

Combating anti-Muslim hatred in the EU

Discrimination against minorities is against EU values and principles. However, research shows that discrimination against Muslims is becoming more common, and that it is increasingly supported by some political parties. EU secondary legislation on the issue is limited, and even grounds and areas of discrimination that are already covered need more work to ensure comprehensive protection. Nonetheless, several key legislative proposals are not making any progress, much to the regret of the European Parliament.

Muslims in the European Union

Muslims represent the second largest religious group in the European Union after Christians. They are a relatively small minority though, which, according to a 2017 Pew Research Center [estimate](#), amounts to around 5 % of the population in Europe, [almost half](#) of which lives in two Member States: France and Germany. According to Pew Research [projections](#), this percentage is expected to increase to around 10 % by 2050.

Research has shown that Muslims in the EU suffer discrimination and harassment. The most common term for this is Islamophobia, a complex phenomenon, which is [considered](#) by many [scholars](#) a form of racism resulting from the social construction of a group as a race, which is attributed certain specificities and stereotypes. The consequence of this is that even those who do not practice Islam but who are perceived as Muslim may be subject to such discrimination.

According to a [2015 Eurobarometer survey](#), religion or belief and ethnic origin were each reported as the grounds for discrimination in the past year by 3 % of respondents, less than age (7 %) and gender (4 %). Muslims are the least accepted religious minority group; for example, 71 % of respondents would be at ease with working with a Muslim, compared to 87 % for atheists, 84 % for Jews and 81 % for Buddhists. There is also a wide variation among Member States; for example, only 27 % of respondents in the Czech Republic and 37 % in Slovakia would be at ease with a Muslim colleague.

Nearly one in three Muslim respondents to the Fundamental Rights Agency's [EU MIDIS II](#) 2017 survey stated that they had suffered discrimination when looking for a job, and one in four stated that harassment due to ethnic or immigrant background was common for them. Visible religious symbols resulted in one in three Muslim respondents experiencing discrimination, harassment or police stops. Only one in ten Muslim respondents had reported the most recent incident of harassment motivated by hatred to the police or another organisation or service, and only four in 100 of those who said they were discriminated against reported this to an equality body, human rights institution or ombudsman. Muslim women feel particularly discriminated against because of their clothing: 35 % of the women looking for work, compared with 4 % of men, mentioned clothing as a reason for discrimination. In addition, 39 % of all Muslim women who wear a headscarf or niqab had experienced inappropriate staring or offensive gestures in the 12 months before the survey, with more than 22 % experiencing insults or offensive comments, and 2 % physical attacks.

Discrimination is becoming more common: almost one in five reported that they were discriminated against when looking for work or at work, in access to housing or when in contact with school authorities as parents or guardians. The first [EU MIDIS](#) survey in 2008 reported that one in ten Muslims felt discriminated against on this basis. A 2018 [Human Rights Watch](#) report also notes the recent rise of populist extremist parties, whose anti-immigration and anti-Muslim agenda has been adopted by some mainstream political parties in many EU Member States.

EU legislative framework

Respect for human rights, including the rights of persons belonging to minorities, is one of the values on which the EU is founded (Article 2 of the Treaty on European Union). The Council is given the mandate to combat discrimination (Article 19 of the Treaty on the Functioning of the European Union, TFEU), including on the basis of race and religion (Article 10 TFEU).

The Charter of Fundamental Rights of the EU has the same legal value as the Treaties, and EU Member States must respect it when acting within the scope of EU law. Its Article 10 grants everyone freedom of thought, conscience and religion; Article 20 ensures equality before the law and Article 21 prohibits discrimination. Even when not acting within the scope of EU law, all Member States are obliged to respect the rights of minorities, because they have all signed and ratified the European Convention on Human Rights (ECHR).

The most relevant secondary EU legislation based on these principles is:

- [Employment Equality Directive](#) (2000/78/EC), combating direct and indirect discrimination on multiple grounds (religion or belief, disability, age, sexual orientation), as regards employment and occupation;
- [Racial Equality Directive](#) (2000/43/EC), combating direct and indirect discrimination on grounds of racial or ethnic origin in employment, education, social protection and access to public goods and services;
- [Council Framework Decision](#) (2008/913/JHA) on racism and xenophobia, which makes offences against persons based on race, colour, religion, descent, or national or ethnic origin punishable in criminal law;
- [Victims of Crime Directive](#) (2012/29/EU), establishing minimum standards on the rights, support and protection of victims of crime, including hate crime;
- [Audiovisual Media Services Directive](#) (2010/13/EU), banning incitement to hatred in audiovisual media services and the promotion of discrimination in advertising (a [new framework](#) amending this directive, with new rules for proscribing content inciting hatred, has recently been adopted).

The main current source of funding for combating Islamophobia and other forms of discrimination and intolerance is under the [EU Rights, Equality and Citizenship Programme](#). It is co-funding the [Counter-Islamophobia Kit](#) project, which reviews anti-Muslim narratives and the use and efficacy of counter-narratives to Islamophobia in eight EU Member States, and produces best practice guidelines. The [Europe for Citizens Programme](#) supports initiatives that raise awareness on the common values of the EU.

The EU has a [Coordinator on combating anti-Muslim hatred](#) (Tommaso Chiamparino since 1 July 2018), whose mandate is to address anti-Muslim hate speech, hate crime and discrimination. Many civil society stakeholders in the field have [welcomed](#) the creation of this post, but have also urged the Commission to give the coordinator a clear human-rights-based mandate and meaningful resources.

The [EU High-Level Group on combating racism, xenophobia and other forms of intolerance](#) fosters the exchange and dissemination of best practices between national authorities, and concrete discussions on how to prevent and combat hate crime and hate speech, as well as how to tackle specificities of particular forms of intolerance. Founded in June 2016, it has already given guidance on, inter alia, improving the recording of hate crime, ensuring support for victims of hate crime and countering hate speech online.

Further advances needed

The 2018 EPRS [Cost of Non-Europe Report on equality and the fight against racism and xenophobia](#) argues that there are still significant gaps and barriers to equal treatment and adequate prevention, prosecution of and compensation for hate crimes in the EU. Protection on the grounds of religion and belief is poorly developed beyond employment. Lack of a 'reasonable accommodation' requirement in employment is also seen as problematic. Several Member States have incorrectly transposed and implemented the Framework Decision on racism and xenophobia; moreover, that Decision insufficiently tackles online hate speech.

The EU has been working since 2008 to introduce the horizontal anti-discrimination directive, which would cover the remaining gaps left in secondary legislation, including discrimination based on religion or belief. However, the [procedure](#) is currently blocked in the Council. Another [blocked proposal](#) is on the EU's accession to the ECHR, which would also [improve](#) protection, especially of religious minorities.

The **European Parliament** has adopted several resolutions that urge more action on combating hate crime, hate speech, discrimination and xenophobia. For example, its resolution on [fundamental rights in the EU in 2016](#) condemns the normalisation of hate speech, and stresses the need for people of various religious backgrounds to be integrated into European society. It insists on the importance of pursuing equality policies and calls for a recast of the Framework Decision. In 2018, a resolution condemned the rise of [neo-fascist violence](#) in Europe, while another resolution called on Member States to consistently uphold the [rights of minorities](#) and periodically assess whether their rights are respected. It also called for a revision of the existing discrimination directives and the continuation of work on the 2008 proposal on the horizontal anti-discrimination directive.

