



International Coalition against Islamophobia

<Sent from info@slsjuristen.nl>

8 March 2021, Rotterdam

European Commission

President Von der Leyen

<Sent to Ursula.VONDERLEYEN@ec.europa.eu>

Regarding: French Islamophobic laws

Ms. Von der Leyen,

1. This urgent call for action is made by organisations and individuals (hereafter; the Coalition) who are comprised of or who represent French Muslim citizens. There is a pressing need to combat the severe repercussions on Muslims because of governmental Islamophobic attitudes and recent events in France.
2. According to many studies conducted by the European Union (EU), including by the EU self, acts of violence and aggression of the EU population, governmental institutions and politicians towards Muslims, as well as hate and negativity towards Islam, has increased to a threatening and unacceptable degree.



3. Governmental leaders and politicians negatively and strongly influence the public opinion. In France, this trend has led to Muslim communities becoming targets of increased hostility, more Islamophobia and increasing violence. It is thus imperative that you take a leading role as the European Commission President, to intervene in France's laws that target Muslims. This can no longer be delayed.
4. We are reaching out to you because there is no real or effective remedy within the French legal system to stop the continuation of structural and systemic Islamophobia by the French government within the meanings established by European case law. The exhaustion of national remedies will not bring effective relief for Muslims in France. Also, because of the nature of our complaint, which is broad and based on the widespread failure to implement EU legislation and in particular human rights related to religious integrity and the freedom to express political beliefs, national remedies are not only not effective, but they are also inadequate.
5. The Coalition, with its international nature, filed a complaint 18<sup>th</sup> January 2021 to the United Nations Human Rights Council, as per the attachment to this letter. Unfortunately, since the Islamophobic interventions of French President Emmanuel Macron (hereafter: Macron) (see the UNHRC complaint for details of this and context), neither you, nor the *Coordinator on Combating anti-Muslim Hatred*, have yet taken any (effective) action to enforce the application of EU human rights in France.
6. The Coalition hereby addresses you, the European Commission with its enforcement powers, to intervene urgently. We seek direct and urgent intervention by the European Commission to ensure the enforcement of the Charter, and every Directive, Regulation and Framework on the prohibition of



discrimination, xenophobia, racism, protection of national minorities, children's rights and the implementing of the principle of freedom of religion, pressed upon France in order to relieve the situation of Muslims.

### **Anti-Muslim hatred in France**

7. The French values of Liberty, Equality, Fraternity and Secularism were originally meant to stop oppression of people from the elite and the State. Under these values, everyone – including the Muslim community - is guaranteed the freedoms and the rights protected by the European Convention on Human Rights. Instead, the French government continues to deliberately and systematically undermine and violate fundamental civil liberties and human rights, targeting and violating the rights of even the most vulnerable amongst us, our children.
  
8. The Coalition urges attention to the situation in France, where the French government has exploited the killing of Samuel Paty for its own racist, discriminative and Islamophobic agenda. One year and eight months ago, long before the murder of Samuel Paty on February 18<sup>th</sup> 2020, Macron announced his plan “against separatism”, which solely focuses on political, ideological, theological and financial control of Muslim communities. His plan facilitates the unjustified political, ideological, theological, and financial control of Muslim communities. The plan includes the introduction of wide-ranging powers that would enable the government to police and control Muslim religious and civil society.
  
9. Already in 2019, and in the wake of an attack killing four police officers, Macron promoted a “*society of vigilance*” against the “*Islamist hydra*”, calling for the “*automatic reporting*” of anyone suspected of “*radicalisation*”. To facilitate this,



the French government provided a list of “signals” that were termed signs of potential serious risk and included the following:<sup>1</sup>

- growing a beard;
- the regular and ostentatious practice of ritual prayer;
- a rigorous religious practice;
- particularly exacerbated during the month of Ramadan, etc.

10. This was plan was rejected outright by grassroots organisations and local communities. However, Macron secured the support of the officially recognised and state founded umbrella group, CFCM (the “Muslim Council” created by Sarkozy), by threatening to replace them if they do not comply.<sup>2</sup> The plan includes:

- mandatory registration and approval of imams by the state;
- dissolving Islamic organisations without any legal proceedings;
- indirectly taxing every common Muslim who performs the Islamic pilgrimage (Hajj) to finance “anti-radicalisation” programs:  
*“The organisation of the Hajj pilgrimage will provide necessary funding. We’ve done some very major work with Saudi Arabia to regulate it...”<sup>3</sup>*
- prohibition of any non-religious activities for religious organisations;
- coercive controls on all Islamic organisations (closing organisations which do not support the Government in its Islamophobic actions or which campaign legally against them, and the coercing of Muslims into signing a Charter limiting their freedom of religion);

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<sup>1</sup> <https://www.elysee.fr/emmanuel-macron/2019/10/07/ceremonie-nationale-dhommage-aux-victimes-de-lattaque-du-3-octobre-2019-a-la-prefecture-de-police-de-paris>; and <https://www.europe1.fr/politique/christophe-castaner-liste-les-signes-de-radicalisation-religieuse-vous-avez-une-barbe-vous-meme-lui-repond-un-depute-3924324>.

<sup>2</sup> <https://www.elysee.fr/emmanuel-macron/2020/02/18/proteger-les-libertes-en-luttant-contre-le-separatisme-islamiste-conference-de-presse-du-president-emmanuel-macron-a-mulhouse>; and the official presentation on October 2nd in les Mureaux <https://www.youtube.com/watch?v=V6shlaEaFSU>.

<sup>3</sup> Idem footnote 5.



- the criminalisation of organisations that combat Islamophobia;
- indirectly limiting Islamic education by ending home-schooling and reinforcing controls on private schools. The Minister of Education, Michel Blanquer said:

*"In a number of cases, it (home-schooling) conceals clandestine Salafist structures. (...) That's why we will set up a home-schooling authorisation system."*

This appears to be a neutral law, however as shown by its intention (statement of the Minister of Education), in practice and in fact, it targets Muslim children;

11. On 2<sup>nd</sup> October 2020 Macron, in yet another speech on his “plan against separatism”, focused again on Islam and Muslims.<sup>4</sup> Macron described Islam as *"a religion that is in crisis all over the world today"* as he made a high-profile address on battling Islamic "radicalism" in France.<sup>5</sup> Macron mentioned in his speech that, since 2017, he had closed 212 Muslim owned cafes; 15 mosques; 4 schools and 13 cultural associations.

12. He highlighted the presence of *"problematic practices"* in companies, such as *"women wearing hijab while in contact with the public"*, announced the dissolution of organisations and charities who provide valuable aid to those in dire need, and a ban on home-schooling, which in context and practice is directed at Muslim children, as well as an end to teaching languages of origin.<sup>6</sup>

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<sup>4</sup> A draft law on “separatism” is expected to be presented to the cabinet on 9 December 2020.

<sup>5</sup> <https://www.middleeasteye.net/news/france-macron-says-islam-crisis-today>

<sup>6</sup> <https://www.elysee.fr/emmanuel-macron/2020/10/02/la-republique-en-actes-discours-du-president-de-la-republique-sur-le-theme-de-la-lutte-contre-les-separatismes>



13. In the wake of the Paty killing, Macron and his ministers vowed to take harsh preventive action, and directed their attention towards ordinary Muslims. Instead of seeking redress for crimes, his government opted for collective punishment, vowing that “*fear will change sides*”, an ominous threatening oath that - much like his speech on separatism earlier - presages increased scrutiny of Muslims in general, rather than remedying the root causes of crimes.<sup>7</sup>
14. On 18<sup>th</sup> October, two Muslim women were repeatedly stabbed near the Eiffel Tower, while being called “dirty Arabs” by two white assailants.<sup>8</sup> The attack heightened tensions between ordinary people, in a hostile milieu created by the French government.
15. On 19<sup>th</sup> October, French Minister of Interior affairs G. Darmanin stated that operations were launched against “*dozens of individuals*” who are “*not linked with the investigation around the beheading, but to whom we want to send a message.*”<sup>9</sup> To this day, the government continues to illegitimately and excessively raid Muslim homes and organisations. To this day, 51 violent raids on homes have already been conducted, which have nothing to do with the killing of Samuel Paty, all of this to “*send a message,*”<sup>10</sup>.
16. These raids have traumatised children. In one of these raids in Meaux, the government raided a house when the parents (father is imam) were at work, eventually conducting the search in their absence. Police also interrogated

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<sup>7</sup> <https://www.bbc.com/news/world-europe-54602171>.

<sup>8</sup> <https://www.middleeasteye.net/video/two-muslim-women-stabbed-paris-attackers-reportedly-shouting-dirty-arabs>.

<sup>9</sup> <https://www.europe1.fr/politique/attentat-de-conflans-darmanin-annonce-des-operations-de-police-en-cours-et-51-associations-controlees-3999582>.

<sup>10</sup> <https://www.europe1.fr/politique/attentat-de-conflans-darmanin-annonce-des-operations-de-police-en-cours-et-51-associations-controlees-3999582>.



- their 10-year-old son, who was home alone,<sup>11</sup> without the presence of his parents, a violation of both French and international law pertaining to children.
17. This abuse of children is not isolated, and indeed we have reason to believe that it is taking place systematically. On the 3<sup>rd</sup> October, the government raided a mosque where children were learning Arabic. Police counted the children, and classified them according to whether they were wearing a headscarf.<sup>12</sup>
18. The violations have impacted aid work in France and abroad. A total of 51 charities are currently being “investigated” with a view to dissolving them. It is safe to say there has been a total onslaught on Islamic institutions in France, with 73 schools, madrassas, and Muslim-owned businesses shut down in 2020 alone.<sup>13</sup>
19. The Coalition urgently calls upon you, within your responsibility, to look into these serious human rights violations, starting with an examination of the Minister’s statement in connection with these shutdowns, and the intention of these attacks on Muslim civil society, which amount to the goal to “*send a message*”. To this end, the French government acted in a destructive, disproportionate manner, even making children victims of its aggression.<sup>14</sup>
20. On the 17<sup>th</sup> November, Macron continued his witch-hunt. He gave the French Council of Muslim Worship (CFCM) a coercive and threatening ultimatum to agree to a “*Charter of Republican Values*” that includes the curtailing of political

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<sup>11</sup> <https://www.leparisien.fr/seine-et-marne-77/meaux-le-domicile-de-l-imam-de-la-mosquee-al-badr-perquisitionne-22-10-2020-8404516.php>.

<sup>12</sup> <https://francais.rt.com/france/79399-humiliante-elus-lfi-indignent-contre-operation-police-mosquee>.

<sup>13</sup> <https://twitter.com/GDarmanin/status/1316011737385066498?s=19>.

<sup>14</sup> (<https://www.trtworld.com/magazine/french-police-interrogate-muslim-children-for-disliking-insulting-cartoons-41233>).



expressions of any kind by Muslims, and state approval of imams which amount to censorship of belief.<sup>15</sup>

*“If some do not sign this charter, we will draw the consequences from that.”*

Emmanuel Macron during a video conference on 17 November 2020.<sup>16</sup>

21. Macron has violated international charters pertaining to the freedom of religion and civil and political rights by exerting pressure and threatening Muslims in relation to how they should interpret and practice their religion.
  
22. His charter is discriminatory by nature. This is because he exclusively demands that the Muslim community sign it. The starting point of this action is the presumption that Muslims do not comply with the laws and values of France. As such, Muslims must expressively prove through a special contract (the charter) that they support the “Republican values” of the country – a position made all the more innocuous when one considers that it is these very “values” that are being weaponised to abuse them. This is a clear guilty-until-proven-innocent reasoning. We do not need to further elaborate why this charter goes against every principle and value of the EU fundamental human rights.
  
23. The term “political Islam” in Macron’s charter is more problematic than it seems. Any Muslim in a democratic society, who starts up or joins a political party that is inspired or based on an Islamic ethos, or any Muslim who speaks out about political or social issues in any way, even from within a charity group is criminalised under this term. He or she, by being Muslim and politically and

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<sup>15</sup> <https://www.middleeasteye.net/news/france-macron-islam-ccfm-imam-training-charter>.

<sup>16</sup> <https://www.middleeasteye.net/news/france-macron-ultimatum-muslims-denounced-cair-civil-rights-group>.



socially active and concerned, is thus in violation of “Republic values”, the inference being that any Muslim active in society is a possible danger to society. This discriminatory logic is a direct violation of the civil and political rights of Muslims, and a damaging misinterpretation of Islamic life.

24. The charter demands from Muslims to vow:

*“...not to use nor to allow to use of Islam or the concept of *oumma* (community of believers) in a local or national political perspective...”*

25. While cartoons defaming the Prophet (peace be upon him) are in violation of UN law on insults to religions and threats to religious integrity and peace (detailed also in the UN complaint and further below), Macron chooses the selective dismissing of the right to free speech for Muslims. He aims for a dictatorial control of the topics of conversations and talks in mosques and other communal settings. This is done by making the Muslims vow to Article 6 of the charter, which states:

*“We do not want places of worship to be used to broadcast political speeches or to import conflicts that take place in other parts of the world. Our mosques and places of worship are reserved for prayer and the transmission of values.”*

26. In other words, Macron wants conversations in mosques to only involve internal matters pertaining to France, thereby censoring the natural concerns of Muslims living in a globalised world for the rest of Europe and the world. He also only wants transmission of “values” –as he defines values to be – and yet his government’s “values” are *linea recta* in conflict with the EU Convention and Charter. Was it not Macron who condemned any limitations to free speech



- in the discussion regarding the depiction of the prophet Muhammed (saw) in insulting cartoons? A condemnation that is contradicting and violating ECHR and ECtHR case law. The censoring of free speech as enforced and imposed on the Muslim community in article 6 of the French charter, is something unheard of in modern European law.
27. Article 6 of Macron's dubious charter provides for a dangerously vague definition of "political Islam", designating it to: Salafism (Wahhabism), Tabligh as well as those linked even in the very vaguest of ways to ideas related to the Muslim Brotherhood and others. Under such vague and often misunderstood definitions, almost every Muslim who is politically active or who openly expresses their faith and political beliefs, can be criminalised, except for the secular Muslim who does not practice *forum externum*. This is a clear attempt to remove Muslims from the civil society and public life of France, of which they are in fact a key and necessary part.
28. The European Union is founded on the values of freedom, democracy, equality, fundamental human rights and the rule of law. The restricting and oppressing measures imposed on the Muslims in France and the interference with their freedoms disregard these core values, are discriminating, Islamophobic, against the principles of a democracy and against the rule of law. The hostility towards Muslims is visible not only in terms of discriminatory laws, but also in terms of recent structural violence against them (including children) as well as a media and legislative environment that perpetuates prejudices and unequal treatment. This results in the exclusion of visibly practising Muslims from civil, political, and social sectors, in turn impacting their other basic human rights. This is also apparent from Article 7 of the charter.
29. The charter goes as far as intervening and attempting to dissolve core aspects of Islamic belief, by demanding from the Muslims to, distance themselves from those concepts. Again, this contravenes France's stated



value of laïcité, which provides for and protects the principle of secularism in France, the separation of state from religion. This means that Macron's charter is far from something aimed at combatting extremism, but is purely about the aggressive involvement in government in religious affairs, an action that is both discriminatory (since it is only Islam that is the "problem") and a direct violation of current French, European and international law.

30. Article 10 of the EU Charter of Fundamental Rights protects and guarantees freedom of thought, conscience and religion. Everyone has the right to freedom of thought, conscience and religion. This right includes the freedom to change religion, and to practice and manifest their beliefs, either alone or in community with others, in public or in private, in worship, teaching, practice and observance. This article corresponds to the right guaranteed in Article 9 of the European Convention on Human Rights and, in accordance with Article 52(3) of the Charter, has the same meaning and scope. Limitations must therefore respect Article 9(2) of the Convention, which reads as follows:

*"Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."*

31. Considering the unfortunately scarcity of European jurisprudence on Islamophobia (despite the many reported Islamophobic incidents that have taken place throughout the EU and Europe recently), one can reasonably conclude that the European Union Court of Justice and the European Court of Human Rights define religion in the European Convention on Human Rights and the EU Charter of Fundamental Rights, broadly. This would thus include



the *forum internum*, the fact of having a belief, and the *forum externum*, the manifestation of religious faith in public. France has implemented numerous laws designed to limit freedom of belief and punish the manifestation of religion.

32. Not only that, but it has announced further limitations in the draft law on “*separatism*”, which will especially target Muslims. France has banned students, teachers, public servants and anyone who is outsourced to work for the civil service and government, from wearing visible signs of their religion, including hijabs. Therefore, France violates the Charter and Convention by banning the external expression of religion, thus side-lining and discriminating Muslims who practice their religion openly. This is a clear violation of UN law, as stated below:

*“The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae, and objects, the display of symbols, and the observance of holidays and days of rest. The observance and practice of religion or belief may include not only ceremonial acts but also such customs as **the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, and the use of a particular language, customarily spoken by a group.** In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as **freedom to choose their religious leaders, priests and teachers, the freedom to establish***



***seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.***<sup>17</sup>

33. The French government has openly supported and advocated the publication of demeaning and insulting cartoons depicting Prophet Muhammad (peace be upon him). This while the judgement of the ECtHR is unquestionably clear about the positive obligations of governments in ensuring the peaceful co-existence of all religions and in insuring tolerance. This has been repeated violated by France in the context of insulting cartoons depicting the Prophet Muhammed (peace be upon him). A previous court judgement has been made in this regard and a precedent set: the UNHCR Court emphasised that insulting the Prophet Muhammed (peace be upon him) does not fall under the right to free speech, and moreover, it conflicts with the core principles and values of the UN Convention.

“Not only do they enjoy a wide margin of appreciation in that respect, they also have the positive obligation under Article 9 of the Convention of ensuring the peaceful co-existence of all religions and those not belonging to a religious group by ensuring mutual tolerance (see Leyla Şahin v. Turkey [GC], no. 44774/98, §§ 107-08, ECHR 2005-XI, and S.A.S. v. France [GC], no. 43835/11, § 123-28, ECHR 2014 (extracts)).”<sup>18</sup>

34. The UN has already ruled that defaming the Prophet (peace be upon him) *“goes beyond the permissible limits of an objective debate”* and *“could stir up prejudice and put at risk religious peace.”*<sup>19</sup>

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<sup>17</sup> United Nations Human Rights Committee General Comment 22, para 4.

<sup>18</sup> ECtHR, Case of E.S. v. Austria, 25 October 2018, Application no. 38450/12, paras 44 till 56.

<sup>19</sup> idem footnote 18.



35. Article 21 of the UN Charter prohibits discrimination based on religion or belief. Any discrimination based on any ground such as gender, 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. Within the scope of application of the Treaties and without prejudice to any of their specific provisions, any discrimination on grounds of nationality is prohibited.
36. France must make all efforts to enact laws to prevent discrimination against Muslims, and additionally rescind legislation where necessary, to prohibit any such discrimination. They should also be instructed by international bodies such as yours to take all appropriate measures to combat intolerance on the grounds of religion, especially in relation to Muslims and the aforementioned tactics and actions to undermine and marginalise them.
37. The Commission in its Resolution 2005/40 urges States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, notably by:

*"( a ) Taking all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities, and also to **devote particular attention to practices that violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion or belief;** ( b ) Promoting and encouraging, through education and other means, understanding, tolerance and*



*respect in all matters relating to freedom of religion or belief; ( c )  
Making all appropriate efforts to encourage those engaged in teaching  
to cultivate respect for all religions or beliefs, **thereby promoting  
mutual understanding and tolerance.**"*

38. As is acknowledged by your Commission, reports from international and civil society organisations and recent surveys point to persistent intolerance and discrimination against Muslims within the EU, as well as to structural forms of discrimination directed against individuals, women who manifest Islamic belief. This is despite the fact that,

*"The EU has very clear rules, in particular the 2008 Framework Decision on combating certain forms of expressions of racism and xenophobia by means of criminal law, prohibiting public incitement to violence or hatred based on race, colour, ethnicity and religion. All EU Member States had to implement these rules into their national criminal laws. This means that those who preach hate or call for violence, based on anti-Muslim prejudice, can be brought to justice by national authorities."<sup>20</sup>*

39. If this discrimination continues, it will be counter-productive in the long term for France. The EUFRA recognised as far back as 2001 that there was a significant rise in everyday tension between ordinary people, especially impacting women:

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<sup>20</sup> EUFRA, Second European Union Minorities and Discrimination Survey Muslims – Selected findings, 21-09-2017.



*“Whilst the French press did not report incidents of verbal harassment and insults, a rise in everyday tension was identified. Incidents that received press coverage appeared to be low in number, ranging from physical attacks to instances of graffiti. The reports did, however, indicate signs of suspicions developing towards Muslims and those of Arab descent, in particular North Africans, women wearing the hijab and bearded men. Incidentally, the French NFP was the only one to identify 'bearded men' with hostility towards Muslims.”*

40. Another focus for acts of street aggression and violence against Muslims are our mosques, where everything from petty vandalism and graffiti, to arson and bomb attacks, have been reported.
41. Additionally, the EUFRA and ECRI have detailed reports on discrimination against Muslims, where the conclusion in every report since 2001 has been that Muslims are vulnerable to discrimination and manifestations of Islamophobia in the form of anything from verbal threats through to physical attacks on people and property. The increasing trend of aggressive and violent Islamophobia is reported by other organisations, including the CCIF and BarakaCity, who have been banned by Macron since they are run by Muslims and support the community by campaigning publicly against such abuse.
42. In its 4th report, ECRI recommended that the authorities continue to take steps to prevent the exploitation of racism in the political sphere.<sup>21</sup> However ECRI notes that racism is still present in the discourse of French politicians. Muslims are regularly and structurally stigmatised.

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<sup>21</sup> ECRI on France 2010: paragraph 76.



*“Examples of this are the exploitation by various politicians of the issue of the distribution of halal meat raised by Marine Le Pen in the run-up to the 2012 presidential elections and the announcement of the organisation by the UMP of a convention on French Islam and Islam in France.”<sup>22</sup>*

43. ECRI expressed its concern about this situation, which is helping to trivialise the stigmatisation. It especially emphasized its concern about political motivated Islamophobic hate speech.

*“In the 4th cycle, ECRI strongly recommended that the French authorities combat all manifestations of racism against Muslims and maintain and reinforce their vigilance to ensure that Islamophobic acts do not go unpunished. It notes that the situation with regard to Islamophobic hate speech still gives cause for concern and points out that the rejection of Muslims is fuelled by the discourse of certain political leaders.”<sup>23</sup>*

44. The violations on the lives, property and dignity of Muslims are unwarranted and disproportionate to any perceived “threat”, and moreover they seek to exacerbate the current animosity between Muslims and the French government. To avoid further damage to relations, governments must return to the rule of law principles of the EU, which state clearly that any interferences in human rights, if they must happen, must correspond to a “*pressing social need*” and must be “*proportionate to the legitimate aim pursued.*”<sup>24</sup>

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<sup>22</sup> ECRI on France 2018/2019: paragraph 26.

<sup>23</sup> idem footnote 22.

<sup>24</sup> Idem footnote 22.



45. The freedom to have or adopt a religion or belief of one's choice is absolute and States can restrict the right to manifest a religion or belief only when doing so is necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.<sup>25</sup> As such, though States frequently reference "national security" or the imperative to promote "living together" to justify limits on religious dress, the dissemination of religious materials, on religious education and even impose outright bans on membership of certain religious or belief groups, said reasons are not permissible grounds for restricting freedom of religion or belief under international human rights law.<sup>26</sup> Additionally, any limitations must be prescribed by law and be non-discriminatory in both purpose and effect.<sup>27</sup>
46. Without any reasonable doubt, Macrons' decisions have been taken without an acceptable assessment of the relevant facts. The interferences and abuses in the Muslim community do not correspond to a pressing social need and are disproportionate to the legitimate aim pursued. There is no justification according to EU law to the restrictions on our rights of freedom of religion or belief, freedom of association, protection of minorities and children, and they do not abide by normative guarantees of freedom from discrimination.
47. Rather than seeking to deal with the root causes of violence on both side of the spectrum, France reacted and continues to react out of disproportionately, unreasonably applying dangerous exceptions to the legitimate restriction of fundamental freedoms and protections. This sets an alarming precedent, that is masked by claims such as the protection of national security, public order, public health and the rights of others. To avoid such a precedent being set,

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<sup>25</sup> ICCPR, article 18(3).

<sup>26</sup> CCPR/C/21/Rev.1/Add.4, para 8 explicitly excludes national security as a ground for permissible limitations on the right to freedom of religion or belief. See also A/HRC/34/30 para 30. The Special Rapporteur acknowledges that regional human rights law may differ in certain factual circumstances.

<sup>27</sup> Idem.



which poses long-term damage to not only Muslims, but other communities in France, your organisation must step forward.

48. European legal case history allows for it. According to the settled case-law of the Court of Justice and the European Court of Human Rights, the principle of proportionality requires that measures adopted by the EU institutions do not exceed the limits of what is appropriate and necessary to attain *legitimate objectives* pursued by the legislation in question. This is because the disadvantages caused by the new legislation must not be disproportionate to the aims pursued,<sup>28</sup> and, where there is a choice between several appropriate measures, recourse must be made to the least onerous.<sup>29</sup>

49. France's restrictions and limitations on long-standing and recognised freedoms and protections for all citizens of Europe – including infringing children's rights<sup>30</sup> – are not recognised by EU legislation. They can be proven to be disproportionate to the objectives claimed to be pursued, going way beyond what is strictly necessary to ensure peace in France, and indeed may even harm it.

50. The Macron government's hostile and disproportionate policies, laws and actions are not based on sound, empirical evidence. Religion and ideology are

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<sup>28</sup> Judgments of 8 April 2014, *Digital Rights Ireland and Others* (C-293/12 and C-594/12, EU:C:2014:238, paragraph 46 and the case-law cited), and of 15 February 2016, *N.* (C-601/15 PPU, EU:C:2016:84, paragraph 54).

<sup>29</sup> Judgments of 17 October 2013, *Schaible* (C-101/12, EU:C:2013:661, paragraph 29), and of 9 June 2016, *Pesce and Others* (C-78/16 and C-79/16, EU:C:2016:428, paragraph 48).

<sup>30</sup> Macron's unlimited restriction on the freedom of religion and discriminatory agenda also undermines the United Nation Convention on the Rights of the Child. Macron also announced the Separatism Bill that included the introduction of IDs for children for the state to track and a harsh crackdown on parents who choose to home-school amid the Covid-19 pandemic. "In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language."



not primary motivators for violent extremism, and “radicalisation” has been proved to be a social issue. International studies show that “radicalisation” follows most often from a sense of isolation and exclusion from society.<sup>31</sup> The academic Anne Azza Alym, a specialist in counter-terrorism, has stated:

*“Factors such as anger at injustice, moral superiority, a sense of identity and purpose, the promise of adventure, and becoming a hero have all been implicated in case studies of radicalisation. Religion and ideology serve as vehicles for an “us versus them” mentality and as the justification for violence against those who represent “the enemy”, but they are not the drivers of radicalisation.”*

51. Considering this, France’s laws and actions are deeply counter-productive to their states aims to reduce “radicalisation”, since they are perpetrating the very alienation and “us and them” mentality they profess to seek to end.
52. Moreover, Macron failed to act in a reasonable manner to avoid harm or damage that has already resulted from his government’s policies and crackdown on is large Muslim community. This was because he did not adhere to principles of evidence-based policymaking, seeking rather to play to populism. And yet, information and academic research is available, and do make it possible to respond in a more reasonable, appropriate and effective manner, while meeting his human rights obligations under law.
53. In deciding on the path his government has taken, Macron failed to comply with the application of the principle of proportionality between the measures taken

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<sup>31</sup> University College London Department of Security and Crime Science <https://www.ucl.ac.uk/security-crime-science/news/2019/jan/brain-scans-find-social-exclusion-leading-factor-creating-violent-jihadists>



and the chosen level of intervention, and thus failed to comply with the non-discrimination obligation.

54. Instead, his government's measures alienate and isolate the Muslim community, creating a hostile environment in which the common Muslim citizen fears their government, and lives with the constant threat of Islamophobic human rights violations. This is deeply counter-productive and unsustainable.

55. France must develop, reinforce and evaluate its policies. As EC President, we urge you to impress upon the French government the need to ensure equality and non-discrimination for all, including its Muslim community. France must fight against Islamophobia and intolerance instead of causing more of it.

56. The Coalition requests your urgent interference in this matter, in which we request the European Commission to follow up our complaint and open a formal infringement procedure against France before the European Court of Justice against France. This is to ensure that France respect EU law on the protection of the fundamental civil and political rights of all its citizens.

Signed by:

1. Le CRAN Conseil Représentatif des Associations Noires de France (France);
2. CALAM (France);
3. LALLAB (France);
4. Collectif contre l'islamophobie aux Pays-Bas (Netherlands);
5. Comité 21 mars (Netherlands);
6. EMCEMO Euro-Méditerranéen Centre Migration & Développement (Netherlands);
7. IZI solutions (Netherlands);
8. MELD ISLAMOFOBIE (Netherlands);



9. Stichting Centrum de Middenweg (Netherlands);
10. Muslim Rights Watch (Netherlands);
11. The Islamic Central Council Switzerland (IZRS)
12. Dokustelle (AUSTRIA);
13. AMDEH Asociacion Musulmana por los Derechos Humanos (SPAIN);
14. SAFI (SPAIN);
15. European Network on Religion and Belief (ENORB) (BELGIUM);
16. CAGE (UK);
17. MEND (UK);
18. MPAC (UK);
19. The Muslim Vibe (UK);
20. DOAM (UK);
21. James CARR University of Limerick (Ireland)
22. Islamophobia Studies Center (USA);
23. The Yaqeen Institute (USA);
24. ICV Islamic Council of Victoria (Australia);
25. Khadija Leadership Network ( Newzealand);

Attachment: UN HRC complaint