

Human Rights Council

Complaint Procedure Form

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
- Anonymous complaints are not admissible;
- It is recommended that your complaint does not exceed eight pages, excluding enclosures.
- You are kindly requested not to use abusive or insulting language.

I. Information concerning the author (s) of the communication or the alleged victim (s) if other than the author

This complaint is made by organisations and individuals who represent French Muslim citizens. The Collective finds that there is a pressing need to combat the negative repercussions on governmental Islamophobic attitudes and events in France. In France, this trend has led to Muslim communities becoming targets of increased hostility, Islamophobia and more violence against Muslims. Interference in France is no longer to be delayed.

Information concerning the authors of the communication:

1. Muslim Lawyers Association (MLA), a voluntary association based in the Republic of South Africa (Johannesburg, Gauteng). A copy of the constitution of the MLA and details about the organisation may be found at <http://www.mlajhb.com/constitution.html>
2. Association of Muslim Professional of South Africa (AMPSA) is an NGO situated at 1st floor Felix Dlamini Road Durban and its email address is admin@ampsa.org.za. One of its objectives is to respond appropriately to attacks on Islam in general;
3. Sabir's Legal Services (SLS Juristen), law firm specialised in International & European law, humanitarian law and human rights,

based in Rotterdam (Kerdijkstraat 18, 3038XE), The Netherlands (info@slsjuristen.nl).

4. CAGE, advocates for due process, the rule of law and and calls for an end to the injustices of the war on terror. It is UK based and has been active since 2003. Further details about the organisation can be found here: www.cage.ngo and their email address is contact@cage.ngo.
5. The Islamic Council of Victoria (ICV) is the peak Muslim body representing an estimated 200,000 Victoria Muslims and over 60 member societies. ICV offers advocacy and social welfare services while leading state and national initiatives on cohesion and harmony through community consultations and advice to the Government. Further information can be found on the website <https://www.icv.org.au/contact-us/> . They are based in Australia, West Melbourne and their email address is admin@icv.org.au .
6. Bruxelles Panthères, is a Belgium based organisation that aims to fight racism and inequality through education and political unity. Their work spans across the spectrum to include lessons from the past and present in order to build a better and more cohesive society and community. Further information on the organisation can be found on the website <https://bruxelles-panthere.thefreecat.org> and their email address is bruxelles.pantheres@gmail.com .
7. Simon Fraser University Centre for Comparative Muslim Studies, CCMS fosters academic and public discussion and understanding of Muslim societies and cultures. It is based in Canada and their email address is ccmsc@sfu.ca . Further information on the centre can be found at <https://www.sfu.ca/ccms/about/contact-us.html> and their email address is abulbulia@gmail.com .

8. European Muslim Initiative for Social Cohesion (EMISCO), organizes events that deal with human rights issues such as anti-Muslim hate crimes, racism, and minority rights and takes a proactive approach to promoting social cohesion. EMISCO is based in Strasbourg, France. Further information can be found on the website <https://www.emisco.eu/> and their email address in contact@emisco.eu .

9. The Frantz Fanon Foundation, is an open and networked structure, takes on its meaning in a series of questions but also from the question raised by events and the reading of the world: This Foundation positioned in networks (West Indies, United States, / Latin America, France-Europe, Middle East, West Africa and East Africa, Asia), working in a transversal manner. More information can be found on the website <https://fondation-frantzfanon.com/> and their email address is fondationffanon@gmail.com .

10. Decolonial International Network (DIN), is an international network of organisations that focuses its efforts on creating spaces for existing organisations to benefit from this space. The space allows organisations to benefit from the infrastructure that is created and maintained by members: education, campaigns, projects etc. It is based in Holland and further information on the network can be found at <https://din.today/field-organizer/> and their email address is dew.baboeram@amcon.nl .

11. Muslim Rights Watch (MRWN) is an Islamic non-profit organization that defends the Islamic community and claims its right to exist. It is a Holland based organisation that focuses its efforts on campaigning and discrimination against Muslims. Its work, campaigns and efforts are driven by a desire to promote human rights and provide support for the community. Their email address is info@mrwn.nl and further information can be found on their website <https://mrwn.nl/> .

12. Khadija Leadership Network (KLN), is a not for profit organisation aimed at encouraging Muslim women to lead. KLN does this by building the capacity and capability of Muslim women in New Zealand. Further information can be found on their website

<https://khadijaleadershipnetwork.org/> and their email address is tayyaba@khadijaleadershipnetwork.org .

13. University of Sialkot, based in Pakistan is committed to create and shape a world class, intellectual environment for students, University of Sialkot aspires for an academic continuation that manifests excellence in research and education by fostering a culture of creativity and innovation; with keen focus on globalization, social and cultural attitudes and conducts. The university website is

<https://www.uskt.edu.pk/Home/About> and their email address is vc@uskt.edu.pk .

14. Nyans: Muslim is a platform for producing material on issues surrounding various forms of racism and in particular Islamophobia. The platform was founded in 2014 . In 2017, a new editorial office was formed which has since worked to develop the concept to find new ways to address one of the most important issues of our time. Nyans Muslim works through the following: compilations and surveys in the form of reports and comments and analyses in the form of articles. It is a Sweden based organisation and further information can be found on their website <https://www.nyansmuslim.se/om-nyansmuslim/> One of their main editors can be contacted at amanjaziz@gmail.com .

15. Antirasistisk Akademi non-profit association and its domicile is Stockholm, Sweden. The Anti-Racist Academy is a non-profit association whose purpose is to fight racism in the scientific community

and in all the activities of universities, colleges and research institutions. With this focus, the organization's aims to achieve participation in the broad anti-racist work that is going on everywhere in society. Further information can be found on the website

<http://www.antirasistiskaakademin.se/om-ara-2/stadgarna/> and their email address is info@antirasistiskaakademin.se .

16. Islamic Central Council Switzerland (IZRS), largest grassroots Islamic organization in Switzerland. IZRS is a representative for Islamic affairs in and with reference to Switzerland. Its activities include defending rights of the Muslim community and the organising and structuring Muslims in Switzerland. Further information can be found in the website <https://www.izrs.ch/ueber-uns.html> and they can be contacted by email at janina.rashidi@izrs.ch .
17. Gonulecileridernegi is a charity based organisation in Turkey. Its vision is to ensure the development and increase of the rehabilitation, efficiency and productivity of its members, thus their institution, at national and international level seeks to contribute to social development. Further information can be found on the website www.gonulecileridernegi.org/ and their email address is info@gonulecileri.org .
18. Muslim Youth Network (MYN), Youth based organisation in the United Kingdom, engaging society, providing faith-inspired experiences, and developing and delivering leadership programmes. Further information can be found on the website <https://muslimyouthnetwork.com/> and their email address is admin@muslimyouthnetwork.com .
19. Human Aid, is a UK based charity that focuses on humanitarian aid work providing relief to victims of war and persecution. It is based in London in the United Kingdom. Further information can be found on the

website <https://human-aid.org/about-us> and their email address is london@human-aid.org.

20. Norbury Muslim Centre, is a Muslim faith centre based in London in the United Kingdom. It provides prayer facilities and caters for wider community needs and support. Further information can be found at <https://norburymuslimcentre.com/> and their email address is admin@norburymuslimcentre.com.

21. West Norwood Muslim Community Project (WNMCP), is based in London in the United Kingdom. It provides activities and spaces for the Muslim community and wider community to connect, educate and utilise the spaces for community building. Further information can be found on the website <https://www.wnmcp.org.uk/about-us/> and their email address is info@wncp.org.uk.

22. The Muslim Public Affairs Committee UK (MPACUK), is a grass roots civil liberties pressure group that encourages civil engagement within the Muslim community at all levels in the UK. MPAC pro-actively works to expose and counter the sinister and toxic anti Muslim narrative that is common in mainstream politics and media. Further information can be found on the website <https://mpacuk.org/about-us/> and their email address is info@mpacuk.org.

23. Finsbury Park Mosque (FPM) is a registered UK charity which works to serve the community of Islington and surrounding boroughs of North London. Aside from serving as a primary place of worship and religious services to Muslims, FPM works to promote understanding, dialogue and community cohesion. Further information can be found on the website <https://finsburyparkmosque.org/> and their email address is info@finsburyparkmosque.org.

24. Lewisham Islamic Centre, is a mosque and community hub that provides a space for worship for the Muslim community but also provides social activities, services and initiatives for the Muslim community and the wider community. Further information can be found on the website <https://lewishamislamiccentre.com/about/> and their email address is info@lewishamislamiccentre.com .
25. Muslim Association of Britain addresses complex issues affecting society: rising crime and prison populations, failure in education, spread of racism, rise in anti-Islam hatred – Islamophobia, drug addiction, violence and the growing disconnect of youth from society. Further information can be found on the website <https://www.mabonline.net/about/> and their email address is office@mabonline.net .
26. The Federation of Redbridge Muslim Organisations (FORMO) is a coalition of mosques and Islamic organisation in the London Borough of Redbridge. FORMO's aim is to have a collective voice on issues affecting the Redbridge community. Further information can be found on the website <https://formo.org.uk/> and their email contact is formo.redbridge@gmail.com .
27. Friends of Al-Aqsa is a UK based non-profit making NGO concerned with defending the human rights of Palestinians . Further information can be found on the website <https://www.foa.org.uk/about/> and their email address is info@foa.org.uk .
28. Muslim Engagement And Development (MEND) is a not-for-profit company that helps to empower and encourage British Muslims within local communities to be more actively involved in British media and politics. It delivers education, training and also provides support and advice through the Islamophobia response unit. Further information can be

found at <https://www.mend.org.uk/> and their email address is info@mend.org.uk .

29. New York for Syrian Refugees is a charity. It consists of a group of volunteers who are trying to help the new Syrian refugees with some basic needs, as well as with schools, jobs and education. Further information can be found at <https://www.ny4syrians.org/> and their email address is contactus@ny4syrians.org .

30. The Council on American-Islamic Relations (CAIR) is a non-profit, grassroots civil rights and advocacy organization. CAIR is America's largest Muslim civil liberties organization, with affiliate offices nationwide. Its national headquarters is located on Capitol Hill in Washington, D.C. Further information can be found at <https://www.cair.com/> . Their San Francisco Bay area and Florida chapters have expressed their desire to be a part of this collective and can be reached at hiba.a.rahim@gmail.com & zbilloo@cair.com .

31. Islamic center of the Capital District (ICCD) is in New York. It is a Muslim community centre that provides a space for worship and wider community services including marriage, funerals, education, sports and leisurely activities. Further information can be found at <https://www.iccdny.org/gallery/> and their email address is info@iccdny.org .

32. Islamophobia Studies Center, challenges Islamophobia through Applied Research, Civic Engagement, Education, and Global Classrooms to impact policy. It is based in the USA and their website is <https://iphobiacenter.org/> and their email address is Info@iphobiacenter.org .

33. Northwestern University based in the USA, Department of political science. Research interests: international relations; religion and politics; politics of Secularism; law and religion; US foreign relations; politics of the middle east; methods in the study of religion and politics and contemporary religion. Further information can be found at <https://polisci.northwestern.edu/people/core-faculty/elizabeth-shakman-hurd.html> and their email address is eshurd@northwestern.edu .
34. Islamic Cultural centre is a charity based in the UK that supports wide ranging community initiatives and projects. Further information can be found on their website <https://zakariyyamasjid.co.uk/> and their email address is edrismusaseth@hotmail.co.uk .
35. Austrian Network for Refugees is based in Austria and provides relief and support to refugee communities to help the resettle by providing various initiatives. Further information can be found at <https://www.anr-austria.at/> and they can be emailed at nura.al-bahloul@hotmail.com .
36. Yaqeen institute is a non-profit research initiative We aim to raise the discourse in the Muslim community by making academic grade research material accessible to everyone. Further information can be found on their website <https://yaqeeninstitute.org/> and their email address is omar@yaqeeninstitute.org .

Information concerning the Collective can be found on the last page of this Complaint, under “The Signatories.”

The above-mentioned parties and The Signatories (together hereafter; the Collective) have chosen the address for correspondence on this complaint:

Name: Yousha Tayob ATTORNEY

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Johannesburg, P O Box 1427, Crown Mines 2025

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South Africa (011):

- Telephone (011) 838-3342
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- Fax (011) 838-4744

E-mail: yousha@youshatayob.co.za

Website: <http://youshatayob.co.za/>

The Collective Submits the complaint:

- on the signatories own behalf; and
- on behalf of other persons: French Muslim nationals.

II. Information on the State concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s):

1. France, Europe;
2. French President Emmanuel Macron and his Ministries and Ministers including:
 - a. French Minister of Interior affairs, G. Darmanin;
 - b. French Minister of Education, Michel Blanquer.

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

1. Islamophobia is a systematic problem occurring in France. In France, systematic and consequent violence and aggression is identified where a negative or discriminatory act was perpetrated against Muslims or an entity that was associated with Islam. The Collective urges attention to the situation in France. Where the French government exploits the murder of professor Samuel Paty for racist and Islamophobic purposes.
2. The Collective defines Islamophobia as hatred and racism against Muslims. It includes hate crimes and discrimination against an individual or an institution, because of their real or perceived belonging to Islam. Islamophobia is characterised as a process of racialisation i.e. the social construction of a supposedly homogenous group defined by a set number of characteristics, including perceived origins, religion, beliefs, accent, skin colour, etc. Sociologically, Islamophobia can be defined as the construction of "*dealing with the Muslim problem*".
3. The French values of Liberty, Equality, Fraternity and Secularism were originally meant to stop oppression from the elite and the State. Under these values, everyone – also the Muslim community- is guaranteed the freedoms and the rights protected by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Instead, the French government deliberately and systematically undermines and violates fundamental civil liberties and human rights, targeting and violating the rights of even the most vulnerable amongst us, children.
4. Noteworthy is the fact that under France's strict principles of secularism - *laïcité* - the government is separated by law from religious institutions. The idea is that people of different religions and beliefs are equal before the law. In practice and reality, this leads to the oppression of Muslims and restrictions of basic human rights, resulting in discrimination and marginalisation that have contributed to poverty and social alienation.
5. Before the murder of Samuel Paty, already in September 2020, Macron announced a plan "*against separatism*" in Muslim communities, which in fact solely focused on consolidating the government's political, ideological, theological and financial control of Muslims. The plan included the introduction of wide-ranging powers that would enable the government to police and control Muslim religious and civil society.
6. 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*", providing a list of "*signals*" to identify them. Considering the below mentioned signs as not merely as indicators of religiosity but as a sign of potential serious risk:¹

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

7. On February 18th 2020, Macron announced his plan "against separatism", which solely focuses on political, ideological, theological and financial control of Muslim communities. This was rejected outright by grassroots organisations and local communities. However, Macron secured the support of the traditional CFCM (the "Muslim Council" created by Sarkozy), by threatening to replace them if they do not comply.² 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 organization of the Hajj pilgrimage will provide necessary funding. We've done some very major work with Saudi Arabia to regulate it..."³

- 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 interferences and the coercion of signing a Charter limiting Muslims in their freedom of religion);
- indirect limiting Islamic education by ending home-schooling and reinforcing controls on private schools. The Minister of Education, Michel Blanquer said:

1

<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-bonne-voix-meme-lui-repond-un-depute-3924324>.

2

<https://www.elysee.fr/emmanuel-macron/2020/02/18/protoger-les-libertes-en-luttant-contre-le-separatisme-islamique-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>.

³ Idem footnote 5.

"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;

- the criminalisation of organisations that combat Islamophobia.
8. On the 2nd October Macron, in yet another speech on his “plan against separatism”, focused again on Islam and Muslims.⁴ 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.⁵ Macron mentioned in his speech that, since 2017, he closed 212 Muslim owned cafes; 15 mosques; 4 schools and 13 cultural associations. He highlighted the presence of *"problematic practices"* in companies, such as *"women wearing hijab while in contact with the public"*, he announced the dissolution of organisations and charities, a ban on home-schooling, in context and practice directed at Muslim children and an end to teaching languages of origin.⁶
9. On the 14th October, Idriss Sihamedi, chairman and founder of charity organisation Barakacity,⁷ was raided by elite troops. Pictures emerge revealing he was a victim of excessive police brutality, witnessed by his wife and minor children.⁸
10. On the 16th October, history teacher Samuel Paty was killed by an 18-year-old Muslim refugee of Chechen origin after showing pupils a cartoon of the Prophet Muhammad (peace be upon him) in a lesson on freedom of speech. French police arrested nine people over the beheading of Samuel Paty near his school in a Paris suburb, in what President Emmanuel Macron labelled an *"Islamist terror attack"*.⁹ Ever since, the

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

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

⁶

<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>.

⁷ see paragraph 18 of this Complaint.

⁸ <https://www.aa.com.tr/en/europe/french-police-arrest-muslim-ngo-head-in-raid/2006384>.

⁹ <https://www.middleeasteye.net/news/france-teacher-beheading-nine-arrested-over>.

government has exploited the incident and intensified its hostility and Islamophobic attacks on the Muslim community.

11. In the wake of the killing, Macron and his ministers vowed to take harsh preventive action, directing their repercussions towards the common Muslim, not the terrorist. Macron vowed that "*fear will change sides*", an ominous and threatening oath that - much like his speech on separatism earlier - presages increased scrutiny of Muslims in general, not terrorists in particular.¹⁰
12. On the 18th October, two Muslim women were repeatedly stabbed near the Eiffel Tower, being called dirty Arabs by two white assailants.¹¹ The attack took place amid heightened tension, where the hostile milieu was created by the French government, fuelling Islamophobia and Muslim-hatred.
13. On 19th 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.*"¹² The government continues to illegitimately and excessively raid Muslim homes and organisations (51 raids already conducted), which have had nothing to do with the killing of Samuel Paty, all of this to "*send a message.*"¹³
14. In one of these raids in Meaux, the government raided a house when the parents (the father is an imam) were at work, eventually conducting the search in their absence and interrogating their 10-year-old son, who was home alone.¹⁴

¹⁰ <https://www.bbc.com/news/world-europe-54602171>.

¹¹

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

¹²

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

¹³

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

¹⁴

<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>.

15. Already on the 3rd October, the government raided a Mosque where children were learning Arabic, counting children one by one and classifying them according to whether or not they had a headscarf.¹⁵
16. 51 charities are currently being investigated with a view to dissolving them, while 73 schools, madrassas and Muslim owned businesses were shut down in 2020.¹⁶
17. The Collective urgently calls upon the Council to look into these serious human rights violations, starting with examining the Minister's statement and the intention of these attacks. In order to "*send a message*" the French government acted in a destructive, disproportionate manner, even making children victims of its reckless intrusions.¹⁷
18. On the 20th Oct, the same Minister formally started the procedure to dissolve Barakacity and announced the same intention for Collective Against Islamophobia in France (CCIF).¹⁸ The two organisations were publically designated as "the enemy of the Republic".

CCIF (Collectif contre l'islamophobie en France) is a human rights NGO, based in France, that focuses on tackling the rise of Islamophobia/Muslim hatred in France. It is a key NGO within the OSCE and has a special consultative status with the UN. CCIF is widely respected by all partners across Europe and passively helps thousands of victims of Islamophobic incidents (3000 calls / 800 cases in 2019). They provide annual reports on Islamophobia, organise informative events and provide legal and psychological support to victims. They have successfully held the French government accountable for many Islamophobic attitudes towards its citizens via legal procedures, stopping draconian laws like the "burkini ban" and disproportionate heavy-handed police activities and raids.

BarakaCity is an international Muslim NGO, based in France, that existed from 2008 to 2020. Founded by Idriss Sihamedi, the association comes to the aid of poor Muslim populations in several countries around the world. They specialise in food

¹⁵ <https://francais.rt.com/france/79399-humiliante-elus-lfi-indignent-contre-operation-police-mosquee>.

¹⁶ <https://twitter.com/GDarmanin/status/1316011737385066498?s=19>.

¹⁷

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

¹⁸ <https://twitter.com/GDarmanin/status/1318090336384782336?s=19>.

emergencies, health crises, medical emergencies, water-related problems (construction of wells, sanitation, repairs, etc.), the care of refugees, reconstruction and rehabilitation of buildings and infrastructure (hospitals, schools, etc.), the implementation of sustainable projects (agriculture, livestock, industries, etc.). It also intervenes in the political field, by launching awareness campaigns on the situation of Muslim populations in certain countries. Since the start of October 2020, Barakacity has come under increasing pressure from the Government:

- its offices were raided by elite security forces;
- the chairman and founder of the Charity (Idriss Sihamedi) was arrested and detained on two occasions;
- publicly declared “enemy of the Republic” by the Interior Minister, criminalising the organisation without due process;
- banking facilities including Stripe and other accounts were frozen without warning;
- official notice of dissolution issued (which Barakacity is challenging).

19. On 26th October, CCIF announced that they no longer feel safe in France due to the public demonization by the government. CCIF decided to protect its activities and fled from unjust persecution by France, moving its office outside of France.

20. The government called for the dissolution of these two organisations and the Minister of Interior, on 27th October, confirmed they are targeting CCIF, for “*being an Islamist organisation*” and an “enemy of the Republic.”¹⁹ Since the French government labelled CCIF as “*an enemy of the Republic*” CCIF members received more than 12 000 insults and death threats on social networks, within 7 days.

21. On the 17th November, Macron proceeded his witch-hunt by giving the French Council of Muslim Worship (CFCM) an ultimatum to agree to a “*Charter of Republican Values*” that include the curtailing political expressions of Muslims and state approval of Imams.²⁰

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

Emmanuel Macron during a video conference on 17 November 2020.²¹

¹⁹

https://www.lemonde.fr/societe/article/2020/10/27/darmamin-le-ccif-une-officine-islamiste-qui-uvre-contre-la-republique_6057466_3224.html.

²⁰ <https://www.middleeasteye.net/news/france-macron-islam-ccfm-imam-training-charter>.

²¹ <https://www.middleeasteye.net/news/france-macron-ultimatum-muslims-denounced-cair-civil-rights-group>.

Macron intervenes in the freedom of religion by ordering - under pressure and threats - how Muslims should interpret and practice their religion.

22. The United Nations is founded on 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 the freedoms of Muslims, 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 in terms of discriminatory laws, discrimination, prejudices and unequal treatment resulting in exclusion from civil, political and social rights, and affecting other basic human rights.
23. Article 18 of the Universal Declaration of Human Rights (UDHR), article 18 of the International Covenant on Civil and Political Rights (ICCPR) and article 1 the General Assembly Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, protect and guarantee freedom of thought, conscience and religion. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.
24. Limitations to this freedom therefore can only be imposed 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.

*"Article 18.2 bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert. Policies or practices having the same intention or effect, such as, for example, those restricting access to education, medical care, employment or the rights guaranteed by article 25 and other provisions of the Covenant, are similarly inconsistent with article 18.2. The same protection is enjoyed by holders of all beliefs of a non-religious nature."*²²

²² United Nations Human Rights Committee, General Comment 22, Para . 5.

25. Looking into the, unfortunately scarce, jurisprudence on Islamophobia (unfortunate because of the many reported Islamophobic incidents), one should conclude that religion must be defined broadly including 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 and punish the free exercise of religion and has announced further limitations in the draft law on “*separatism*”, especially among Muslims. France has banned students, teachers, and public servants from wearing visible signs of their religion, including hijabs. France violates the UDHR, ICCPR and other International and European laws by oppressing external expression of religion and discriminating Muslims who practice their religion in public.

“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.”²³

26. The French government has openly supported and advocated the publication of demeaning and insulting cartoons depicting Prophet Muhammad (peace be upon him). This is an infringement of the dignity of all Muslims. 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.*”²⁴

²³ United Nations Human Rights Committee General Comment 22, Para . 4.

²⁴ idem

27. Articles 7 UDHR, 26 and 27 ICCPR and 3 and 4 of the *General Assembly Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, protect and guarantee freedom of thought, conscience and religion, strictly prohibit discrimination, All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, *“the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as [...] religion [...].”* *“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”*

28. France must make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination and to take all appropriate measures to combat intolerance on the grounds of religion in this matter.

The Commission on Human Rights 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.”

29. As is known *“in examining whether restrictions on the rights and freedoms guaranteed by the European Convention on Human Rights can be considered “necessary in a democratic society”, the European Court of Human Rights has frequently held that the Contracting States enjoy a certain margin of appreciation The absence of a uniform European conception of the requirements of the protection of the rights of others in relation to attacks on their religious convictions broadens the Contracting States’ margin*

*of appreciation when regulating freedom of expression in relation to matters liable to offend personal convictions within the sphere of morals or religion (see OttoPreminger-Institut, § 50; Wingrove, § 58, Í.A., § 25; Giniewski, § 44; and Aydın Tatlav, § 24, (...)). 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 coexistence 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 2005XI, and S.A.S. v. France [GC], no. [43835/11](#), § 123-28, ECHR 2014 (extracts)).*²⁵

30. However, the interferences must correspond to a “*pressing social need*” and *must be “proportionate to the legitimate aim pursued.”*²⁶

31. Without reasonable doubt, Macrons’ decisions have not been taken by acceptable assessment of the relevant facts. The interferences do not correspond to a pressing social need and are disproportionate to the legitimate aim pursued.

32. France reacted and continues to react out of proportion, unreasonably applying the exceptions to legitimate restriction of the fundamental freedoms and protections in order to protect national security, public order, public health and to protect the rights of others. According to the settled case-law of the European Court of Justice and the European Court of Human Rights, the principle of proportionality however requires that measures adopted by the French government do not exceed the limits of what is appropriate and necessary in order to attain the legitimate objectives pursued by the legislation in question, since the disadvantages caused by the legislation must not be disproportionate to the aims pursued,²⁷ and, where there is a choice between several appropriate measures, recourse must be had to the least onerous.²⁸

33. The above-mentioned restrictions and limitations of freedoms and protections – including infringing children’s rights – are not limitations recognised by EU or International laws

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

²⁶ idem

²⁷ 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).

²⁸ 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).

and are not proportionate to the objectives claimed to be pursued. The restrictions go beyond what is strictly necessary in order to attain the objectives, undermining the fundamental human rights of Muslims in France.

34. As emphasized on by the United Nations Commission on Human Right Resolution 2005/04:

"Also emphasizes that equating any religion with terrorism should be avoided as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned..."

35. Macron's hostile disproportionate repercussions are not based on empirical evidence. On the contrary, religion and ideology are not primary motivators for violent extremism, radicalisation is a social issue. International studies show that radicalisation follows a sense of isolation and exclusion from society.²⁹ As academic specialised in counter-terrorism Anne Azza Aly 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."

36. Macron failed to act in a reasonable manner to avoid harm or damage by adhering to the principles of evidence based policymaking. To him information and academic research is available to make it possible to respond in a reasonable, appropriate and effective manner, meeting his human rights obligations and ensuring effective results.

37. In deciding on the measures, Macron failed to comply with the application of the principle of proportionality between the measures taken and the chosen level of intervention, failing to comply with the non-discrimination obligation. Instead, the measures alienate and isolate the Muslim community, creating a hostile environment in which the common Muslim citizen fears their government for Muslim-hatred-based human rights violations. France must develop, reinforce and evaluate its policies aimed at delivering equality and

²⁹ 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>

non-discrimination for all, including the Muslim citizens. France must fight against Islamophobia and intolerance instead of causing it.

38. 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."*
39. There is no justification according to international laws to the restrictions on rights of freedom of religion or belief, freedom of association, protection of minorities (article 27 ICCPR, article 1 and 2 General Assembly Declaration 47/135) and children, and a guarantee of freedom from discrimination.
40. The Collective calls upon the Council to take the necessary measures against the governmental discriminatory anti-Islamic actions, acts of violence and aggression, and the changes of attitude towards Muslims. The Collective calls upon the Council to take action within its powers and follow up the multiple reports and signals on the Islamophobic policy, legislation of and execution by the French government.
41. Unfortunately, no UN organ took any (effective) action to enforce the application of UN human rights laws in France.
42. The Collective calls upon the Council to ensure the enforcement of the UDHR, ICCPR and every Directive, Regulation, Resolution 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.
43. The Collective calls upon the Council to follow up this complaint and open a formal infringement procedure to ensure the fundamental civil and political rights are enforced.

Further context and timeline

44. **1989:** Stigmatisation of the Muslim community in France was already clearly visible in 1989, with the Creil affair, where the wearing of a headscarf at school became a problem. It is presented as a sign of inferiority, a denial of equality between men and women, and a hindrance to the emancipation of women. This was the first hijab controversy of a national scale, creating a debate on all issues related to Islam, Muslims and immigration. Slowly, there has been a shift towards a new conception of secularism (laïcité), which would no longer be inclusive. The duty of neutrality is no longer limited to

schools and civil servants, but also imposed on pupils and, progressively, on their families.³⁰

45. **2001:** After the 9/11 attacks, there was a major backlash that affected and targeted Muslim communities. This introduced new framing for the construction of a “Muslim problem”, through security, terrorism and radicalisation.³¹

46. **2004:** Hijab Ban: The law of 15 March 2004 comes in a post-9/11 context where Muslims are increasingly associated with terrorism. The law prohibits pupils from wearing any “ostentatious” religious signs in primary and secondary schools. In reality, it clearly targets Muslim girls. France has been condemned by the UN in 2012 for this, but the law remains and is sometimes used outside schools (gyms, restaurants, etc.) as a false pretext to ban Muslim women wearing a headscarf.³²

47. **2010:** The “Burka Ban”, Facial Concealment Act of 2010: it forbids the wearing of a niqab in the public space.³³

48. **2012:** Luc Chatel's ministerial circular: extending religious neutrality to accompanying Muslim veiled mothers during school outings. This means in practice, that mothers cannot enter school to bring and pick up their children from school.³⁴

49. **2015:** Several violent attacks by Muslim militants: highest peak of Islamophobia recorded by the CCIF.³⁵ Muslims become the public enemy. A state of emergency is enacted. Psychological and physical violence in the form of 4500 raids (entry door almost systematically destroyed), house arrests and closure of places of worship. Ministry of Interior's report on the definition of a “radicalised” person becomes very problematic:

³⁰ Tolan, John: A French Paradox? Islam and Laïcité, Georgetown Journal of International Affairs, vol. 18, no. 2, 2017.

³¹ Reports on Islamophobia in the EU (after 11 September 2001) available on fra.europa.eu.

³² <https://web.archive.org/web/20130107101114/http://unitedsikhs.org/rtt/doc/BikramjitSinghDecision.pdf>

³³ <https://news.un.org/en/story/2018/10/1023872>

³⁴ https://www.education.gouv.fr/circulaire-preparation-rentree-2012?cid_bo=59726

³⁵ https://www.islamophobiaeurope.com/reports/2015/en/EIR_2015_FRANCE.pdf

every practicing Muslim may potentially be considered a “radicalised” person (growing beard, attending congregational prayer, eating halal, etc).³⁶

50. **2016:** Burkini bans: CCIF and the human rights league challenge (and win) the bans in 30 different cities.³⁷

51. **2017:** SILT “anti-terror” law reinforcing homeland security and the fight against “radicalisation”. This fuels Islamophobia since the main targets are Muslim families, individuals and community centres. Islamophobia is slowly Institutionalised. There are endless public debates on burkini bans, headscarf controversies etc.³⁸

52. **2019:** Several legislative debates aim at prohibiting the wearing of long skirts and dresses at Universities.³⁹ A bill is proposed by conservatives to prohibit Muslim veiled mother from accompanying children during school outings.

IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies– please provide details on the procedures which have been pursued, including recourse to the courts

³⁶ Esteves, Olivier: Islamophobia in France - National Report 2015, in: Bayarakli, Enes/Hafez, Faid (Eds): European Islamophobia Report, SETA, Istanbul 2016 (p. 157-177).

³⁷ For more context visit: <https://www.nytimes.com/2016/08/25/world/europe/france-burkini.html>
<https://www.bbc.com/news/world-europe-37198479>

³⁸ https://www.ohchr.org/Documents/Issues/Terrorism/OL_FRA22.09.17_FR.pdf

³⁹

<https://www.theguardian.com/world/2015/apr/28/french-muslim-student-banned-from-school-for-wearing-long-skirt>;

<https://www.theguardian.com/world/2019/sep/25/french-education-minister-reignites-row-over-muslim-headscarf>;

<https://www.theguardian.com/world/2019/oct/16/french-government-resists-calls-to-ban-headscarfs-on-school-trips>

and other public authorities as well as national human rights institutions⁴⁰, the claims made, at which times, and what the outcome was:

.....

2- If domestic remedies have not been exhausted on grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

.....

Adequate domestic remedies are those which are suitable to address an infringement of a legal right. According to the European Court of Human Rights:

“[To meet the exhaustion requirement] normal recourse should be had by an applicant to remedies which are available and sufficient to afford redress in respect of the breaches alleged. The existence of the remedies in question must be sufficiently certain not only in theory but in practice, failing which they will lack the requisite accessibility and effectiveness.”⁴¹

“The Court emphasises that its approach to the application of the rule must make due allowance for the fact that it is being applied in the context of machinery for the protection of human rights... Accordingly, it has recognised that [the rule] must be applied with some degree of flexibility and without excessive formalism...[T]he rule of exhaustion is neither absolute nor capable of being applied automatically; in reviewing whether it has been observed it is essential to have regard to the particular circumstances of each individual case. This means amongst other things that it must take realistic account not only of the existence of formal remedies in the legal system of the Contracting Party concerned but also of the general legal and political context in which they operate, as well as the personal circumstances of the applicant...”⁴²

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 meaning established by European case law. The exhaustion of national remedies will not bring effective relief. Also, because of the nature of the complaint, which is broad and based on

⁴⁰ National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

⁴¹ European Court of Human Rights, *Akdivar et al v. Turkey*, Judgment of 16 September 1996, Reports of Judgments and Decisions 1996 IV, p.1210, para. 66.

⁴² *Aksoy v. Turkey*, Judgment of 18 December 1996, Reports of Judgments and Decisions 1996 IV, p. 2275, para. 53.

the widespread failure to implement EU legislation and in particular human rights, national remedies are not effective and adequate.

Noteworthy to mention is that the parties –CCIF and BarakaCity-, individually are in a legal process of exhausting national remedies before the Conseil d'Etat in their individual complaints.

V. Submission of communication to other human rights bodies

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights?

No

VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations.

Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality (*Please tick as appropriate*): No

Please indicate which information you would like to be kept confidential

Date: SEE LAST PAGE

Signature: SEE LAST PAGE

N.B. The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.

VII. Checklist of supporting documents

See footnotes.

VIII. Where to send your communications?

Office of the United Nations High Commissioner for Human Rights

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OHCHR- Palais Wilson
United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland
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E-mail: CP@ohchr.org
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