaint is filed. The Ministries of Interior and Justice do not have the same definitions of racist acts and speech. The police do not include the racist motive in the complaints in cases of violation of the dignity and integrity of a person. As a result, many Islamophobia reports are not counted in the police's racist crime data.²⁶⁸ For instance, cases of Islamophobic aggressions, insults, or "long skirts affairs" do not fit into this category. Lastly, the CNCDH also underlined the lack of rigour and objectivity of the police's methods of classification. The motives of racist acts (anti-Semitic, anti-Muslim, homophobic,

²⁶² CCIF. 2014. 'Silent Victims Survey'.

²⁶³ FEMYSO/CCIF. 2014. 'L'islamophobie en Europe. Portrait d'un fléau': 24.

²⁶⁴ CCIF, 2014 (Survey).

²⁶⁵ FRA/EU-MIDIS, 2009: 10.

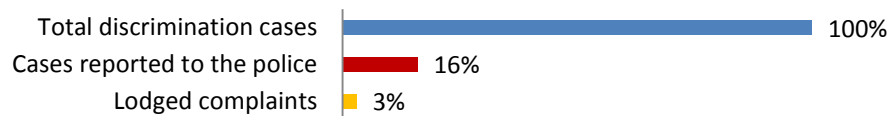
²⁶⁶ Ibid.

²⁶⁷ Ibid: 13.

²⁶⁸ CNCDH, 2013: 89.

racist and xenophobic) are entered manually, which is not an exhaustive and relevant monitoring method.²⁶⁹ When it is known that only 8% of racist acts are reported, that 16% of victims are willing to file a complaint and that only 3% are actually filed, the responsibility of the police is clearly to blame.²⁷⁰

Under-reporting islamophobia



It is even more to blame considering that among those 3% of filed complaints sent to judicial officials; only 30% of them i.e. less than 1% of the filed complaints are brought to court. Indeed, in 2012, the French Ministry of Justice registered 4,200 dismissed cases (on a 6,000 total).²⁷¹ 50% of these cases could not be followed by judicial proceedings because of a lack of characterisation, which is the case of many Islamophobia cases, as perpetrators often cannot be identified. Even if the Ministry of Justice underlines that the situation is getting better (88% rise in penal responses in 2012), sentences are still too rare and not severe enough. For instance, out of 480 sentenced racist cases, 65 concerned the violation of an individual's integrity and were sentenced to suspended prison sentences and fines.²⁷² As mentioned above, the gap between the penalties foreseen in the legislation and the actual sentences results in victims of Islamophobia considering reporting as a useless and insignificant way to be recognised as a victim and to get redress. It also constitutes an important source of discouragement which contributes to the under-reporting phenomenon.

Good practices

State initiatives

As in the field of employment, the French State's policies to combat Islamophobic violence and speech against Muslim women lack effectiveness. Nevertheless, considering the spread of Islamophobia in France over the last five years, the French State was *de facto* forced to adopt measures. In fact, the creation of the National Observatory of Islamophobia in 2011 in order to monitor anti-Muslim acts, in collaboration with the police force, is definitely a good practice, even if the measure is far from being precise and extensive.

The Ministry of Public Education also recently focused on the struggle against discrimination (on the grounds of gender and sexual orientation) and took action for equality between girls and boys. A programme was launched in 2013.²⁷³ It provides for the reorganisation of teachers' professional training on this specific issue in order to raise awareness and to promote gender equality within school curricula and students' education. This initiative could be a good practice if the realities of gender equality in French public schools did not contradict official statements on the issue. Indeed, the French State's discourse on equality cannot be trusted when girl students are harassed and victims of violence because of their clothing.

Civil society initiatives

Anti-racism organisations

As in the employment field, French mainstream anti-racism organisations are often reluctant to develop good practices regarding combating Islamophobic violence and speech against Muslim women.

²⁶⁹ Ibid: 85.

²⁷⁰ Ibid: 100.

²⁷¹ Ibid: 116.

²⁷² Ibid: 118.

²⁷³ Public Education's programme on equality between girls and boys, <http://eduscol.education.fr/cid46856/egalite-filles-garcons.html>, accessed April 2015.

Nevertheless, many organisations were created in response to the 2003 public debates on Islam and secularism which led to the adoption of the 15 March 2004 Act.

The CCIF developed several good practices. First, in 2013, it launched its mobile application which allows, among other things, reporting Islamophobic acts whenever and wherever they occur. Second, the CCIF provides support to the victims, which is its main mission. The legal department offers free judicial advice and support and, in addition, the psychological unit takes care of the heaviest cases (physical aggressions, especially). The latter good practice was launched at the end of 2014 and undoubtedly adequately responds to an important and growing need among the victims of Islamophobic violence. The CCIF is also involved in advocacy work. Every year, it publishes its annual report which is sent to civil society stakeholders, and media and political representatives at the national and EU levels. Lastly, the CCIF focuses on raising awareness and empowering the French Muslim community. In 2014, it released two guidebooks. The first one was produced in collaboration with FEMYSO and gives an overview of Islamophobia in Europe, stressing the specificities of national contexts.²⁷⁴ The second one addressed French Muslims and provides them with 11 thematic factsheets on the most common Islamophobic situations. For each situation, legal advice and references are presented in order for Muslims, and especially Muslim women, to know their rights when they are victims of verbal or physical violence.²⁷⁵

The 15 March and Freedoms Committee's (*Comité 15 mars et Libertés*) first mission in 2004 was to accompany and support veiled Muslim girls who were obliged to remove their headscarves to stay enrolled in public schools. It mainly combats hints of extension of the scope of the 2004 Act. In 2005, the Committee published a balance assessment book which refuted the data of the Chérifi report and drew an alarming overview of the situation in French middle and high schools.²⁷⁶ The book aimed at raising awareness among civil society stakeholders and journalists, and also at re-humanising Muslim students with headscarves. The Committee is composed of a legal department, in charge of legal support to victims, and a think tank department, aiming at producing its own discourse and analysis on the headscarf issue. It thus provides victims with legal assistance and helps them to bring their cases to court, although one out of two cases is solved thanks to mediation. At the national level, the Committee organises an annual conference; the 2015 theme was "Islamophobia in the media". It also produces statements, articles, reports on the impact of Islamophobia on Muslim women. At the local level, the actions of the Committee are dedicated to advocacy, awareness raising and community empowerment. Local sections (six throughout France) adopt a very pedagogical approach to addressing a broad audience on the issue of discrimination and violence against Muslim women. Local sections of the Committee are very well-implemented in the social and political fabric. They cooperate with local stakeholders and associations. This local presence has led to a slight shift in people's and local institutions' perceptions of Muslims, especially veiled Muslim women. Nevertheless, members of the Committee acknowledge that considering the very tense climate on the issue, the result of their work will be observable in the next generation of French Muslims.²⁷⁷

Feminist organisations

The CFPE, as discussed in the previous section, is also very active in the European and national feminist spheres. The association organises many thematic meetings and conference on the intersectionality of the feminist and anti-racist struggles. As regards combating gender inequalities and multiple discrimination on the grounds of gender and religion, the CFPE commissioned a report to two academic researchers to draw a balanced assessment of the 2004 legislation. The report will explore both quantitative and qualitative aspects of the issue and aims at documenting the indirect discriminatory situation created by the 2004 Act with regard to young women, and especially young Muslim women. The project, initiated in 2014, will be finalised at the end of 2015. It will provide data and key facts on the situation of many Muslim students who undergo multiple discrimination and violence.²⁷⁸

²⁷⁴ FEMYSO/CCIF, 2014.

²⁷⁵ CCIF. 2014. 'Guide Pratique'.

²⁷⁶ Comité 15 mars et Libertés. 2005. 'Rentrée 2004, la vérité dévoilée'.

²⁷⁷ Safiya Meziani, "Comité 15 mars et Libertés" member. Interview, 12 June 2015.

²⁷⁸ Ismahane Chouder, interview.

The Association for the Recognition of the Discrimination and the Freedoms of Muslim Women (*Association pour la Reconnaissance des Discrimination et des Libertés aux Femmes Musulmanes*, ARDLFM), created in 1994 in Tourcoing (Northern region), confirms the important participation of Muslim organisation at the local level and shares the same conclusions as the *Comité 15 mars et Libertés* on the slowness of the movement in progress. The ARDLFM was born in the aftermath of the French second “headscarf affair” to support veiled Muslim schoolgirls in the Lille region. Since then, this small structure has done advocacy work at the local level to raise awareness among political representatives (mayors, prefects, deputies), local mainstream anti-racism associations (*Ligue des Droits de l’Homme*) and local institutions (public schools, local education authority). Members acknowledged the first results of their local involvement since 2007. The ARDLFM is now part of a House of Associations (*Maison des Associations*, MDA) which is a structure financed by local government to help civil society by providing offices, hardware devices, Internet services, etc. The Association, which has become a local anchor, achieved small victories. For example, in 2011, it influenced the Senator’s decision not to support the bill imposing the respect of religious neutrality in private child-care facilities. Despite these encouraging moves, the ARDLFM members recognise that their discourse is not really heard; local institutions as well as local sections of mainstream anti-racism organisations remain insensitive to discrimination against Muslim women and closed to the Islamophobia issue.²⁷⁹

Concerning mainstream feminist organisations, Dare Feminism (*Osez le Féminisme*, OLF) is a recent (2009) and young association. It was created by a new generation of feminists who lacked recognition in historic organisations, who wanted to debunk stereotypes on feminism and to promote new methods and types of actions (using humour or social networks for instance). OLF members insist on the importance of transmission and complementarity between generations. OLF is part of Feminists on the Move (*Féministes en Mouvement*), which is a federation of 45 French feminist organisations.²⁸⁰ OLF introduced itself as a generalist feminist movement campaigning on issues concerning every woman (campaigns to denounce rape, retirement gender inequalities, harassment in public transport, etc.). One of its main successes was to obtain the creation of a Ministry of Women’s Rights in 2012. OLF is thus very well-implemented in the mainstream feminist landscape and it is considered as a major feminist organisation by the French Government and institutions. Nevertheless, OLF is absent from the struggle against discrimination and violence targeting Muslim women. Non-mainstream feminist organisations complain about OLF’s (and other mainstream feminist organisations) lack of interest in Muslim women associations, their paternalist and even racist views on the headscarf issue, which led them to take position against Muslim women’s struggle against discrimination and violence.²⁸¹ OLF has a unitary position on the headscarf which is considered as a sign of oppression, instrumentalised by Islamists. While reaffirming its non-racist position and its respect for Muslim veiled women, OLF argues that as a generalist feminist organisation, it does not get involved in specific campaigns concerning a minority of women.²⁸² Nevertheless, the issue is currently being discussed within the organisation and the position on the headscarf is not unanimously endorsed. Very recently, OLF’s local section in Lyon left the national organisation and published a statement in which the members recognised the Islamophobic French climate, withdrew from OLF national discourse on the headscarf issue and promoted an inclusive feminism.²⁸³ OLF is becoming aware of the fact that its position on the headscarf issue is an obstacle to the convergence of struggles against discrimination and violence against all women, and is currently initiating a reflexion on intersectionality between sexism and racism.²⁸⁴

The Mediterranean Women’s Funds (*Fonds pour les Femmes en Méditerranée*, MWF) is based on an inclusive approach to feminism. It was created in 2008 by women activists who realised that women’s rights organisations are incredibly under-funded and that it is necessary to create a structure in order to

²⁷⁹ Zakia Meziani, ARDLFM founder. Interview, 12 June 2015.

²⁸⁰ OLF member. Interview, 19 June 2015.

²⁸¹ Ismahane Chouder, MTE member, Comité 15 mars et Libertés member, interviews.

²⁸² OLF Spokesperson. Interview, 19 June 2015.

²⁸³ OLF statement. June 2015. ‘Démission des membres du Conseil d’Administration et du comité d’organisation d’Osez le féminisme 69!’.

²⁸⁴ OLF member, interview.

provide financial support to the women's rights movement in the region. MWF's pilot feminist training programme called "Collective Intelligence" was developed in 2013. The experience clearly demonstrated that what the participants needed most was to acquire tools to reinforce self-confidence, meet each other and develop a capacity to debate, and benefit from the lessons and experiences of seasoned activists. The feminist training took place in Algeria, Morocco and also in France with activists from 13 feminist associations. "Collective Intelligence" trainings can be considered as a necessary good practice in the French context. As the French feminist movement is divided on the headscarf issue, such events allow organisations from different horizons that do not engage in dialogue to gather and share experiences. The trainings helped French feminists to debunk stereotypes, to question on their own practices and discourse, and to initiate a constructive dialogue between women, which is a first step in overcoming obstacles.²⁸⁵

²⁸⁵ Fawzia Baba-Aïssa, MWF member. Interview, 17 June 2015.

CONCLUSION AND RECOMMENDATIONS

Conclusion

With regard to religious discrimination and Islamophobic violence and speech against Muslim women in France, recent developments do not show any signs of an improvement of the situation. The State's responses to the terrorist attacks of January do not foreshadow a better concern for the French Muslim population and the increase of Islamophobia. On the contrary, they emphasise existing trends such as stigmatisation, minimising or denial of victimhood, and a policy of double standards, which concerns Muslim women in the first place.

As far as violence and hate speech are concerned, the report highlighted the fact that the increase in Islamophobic acts since January 2015 mainly affected Muslim women who have had to face an unprecedented wave of violence. More than ever, they are the scapegoats of those who wish to fight against so-called Islamic terrorism or Islamist/Islamic values.

Concerning discrimination in employment, Muslim women's vulnerable situation does not seem likely to improve. Currently, the bill aiming to extend religious neutrality to children's private day-care facilities was finally voted upon at the National Assembly.²⁸⁶ Even if the law lost its original purpose, from now on, private centres can legally include restrictions on religious clothing or manifestations in their internal rules. Many Muslim women will be affected by this new legislation.

These recent developments confirm the highly vulnerable position of Muslim women in France and the very negative impact of Islamophobia on this specific population group. Quantitative and qualitative data of this report demonstrated that they form one of the least tolerated groups within French society. Moreover, their victimhood is too rarely recognised and they are instead considered as responsible for the discrimination and violence they undergo. Their assumed affiliation to Islam results in their marginalisation and exclusion from many social spaces. The very negative image of Islam and especially Islamic practices such as veiling makes Muslim women even more vulnerable. They are also dehumanised as they are identified exclusively by their religious background.

In order to address religious discrimination and Islamophobic violence, the focus on the specific apprehension of Muslim women as religious agents has to change in order to recognise and emphasize the gender dimension of Islamophobia. The "Forgotten Women" issue has to be understood as an intersectional one. This report demonstrated that Muslim women are discriminated against because of the intersectional aspect of their gender and religious identity and perception. Indeed, gender and religion is what all Muslim women have in common, no matter their origin or social background. The intersectional approach therefore has to focus on women's rights to provide full legal protection to Muslim women and to give them back their humanity and dignity.

Recommendations

To the State and French institutions

- Recognise Islamophobia as a specific form of racism and make it a national cause, just like anti-Semitism.
- Take concrete measures to ease the collection and monitoring of ethnic data and statistics (disaggregated by gender) based on perceptions and self-perceptions of the interviewees.
- Ensure that studies such as the INED/INSEE "Trajectories and Origins" are carried out on a regular basis to allow a closer monitoring of discrimination on the grounds of origin and religion.

²⁸⁶ Bancaud D. 2015. 'Laïcité dans les crèches, ce qui pourrait changer avec la loi "Baby Loup"'. *20 Minutes*, 13 May.

- Stop any attempt to extend religious neutrality to the public space or any private spaces such as companies.
- Initiate a dialogue with civil society stakeholders specialised in the struggle against Islamophobia.
- Make sure that all ministries, local governments and institutions engage in the Diversity Label process.

In the field of education

- Strictly and firmly apply the existing legislation.
- Establish a qualitative and quantitative balanced assessment of the 2004 legislation since its enactment and renew the operation every two years, including an assessment of its abusive use against Muslim girl students.
- Remove the Chatel Circular which is not a legal document
- Launch a training campaign targeting education stakeholders on the concept of secularism and religious discrimination in public schools in order to better address gender equality and equal opportunities. This campaign should be established in cooperation with civil society stakeholders already engaged in such good practices.

In the field of policing

- Reform the actual system of filing complaints. All the data must be monitored by computer and the bias motivation of the offence, whatever the bias may be, must be systematically included.
- Implement disaggregated data collection by gender, religion and origin based on the victims' self-perceptions.
- Establish a qualitative and quantitative balanced assessment of the 2010 legislation, including an assessment of its abusive use against Muslim women.
- Implement advocacy and professional trainings for services dealing with victims of discrimination, especially discrimination based on origin and religion, in order to raise awareness of the under-reporting phenomenon and of the importance of relevant data collection to combat all forms of discrimination. These trainings may be organised in collaboration with anti-racism organisations.

In the field of justice

- Adopt provisions on hate crime and speech for religious motives, on equal footing with other grounds.
- Rethink the professional training of law enforcement officers on anti-discrimination legislation in order to raise awareness of multiple discrimination, especially on the grounds of gender and religion, and to adapt judicial strategies to better address victims' humanity and integrity.
- Initiate a dialogue and develop exchanges with civil society stakeholders (academics and associations specialised in Islamophobia) to have an exhaustive overview of the discrimination issue.
- Supervise a better recognition of Muslim women's victimhood and a balanced application of sentences and sanctions.

To the Ombudsman

- Continue promoting the added-value of the *Défenseur Des Droits* and its missions among anti-racism organisations. DDD's pedagogical approach should be systematised and collaboration with NGOs reinforced.
- Better inform the general public on the existence and missions of the DDD through a public information campaign which would be relayed by anti-racism organisations at the local level.

To civil society stakeholders

To mainstream anti-racism and feminist organisations

- Put aside individual perceptions on Islamic veiling and on religion in general. Focus on individuals' fundamental right to equality in order to combat all inequalities and support all victims of discrimination.
- Open an inclusive dialogue with non-mainstream anti-racism and feminist organisations such as the CCIF, the CFPE, MTE, the *Comité 15 mars et Libertés* or the ARDLFM.
- Identify common concepts to ensure convergence between the feminist and anti-racist struggles against discrimination and violence. The intersectional dimension of discrimination against Muslim women should lead to reconciliation between mainstream and non-mainstream associations in order to combat any violation of women's rights.
- Support non-mainstream organisations' good practices and initiatives. Respect their own agenda.
- To mainstream anti-racism organisations: stop commenting on the definition of Islamophobia and tackle the phenomenon with the same energy as other forms of racism.

To non-mainstream anti-racism and feminist organisations

- Develop advocacy work on a regular and formalised basis. Advocacy work should first focus on a gender-based approach to Islamophobia and include professional training and coaching and address any field where Islamophobia occurs: media (journalists, managing editors), private sector of employment (CEOs, managers, human resources director, trade unions), State institutions (education, police and justice), political representatives, etc.
- Develop the empowerment of the French Muslim community, especially women and young people. Associations should launch campaigns and organise training sessions addressed to specific groups of the Muslim population to raise awareness on their rights, to create a better strategic community involvement, to be better represented within French society and in media coverage.
- Create their own agenda, focused on Islamophobia and gender issues, in order to impulse relevant good practices in other spaces of civil society as well as in French institutions.
- Establish a fellowship grants' programme to encourage academic research on Islamophobia and Muslim women issues in France.

To the employment sector

- Remove or do not introduce any internal rules aiming at limiting religious manifestations in private companies beyond actual legal provisions.
- Initiate vocational training sessions on anti-discrimination legislation in collaboration with civil society stakeholders.
- To the Diversity Charter's General Secretary: require an annual balanced assessment, including data disaggregated by gender, age, disability, origin and religion, from the signatory companies and sanction those who do not respect this requirement.
- To the Diversity Label's Executives: boost the current version of the label to sustain the involvement of the companies and institutions in the programme. Make sure that the motive of religion is integrated into trainings for the public sector.

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