



General Assembly

Distr.: General
30 September 2021

English only

Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda item 9

**Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up and implementation
of the Durban Declaration and Programme of Action**

Written statement* submitted by Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2021]

* Issued as received, in the language(s) of submission only.



Weaponizing someone's faith against them in order to discriminate is unacceptable

July this year, the European Union's top court ruled that Muslim employees could be banned from wearing the hijab. The decision was made in a ruling on two cases brought by Muslim women in Germany, who were suspended from work for wearing the hijab. One of the women was a special needs carer at a childcare centre in Hamburg, while the other worked at the Mueller pharmacy chain.

The court stated that, "a prohibition on wearing any visible form of expression of political, philosophical or religious beliefs in the workplace may be justified by the employer's need to present a neutral image towards customers or to prevent social disputes."

But at the same time, the court also stated that, "justification must correspond to a genuine need on the part of the employer and, in reconciling the rights and interests at issue, the national courts may take into account the specific context of their member state and, in particular, more favourable national provisions on the protection of freedom of religion." This is an open contradiction by the court, but the ruling stands.

The ruling reignited the discussion over the hijab, an issue that has become controversial over the years. Those that are not in favour of the hijab see it as incompatible with western values, and also consider it to be a hindrance in integration. But there are, however, people that simply oppose it due to their own bigoted views.

But it is hypocritical of the west that prides itself on its freedoms, to infringe on the rights of Muslim women, in particular those that choose to wear the hijab. In an interview to the independent newspaper, anti-racism and women's rights campaigner, Shaista Aziz explained it best: Europe's obsession with Muslim women's clothing choices and specifically the hijab is entwined with Islamophobia, racism and misogyny."

"While Europe the continent grapples with Covid, rising levels of inequalities and social injustice – why is it that the hijab and Muslim women are the focus of politicians? These politicians are fuelling the far right and rampant anti-Muslim hate and Islamophobia."

There does indeed appear to be an obsession with what Muslim women choose to wear, when it does not wrong anyone. The problem with women choosing to wear the hijab is a dangerous combination of Islamophobia and misogyny, which clearly appears to be on the rise in Europe. And it is sad to see this happen in societies that openly speak of women empowerment, and yet behave in a way that will push Muslim women out of the public sphere, making them invisible and irrelevant.

Europe could potentially be going down a dangerous route where the infringement on freedom of religion will be somehow justified in the name of "neutrality." Wearing the hijab should be a personal choice and poses no harm to others. But the fact that it is fast becoming an eye sore for certain individuals, simply stems from inner prejudice and intolerance of anything or anyone that looks remotely different.

Being a woman in the workplace can be difficult at times, and most women have experienced issues for just being a woman. But for Muslim women, there is that extra burden of holding an identity that some unfortunately may have an issue with. They therefore become easy targets of Islamophobia, as opposed to men. Some of these women may be sole breadwinners for their families and may be in desperate need of a job. Having to make them choose between work and exercising their religious beliefs is outrageous.

On one hand the Muslim community is accused of failing to integrate, and on the other, working women from the Muslim community are being side-lined by bigoted politicians and absurd rulings that pander to people of a particular mindset.

Sadly, it has become fashionable to bash Muslim women and make them the subject of intense scrutiny and discrimination. Prime Minister of Great Britain and Northern Ireland, Boris Johnson, once referred to Muslim women wearing the burka as "bank robbers" and "letter boxes." His comments were not only distasteful and not befitting of a world leader, it also led to a rise in hate crimes.

But it is in France where tensions have heightened. Actions on the part of the state have been viewed by French Muslims as an on-going crackdown on their faith, fuelled by Islamophobia. France sees the religion as incompatible with its secular beliefs. And in its quest to uphold secularism, it is prepared to infringe on the rights of its Muslims citizens. France has always boasted of its civil liberties and freedoms. Sadly, it is being selective with those freedoms and civil liberties.

In May, French president Emmanuel Macron's party barred a Muslim candidate from running in a local election after she was photographed in a hijab in one of the campaign posters. It would not be an exaggeration to suggest that French Muslims have been a target of what appears to be a deliberate campaign by the state to erase their Muslim identity from civic life. The President is trying to woo voters from the far right, which explains much of what has been going on within France lately. But it is also important to keep in mind that the clash between France and the Islamic faith goes back a long way.

Freedoms that should be for all, in reality, are not freedoms for everyone, and are used selectively. If a Muslim woman cannot exercise her right of freedom of religion, then there is no point in keeping up with the facade of upholding human rights. Within western democracies, Europe in particular, if the fundamental rights of Muslim women, belonging to a minority group in society, are being undermined, it raises real questions about how "free" we actually are.

The United Nations has worked extensively towards tackling the issue of racial discrimination, and bigotry. The rise of Islamophobia should also be taken seriously and considered as a serious issue in our world today. Islamophobic mindset that is particularly developing within the west, has led to hate crimes and even exclusion from civic life. Discrimination and bigotry in all its forms have no place within civilised societies, and Islamophobia should not be seen as a lesser threat.

Over the years, the United Nations has held various conferences dedicated to all forms of discrimination faced by various groups of people around the world. A suggestion would be to open up a proper discussion on Islamophobia and its impact on the Muslim community. Prime Minister of Pakistan, Imran Khan has in recent times brought up the issue of Islamophobia while addressing the UN General Assembly. Prior to this, it has never really been acknowledged by a world leader or head of state. But this does not mean that it does not exist or does not affect people.

It may not be considered a priority for some, but if we look into how Muslims within the west are perceived, it is worrying. Freedom of religion is guaranteed by article 18 of the Universal Declaration of Human Rights. We cannot, as responsible and civilised people, allow anyone to be alienated on the basis of their religion. Believing in God or not, or which type of God is a personal choice. To weaponize someone's faith against them in order to discriminate is unacceptable and the United Nations, with its history of working towards a better world against discrimination and bigotry, needs to take a more proactive role in pushing for Islamophobia to be taken more seriously globally.
