Counter-Islamophobia Kit

Islamophobia in European Human Rights Law

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Countering Islamophobia through the Development of Best Practice in the use of Counter-Narratives in EU Member States.

CIK Project (Counter Islamophobia Kit)

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About the CIK Project

The *Countering Islamophobia through the Development of Best Practice in the use of Counter Narratives in EU Member States* (Counter Islamophobia Kit, CIK) project addresses the need for a deeper understanding and awareness of the range and operation of counter-narratives to anti-Muslim hatred across the EU, and the extent to which these counter-narratives impact and engage with those hostile narratives. It is led by Professor Ian Law and a research team based at the Centre for Ethnicity and Racism Studies, School of Sociology and Social Policy, University of Leeds, UK. This international project also includes research teams from the Islamic Human Rights Commission, based in London, and universities in Leeds, Athens, Liège, Budapest, Prague and Lisbon/Coimbra. This project runs from January 2017 - December 2018.

About the Paper

This paper is an output from the first workstream of the project which was concerned to describe and explain the discursive contents and forms that Muslim hatred takes in the eight states considered in the framework of this project: Belgium, Czech Republic, France, Germany, Greece, Hungary, Portugal and United Kingdom. This output comprises eight papers on conditions in individual member states and a comparative overview paper containing Key Messages. In addition this phase also includes assessment of various legal and policy interventions through which the European human rights law apparatus has attempted to conceptually analyse and legally address the multi-faceted phenomenon of Islamophobia. The second workstream examines the operation of identified counter-narratives in a selected range of discursive environments and their impact and influence on public opinion and specific audiences including media and local decision-makers. The third workstream will be producing a transferable EU toolkit of best practice in the use of counternarratives to anti-Muslim hatred. Finally, the key messages, findings and toolkits will be disseminated to policy makers, professionals and practitioners both across the EU and to member/regional audiences using a range of mediums and activities.

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1. Introduction

This Report discusses various legal and policy interventions through which the European human rights law apparatus has attempted to conceptually analyse and legally address the multi-faceted phenomenon of Islamophobia. Islamophobia has proved challenging for European human rights law, whose current responses oscillate between framing it as a problem of disproportionate restrictions on Muslims' right to manifest their religion and framing it as a problem of religious and intersectional discrimination, without, however, a particular doctrinal or normative direction showing how those distinct forms of legal action connect both with themselves and with the underlying concept of Islamophobia. There is consensus that Muslims often experience various forms of discrimination and social exclusion, in the workplace, education and housing, whereas they also suffer from prejudice and negative stereotypes. It is difficult – and incompatible with the existing European legal framework – to attribute those instances of discrimination exclusively to religion, as Muslims are discriminated on multiple bases, including religion, race, language, gender and ethnic origin. Moreover, discrimination against Muslims can be attributed not only to Islamophobia, but also to racism, sexism and xenophobia, which are mutually reinforcing and in many cases take place in a general social environment of hostility towards migrants and ethno-cultural minorities. Nevertheless, the current lack of clarity in European human rights law about which legal measures, including positive measures, can effectively counter Islamophobia, combined with some other shortcomings discussed below, can arguably hinder the potential of human rights law as a source of effective counter-narratives of Islamophobia.

This Report highlights three distinct challenges in the current European legal framework. Firstly, a notable problem is that the European Court of Human Rights (hereinafter ECtHR) does not engage directly with Islamophobia, which is expressly referred to in only three cases to date (see Appendix). This lack of direct engagement is problematic both because it could prevent mobilisation against this form of injustice (Sayyid, 2014: 14) and because it weakens judicial scrutiny by limiting the scope of the contextual analysis that courts have to undertake in cases involving limitations on anti-discrimination and human rights principles.

Secondly, there is limited engagement of European human rights law with the best legal practices to counter Islamophobia in individual EU Member States. As a result, the forms that both judicial intervention and legal measures, including positive measures, could take in order to effectively counter Islamophobia remain unclear. A connected point, specifically on a judicial level, is that the lack of direct engagement with the concept of Islamophobia is complemented by the tendency of the ECtHR to show deference in cases involving issues where there is no established consensus between the members of the Council of Europe. Allowing wide margin of appreciation in cases involving, for instance, state prohibitions on the wearing of headscarves or full-face veils in public exacerbates the problem of existing and strong hierarchies that forge Islamophobia and social exclusion of Muslim communities. This lack of effective legal response to the various deployments of Islamophobia can

have a particularly negative impact on the possibility of strategic litigation on a European level as well.

Finally, it is notable that legal research on Islamophobia is surprisingly limited. The existing European legal scholarship analyses Islamophobia almost exclusively in relation to three distinct considerations: antiterrorism laws; blasphemous and/or religiously offensive expression; and the wearing of religious symbols (primarily headscarves and full-face veils) in public. All these are potentially useful proxies for the legal analysis of the concept of Islamophobia. However, combined with the 'disconnect' between law and sociological data on Muslim communities, the existing focus of the legal scholarship provides a limited understanding of Muslim identity. Islamophobia is used restrictively in ways that hinders the ability of Muslims to 'elaborate their sense' of what it means to be a Muslim in different countries, contexts and age groups (Hamid, 2016: 11; Sayyid, 2014: 14; *mutatis mutandis* Klug, 2013). Moreover, the three prime lenses of antiterrorism, blasphemy and religious symbols provide limited opportunities of legal engagement with the potential 'racialisation' processes surrounding and shaping Islamophobia (Meer and Modood, 2011). In addition, they provide a restrictive understanding of the range of valuable opportunities that everyone should be able to access and enjoy without being subject to wrongful religious and intersectional discrimination.

There are notable exceptions to the analytical limitations of the European legal scholarship and the 'disconnect' between European human rights law and Islamophobia; those exceptions come mainly from the work of the Council of Europe and NGOs. Through a significant number of non-binding Resolutions and Recommendations, the Parliamentary Assembly of the Council of Europe (hereinafter PACE) has attempted – to a large extent, successfully – to spell out, analyse and, importantly, amalgamate different cultural, historical and socioeconomic elements that constitute Islamophobia. There is a striking contrast between the nuance and complexity of those soft-law instruments and the case law of the ECtHR, where there is almost complete lack of references to Islamophobia and no distinctive legal response to the phenomenon. The slow pace of cross-fertilisation between the two could be explained through the mainly policy-oriented language of the Council of Europe and the ensuing limited guidance for the interpretation of the ECHR. Accelerating cross-fertilisation between the two, along with other specific suggestions that the last section of this Report will discuss in greater detail, could improve the potential of European human rights law as a source of effective counter-narratives of Islamophobia.

2. Islamophobia in European Human Rights Law

EU Directives

According to the European Monitoring Centre on Racism and Xenophobia (EUMC), Muslims experience higher unemployment rates (EUMC, 2006: 11), poorer housing conditions and increased homelessness (EUMC, 2006: 13). Moreover, Muslims are shown to experience discrimination through 'negative stereotyping' and acts of hatred 'from verbal threats through to physical attacks on people and property'. Given that, according to the EUMC, Islamophobia is a multi-dimensional problem involving disproportionate limitations on freedom of religion, discrimination and social exclusion, it is crucial that EU Member States fully implement the relevant EU Law Directives (EUMC, 2006: 109).

The two main discrimination law instruments in EU law deal with the phenomenon of Islamophobia in indirect ways. The Directive 2000/43/EC implements the principle of equal treatment between persons irrespective of racial or ethnic origin in employment, education, social security and protection, healthcare, and access to goods and services. As its focus is on discrimination on grounds of racial or ethnic origin, the Directive 2000/43/EC applies to religious discrimination, albeit only in an indirect way, i.e. in cases of 'multiple' (see *mutatis mutandis* para. 15 of the Preamble) or intersectional discrimination involving, for instance, religion, gender and ethnic origin. This is potentially useful, as it is arguable that many cases of Islamophobia could be framed as cases of intersectional discrimination involving race or ethnic origin *and* religion. However, it is noteworthy that there are no cases before the European courts, including the CJEU, following this path to date.

The second relevant EU law Directive is the Employment Equality Directive 2000/78/EC, which establishes a general framework for equal treatment in employment and occupation. The Employment Equality Directive aims to guarantee an equal playing field regardless of religion or belief, albeit only in employment and occupation. As with the Directive 2000/43/EC, its engagement with Islamophobia is also indirect. The Employment Equality Directive includes 'religion' and 'belief' among the prohibited grounds of direct discrimination, indirect discrimination and harassment. Thus, given that Islamophobia often motivates, and finds expression in, various forms of religious and intersectional discrimination in the workplace, the full implementation of the Employment Equality Directive by EU Member States is crucial. On a conceptual level, what is also useful is that the Employment Equality Directive highlights that equal access to employment is one of the key aspects of effective social integration (in para. 11). Finally, it is noteworthy that the Employment Equality Directive places significant emphasis on the importance of social dialogue to foster equal treatment, including through monitoring, exchange of good practices and dialogue with NGOs (arts. 13 and 14).

Another Directive which is relevant to Islamophobia is the Television Broadcasting Directive 1989/552/EEC, which bans incitement to hatred on grounds of racism and religion in EU television

programmes (art 22). More specifically, it provides that television advertising should not 'be offensive to religious or political beliefs' (art 12). Given that Islamophobia is closely linked to the dissemination of inaccurate or negative representations of Muslim groups and individuals in television programmes and advertising, the Television Broadcasting Directive could be helpful for policy makers. The same concern with incitement to hatred is reflected in the EU Council Framework Decision 2008/913/JHA on combating racism and xenophobia by means of criminal law. This Framework Decision by the Council of the EU is relevant to Islamophobia as it examines religion as a part of hate speech and discrimination. It includes a legal duty on EU Member States to criminally penalise public incitement to racist violence or hatred, and to consider racist or xenophobic motivation as an aggravating factor (art 4). This includes groups defined by religion and therefore the Framework Decision applies to hate speech and discrimination against Muslims.

The Council of Europe

The Council of Europe, both through the work of its Parliamentary Assembly (PACE) and through the work of the European Commission Against Racism and Intolerance (ECRI), has directly addressed Islamophobia and religious discrimination through a significant number of non-binding Resolutions and Recommendations. Their common characteristic is a holistic and mixed approach to framing Islamophobia, which is described predominantly as a multi-faceted problem of arbitrary limitations on religious freedom, unlawful (religious and intersectional) discrimination and social exclusion of Muslim groups and individuals.

The first Recommendation directly addressing Islamophobia is the ECRI General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims (ECRI General Policy Recommendation No. 5, 2000). It was adopted in 2000 and represents one of the first attempts of the Council of Europe to engage directly with inaccurate portrayals of Islam. According to the Recommendation No. 5, Islamophobia can manifest itself in different guises, which often include violence and harassment. States are required to respond through promoting social integration and solidarity between individuals and groups from different cultural and religious backgrounds. More specific positive duties on the Member States of the Council of Europe include equal protection of the right to freedom of religion – and most notably religious manifestation through worship and other forms of religious practice, which must be equally protected regardless of religion. It is noteworthy that the Recommendation No. 5 stresses that Islamophobia is a *multi-faceted* problem manifested through unlawful restrictions on the right of Muslims to manifest their religion in public, religious discrimination and social exclusion. Due to its multi-faceted form, state responses to Islamophobia require interventions both on the realm of general policy and on the role of core institutions, including employment, education and the media. It is important to ensure that those core structures encourage diversity and do not perpetuate prejudice against Muslims. Finally, it is noteworthy that the Recommendation No. 5 specifically recognises the intersectionality of

discrimination against for Muslim women, who are often affected from both gender discrimination and Islamophobia.

ECRI's description of Islamophobia as a multifaceted problem of restricted religious freedom, religious (and intersectional) discrimination and social exclusion has proved very influential on the formulation and scope of a significant number of relevant Resolutions and Recommendations issued by the Parliamentary Assembly of the Council of Europe (hereinafter PACE). In the 2008 Resolution 1605 on European Muslim communities and extremism (PACE Resolution 1605, 2008), PACE warns Member States against any confusion between Islam as faith and Islamic fundamentalism as an ideology (PACE Resolution 1605, 2008: para. 2). Islamophobia is described again as a problem both of religious discrimination *and* of social exclusion of Muslims, which can be addressed through positive measures such as fair access to education and housing, encouraging religious practice (e.g. through access to appropriate places of worship) and ensuring non-discrimination in schools (e.g. providing textbooks which do not portray Islam in a negative way) (PACE Resolution 1605, 2008: para. 6). Furthermore, although the Resolution 1605 criticises a series of Resolutions by the UN Human Rights Committee against 'defamation of religions' as incompatible with freedom of expression, it stresses that political leaders should not stir up fear and hatred of Muslims and Islam. In a similar vein, the more specialised Recommendation 1831 to the Council of Ministers that followed Resolution 1605 emphasises the importance of intercultural dialogue as a way to improve mutual understanding and peaceful coexistence of different religious groups in European societies, and as a way of addressing Islamophobia (PACE Recommendation 1831, 2008).

More recent PACE Resolutions demonstrate a notable shift to more powerful language to describe Islamophobia, more detailed policy suggestions and more focus on specialised problems of Islamophobia. For instance, the PACE Resolution 1743 on Islam, Islamism and Islamophobia in Europe distinguishes between two different forms of extremism: Islamic fundamental extremism and extremism against Muslim communities in Europe (PACE Resolution 1743, 2010). This is CoE's direct response to mounting concerns that several post-9/11 national counter-terrorism policies were underpinned by a fearful approach towards the political dimensions of Islam and have the potential to fuel religious intolerance and social exclusion by disproportionately targeting Muslim groups (Ahmed, 2011; McCrea, 2008; Goldschmidt, 2005). The powerful emphasis on extremism against Muslims as an instantiation of Islamophobia is also symptomatic of the increasing emphasis of PACE on the existence of positive legal obligations on Member States, whose inaction can contribute to Islamophobia. For instance, Resolution 1743 expressly disapproves the introduction of blanket state bans on the wearing of full-face veils in public because of their potentially inimical social implications for Muslim women, who risk becoming further excluded from important spheres of public life, such as education (PACE Resolution 1743, 2010).

In a similar vein, shortly after Resolution 1743, PACE adopted Resolution 1754 on 'the fight against extremism' which again deals directly with Islamophobia (PACE Resolution 1754, 2010: paras. 10 and 11). The Resolution 1754 emphasises the importance of combating negative stereotyping to avoid stigmatisation of Islam. To that end, inter-religious dialogue and involvement is needed as well as

effective anti-discrimination laws and policies (PACE Resolution 1754, 2010: para. 9). Moreover, anti-stigmatisation should include enforcing penalties against public incitement to violence (and Islamophobia) and promoting ethics committees which may sanction MP's Islamophobic behaviour. The Resolution 1754 is clear in its emphasis on the frequently negative influence of political parties which 'tend to rely on racist discourse in order to avoid losing part of their electorate' alongside an 'increasingly hostile discourse' (PACE Resolution 1754, 2010: para. 2).

On intersectionality, PACE has more recently addressed Islamophobia as a source of discrimination against Muslim women in Resolution 1887 (PACE Resolution 1887, 2012). This Resolution directly addresses Islamophobia as a component of multiple discrimination and highlights the negative stereotypes about Muslim women in the debate surrounding the Islamic headscarf and veil. The Resolution is informed by the usual approach of the Council of Europe to Islamophobia, which focuses on restrictions on freedom of religion, religious discrimination and social exclusion. This analysis is then connected with the specific need to combat religious discrimination against Muslim women by protecting their right to freely choose the ways to manifest their religion in public. According to Resolution 1887, Member States have to take steps to combat social stereotypisation of Muslim women, among others, through encouraging the media to promote social inclusion and represent religious diversity (PACE Resolution 1887, 2012: para. 7.1.6.) and through presenting Muslim women with examples of 'integration' and 'participation' (PACE Resolution 1887, 2012: para. 7.1.7).

The latest PACE Resolution on Islamophobia is the Resolution 2103 which focuses on the 'root causes' of radicalisation of children and young people in Europe (PACE Resolution 2103, 2016). According to the Council of Europe, Islamophobia, hate speech and discrimination are all potential root causes of 'religious radicalisation' and they perpetuate phenomena of social exclusion of young Muslims, as well as their feeling of 'disconnection' to European societies. In order to ensure equal respect and equal social rights, Member States have to take positive steps, primarily through education and training. Specific measures should be taken to prevent religious discrimination and bullying at schools. Moreover, school teaching has to insist on 'the peace-oriented dimensions of religions' and therefore promote religious pluralism and acceptance of young children. Finally, the Resolution 2103 also emphasises the importance of targeted strategies for social action and intercultural dialogue in the form of public awareness campaigns directly focusing on Islamophobia (PACE Resolution 2103, 2016: para. 6.4.2.), as well as in the form of prevention of hate speech and discrimination towards Muslims in the media (PACE Resolution 2103, 2016: para. 6.5.).

Apart from PACE's interventions, another notably specific set of policy suggestions comes from the ECRI General Policy Recommendation No. 15 on combating hate speech. Recommendation No. 15 focuses on the link between Islamophobia and hate speech, and defines Islamophobia as 'prejudice against, hatred towards, or fear of the religion of Islam or Muslims' (ECRI General Policy Recommendation No. 15, 2015: 15). Moreover, racism, as it is used by Article 1 UN ICERD also includes religion and 'expressions of islamophobia' (fn 8). Islamophobia can only be addressed through a nexus of protective measures and policies, which according to ECRI should include the

ratification by the Member States of the Additional Protocol to the Convention on Cybercrime which criminalises acts of a racist and xenophobic nature (important practical guidance for states). Muslims are generally seen as a vulnerable group in this recommendation. It engages with anti-discrimination law and the potential effects of hate speech ('violence, intimidation, hostility or discrimination'). It also recommends raising public awareness of pluralism, providing support against hate speech and proposals for the media. Islamophobia here is framed as an issue of discrimination which requires criminalisation of hate speech, public awareness initiatives and education. This framing is helpful for policy makers as it allows more specific recommendations to be made in taking a rigorous approach towards discrimination. Again targets actions of MS, not higher organisations of EU or ECHR.

It is notable that the Recommendations and Resolutions of the Council of Europe are in line with a significant number of EU Policy Documents and NGO Reports. For instance, the European Monitoring Centre on Racism and Xenophobia (EUMC) has repeatedly stressed in its work that Muslims experience discrimination through 'negative stereotyping' and acts of hatred 'from verbal threats through to physical attacks on people and property', as well as higher unemployment rates (European Islamophobia Report, 2016; EUMC, 2006: 11), poorer housing conditions and increased homelessness (EUMC, 2006: 13). According to the EUMC, it is important that EU Member States fully implement both the Race Equality and the Employment Equality Directives which could 'designate bodies for the promotion of equal treatment' and have the potential to make a real difference in the workplace (EUMC, 2006: 109). Positive action in the form of social inclusion policies and equal opportunities in employment should also be taken in consultation with Muslim groups. Very similar conclusions were also reached in the 2015 Annual Fundamental Rights Colloquium on preventing and combating anti-Semitic and anti-Muslim hatred in Europe, which was organised by the European Commission (EU Commission, 2015). After extensive public consultation, which included policy makers, organisations and leaders (including those from religious communities) the actions proposed to combat Islamophobia included empowerment of those at a local level in education, such as supporting teachers with additional training to 'foster a culture of tolerance and respect amongst the children'. Moreover, it is important to strengthen discrimination law, especially with regards to combating online and media hate speech, primarily through full transposition of the relevant EU Directives, and rigorous monitoring of the implementation of the Framework Decision on Racism and Xenophobia.

3. Complaints of violations of freedom of religion or freedom from religious discrimination by Muslim applicants

The European Court of Human Rights

Overview

There is a notable 'disconnect' between the soft-law instruments discussed above and the jurisprudence of the ECtHR. On the one hand, it is a common characteristic among the relevant Recommendations and Resolutions of the Council of Europe that they target actions and positive duties on a (Member) State level and do not include sufficiently clear directions for the interpretation of the relevant human rights norms by supranational judicial bodies, such as the ECtHR or the CJEU. On the other hand, the ECtHR has not placed significant emphasis on the Recommendations and Resolutions of the Council of Europe on Islamophobia. There are different reasons for this. Arguably, only a limited number of cases involving Muslim applicants complaining about religious discrimination have reached the ECtHR so far. Moreover, and more generally, until fairly recently cases on religious discrimination have been framed as cases on unjustifiable limitations on the right to freedom of religion, which gave limited opportunities to the Court to develop its jurisprudence on religious discrimination. In addition, it is noteworthy that NGOs have intervened before the ECtHR in only a handful of cases on Islamophobia, whereas data on Islamophobia are also scarce in the case-law of the ECtHR. All those characteristics limit to a significant extent the potency of the case law of the ECtHR as a potential source of counter-narratives of Islamophobia: on the contrary, the jurisprudence of the ECtHR is patchy, includes very limited references to Islamophobia and, as a result, is liable to a heightened danger of majoritarian bias.

To be even more specific, the moment these lines are written the ECtHR has considered 39 cases in total, which involve applications by Muslim individuals (or groups of individuals) complaining about a violation of their right to freedom of religion (secured under Article 9 ECHR) and/or their right to freedom from religious discrimination (secured under Article 14 ECHR read in conjunction with Article 9 ECHR) (see Appendix). Out of these 39 cases, which span no less than 36 years between 1981 and 2017, only *three* cases expressly refer to Islamophobia (*Dakir v Belgium*, *Lachiri v Belgium* and *S.A.S. v France*).

It is noteworthy that the three ECtHR cases that expressly refer to Islamophobia have various characteristics in common. Firstly, they are fairly recent, having been decided after 2014. Secondly, all three cases are about the wearing of religious symbols, and more specifically the wearing of full-face veils in public. Thirdly, in all three cases, Islamophobia was put forward by third-party interveners (Liberty and the Human Rights Centre at Ghent University) as a *key contextual point*. It is noteworthy that in the first of those three cases (*S.A.S. v France*), which is also the only one decided

to date (the judgments of the ECtHR on the other two are currently pending), the presence of Islamophobia as a key contextual point does not seem to have any impact on the level of judicial scrutiny, or on the structure or outcome of the proportionality test, followed by the ECtHR.

Freedom to manifest religion in public through symbols

Before examining the role of Islamophobia in the jurisprudence of the ECtHR in more detail, it is important to discuss two main principles underlying the case-law of the ECtHR on religious symbols. Firstly, the ECHR offers absolute protection to the right to believe, or change one's beliefs (Article 9(1) ECHR). However, freedom of manifestation 'through worship, teaching, practice and observance' (Article 9(2) ECHR) is subject to restrictions provided that they pursue a legitimate aim and that they are necessary in a democratic society (Evans, 2001: 133-167). Of course the binary distinction between belief and practice glosses over the profound interconnections between the two (Danchin, 2008), and the ECtHR has attracted its fair share of criticism for 'valorising' autonomous and private forms of religiosity over more habitual and public forms (Peroni, 2014).

Secondly, it is notable that whether a particular practice is compulsory, or even central, to a particular belief system often plays little role in the jurisprudence of the ECtHR. In *Leyla Sahin v Turkey*, a case about a student who was disciplined and eventually suspended from university because she was wearing a headscarf, the ECtHR readily accepted the individual argument that wearing a headscarf is a protected form of religious manifestation. In *Eweida*, the ECtHR accepted that the fact that wearing a visible cross at work was motivated by the applicant's Christian faith was sufficient to count as a protected form of manifestation of her religion under Article 9 ECHR (Hatzis, 2011). Moreover, the majority reminded that the manifestation of religion or belief is not limited to acts that are 'intimately linked' to religion or belief. Rather, the existence of 'a sufficiently close and direct nexus between the act and the underlying belief must be determined on the facts of each case… [and] there is no requirement on the applicant to establish that he or she acted in fulfilment of a duty mandated by the religion in question' (*Cha'are Shalom Ve Tsedek v France*: paras. 73-74; *Leyla Şahin v Turkey*: paras. 78 and 105; *Bayatyan v Armenia*: para. §111). Finally, the ECtHR consistently favours a broad interpretation of the 'close and direct nexus' requirement (Leigh and Hambler, 2014: 11).

Restrictions on the wearing of religious symbols for reasons of public safety

It is arguable that under certain circumstances, ability to see someone's face is necessary. As previous research funded by the EU Commission has shown, checking in a flight or entering a bank are common paradigms of the importance of facial recognition, but other activities, such as driving, may also be impeded by the wearing of particular types of full-face covers (Foblets and Alidadi, 2013: 25).

In cases such as *Phull v France* and *X v United Kingdom* involving practising Sikhs who were required to remove their turbans for public safety reasons, despite the fact that their faith required them to always wear them, the ECtHR has held that security measures requiring them to remove their turbans were prescribed by law and pursued the legitimate aim of guaranteeing public safety. In both *Phull* and *X v United Kingdom* the interference was also found necessary in a democratic society and the ECtHR held that the specific measures to implement public safety should fall within the national margin of appreciation. In the similar case of *El Morsli v France*, the ECtHR examined a complaint from a Muslim applicant of Moroccan nationality who was married to a French citizen. Her application for an entry visa to France was declined because she refused to remove her headscarf for an identity check by male personnel at the French Consulate General in Marrakech. The ECtHR declared the application inadmissible, reiterating that identity checks are necessary in a democratic society for reasons of public safety and that, in any event, the interference with the applicant's right to freedom of religion was too limited in time to be disproportionate.

Similar considerations have informed the approach of the ECtHR in cases on religious symbols in various types of identity cards, including university certificates and driving licences. In *Karaduman v Turkey*, the applicant upon completion of her university studies, applied to the university's registry for a provisional certificate stating that she obtained a bachelor's degree. However, the photo attached to the application depicted her wearing a headscarf. The Dean of the faculty subsequently informed the applicant that the certificate in question could not be issued, as the identity photograph did not comply with the university's regulations. After exhausting domestic remedies, Ms. Karaduman filed a complaint to the EComHR under Article 9 and Article 14 read in conjunction with Article 9 ECHR. The EComHR reminded that the right to freedom of religion does not always guarantee the right to behave in public in any way dictated by a religious belief. Moreover, the EComHR held that the applicant chose to pursue her studies in a secular university, whose rules limited her right to freedom of religious manifestation in order to secure peaceful coexistence in a religiously diverse student body. Those restrictions aimed to secure public order and the rights of others, and at the same time a university degree photograph was not a suitable forum to manifest her religious beliefs. All in all, regulating students' dress and qualifying the available administrative services do not, as such, constitute an interference with the applicant's right to freedom of religion and do not therefore violate the Convention.

Blanket bans

Cases on restrictions on symbols for reasons of public safety involve no references to Islamophobia as a key contextual factor. However, it could be argued that the ECtHR treats both cases involving Sikh turbans and cases involving Muslim headscarves in a similar ways. Whether this approach reflects good protection for the right to freedom of religion of minority applicants is a question that falls outside the scope of this Report.

Blanket bans on the wearing of religious symbols in public have been attracting more mixed results. In *Ahmet Arslan v Turkey*, 127 members of a religious group were criminally convicted for wandering around the streets of Ankara in religious attire including turbans, distinctive trousers and tunics on occasion of a ceremony held at a mosque. The legal basis of their conviction lies on domestic legislation prohibiting religious attire from the public space, with the exception of places of worship and religious ceremonies. Contrary to previous cases justifying limitations on religious symbols for public safety reasons, the ECtHR found a violation of Article 9 ECHR as the interference with the right of the applicants to freedom of religious manifestation was not justified in the instant case. More specifically, the ECtHR accepted that, in the circumstances of the case and given the importance of secularism for the Turkish constitutional system, the interference may be taken to serve the legitimate aims of protection of public order and the rights of others (*Leyla Sahin v Turkey*: para. 99; *Refah Partisi v Turkey*: para. 67). However, the ECtHR stressed that the aim of the provisions under examination was to avert provocation, proselytism and religious propaganda in a secular democratic state (Peroni, 2010). Since the applicants were not state representatives and were not exercising any public function, they were divested of any state authority (*mutatis mutandis*, *Vogt v Germany*: para. 53; *Rekvényi v Hungary*: para. 43). Furthermore, the majority was unconvinced by the argument that the applicants posed a threat to public order. Rather, according to the facts before the ECtHR, the applicants just gathered outside a mosque with the sole aim of participating in a religious ceremony. Their purpose was not to inflict undue pressure on other people or to promote their beliefs (*mutatis mutandis*, *Kokkinakis v Greece*: para. 48). As a result, the ECtHR held that in the instant case the restriction was disproportionate, in violation of Article 9 of the Convention.

Ahmet Arslan v Turkey is a noteworthy case because, perhaps as a departure from earlier case-law, the ECtHR did not weigh the interests of the applicants to wear their religious symbols in public against the interests of the state to adhere to constitutional secularism through securing a religion-free public space. Rather, the judgment undertook an interpretation of the reasons behind the ban, which were found inadequately supported by public order considerations. By contrast, the state limitation in question was motivated by impermissible reasons that express dislike, if not contempt, for the applicants' lifestyle. This strict level of scrutiny test is precisely what addressing Islamophobia requires.

S.A.S. v France is another landmark case as it is the first time that the ECtHR examines a complaint that challenges a national ban on full-face veils in public. The applicant of the case, a young French lady, is a devout practicing Muslim. According to her submission to the Court, she wears the *burqa* or the *niqab* in virtue of her religious and cultural convictions. Before the ECtHR the applicant stressed that neither her husband nor any other members of her family have pressurised her to wear the face-veil (*S.A.S. v France*: para. 11). She further noted that she wears her niqab 'non-systematically', namely that she does not wear it when she visits a doctor, when meeting friends in public, when she wants to socialise, or when she has to pass through security checks in banks, airports or other public places where those checks are required (*S.A.S. v France*: paras. 12-13). Despite accepting those limitations, she wishes to have the choice to publicly manifest her religion through

wearing the niqab depending 'on her spiritual feelings' (*S.A.S. v France*: paras. 12-13) and especially during religious events such as the Ramadan. She argued that she does not want to divide, but to 'feel at inner peace with herself' (*S.A.S. v France*: para. 12).

The applicant complained that the Law no. 2010-1192, which prohibits individuals from wearing clothing that is designed to conceal the face in public places (Law no. 2010-1192, 2010: s. 1), violates, among others, her right to respect for private life, freedom of religion and freedom of expression taken separately and together with freedom from religious discrimination (*S.A.S. v France*: paras. 69-74). Amnesty International, Article 19, the Human Rights Centre of Ghent University, Liberty, and the Open Society Justice Initiative all intervened with supportive of the applicant's complaint statements (*S.A.S. v France*: paras. 102-105). The French government argued that the Law pursued two aims: public safety and protection of the rights and freedoms of others through securing the 'minimum set of values of an open and democratic society' (*S.A.S. v France*: para. 116).

The ECtHR held that the public safety justification was disproportionate, but accepted the second legitimate aim behind the ban, namely the French argument that protection of the rights and freedoms of others entails securing a minimum set of values that are fundamental in a democratic society. Those included respect for equality between men and women, respect for human dignity, and respect for the minimum requirements of life in society. The ECtHR swiftly dismissed the argument about gender equality because, as the majority held, states cannot 'invoke gender equality in order to ban a practice that is defended by women, such as the applicant' (*S.A.S. v France*: para. 119). This part of the judgment is noteworthy because it marks a significant shift in the Court's approach to gender equality (Chaib and Peroni, 2014; Foblets and Alidadi, 2013: 24), compared to previous cases such as *Dahlab v Switzerland* and *Leyla Sahin v Turkey*, where the ECtHR held that the Islamic headscarf is hard to square with tolerance, respect for others, and equality and non-discrimination.

Similarly to the argument about gender equality, the ECtHR swiftly dismissed the French argument on respect for human dignity because, as the majority held, human dignity could not justify the general ban in question. The full-face veil expresses a cultural identity relating to a different notion of decency about the human body and, moreover, there is no evidence that women who wear it show contempt for others (*S.A.S. v France*: para. 120). With regard to respect for the minimum requirements of life in a democratic society, the French government argued that the ban responded to an incompatible practice 'with the ground rules of social communication and more broadly the requirements of "living together"' (*S.A.S. v France*: para. 153). The ban aimed to protect social interaction, which is essential to pluralism, tolerance and broadmindedness. The ECtHR conceded that the face is important to engage in open interpersonal relationships, and noted that the explanatory memorandum accompanying the Law recognised that voluntary concealment of the face contravenes the ideal of fraternity and the minimum requirements of civility that are necessary for social interaction (*S.A.S. v France*: paras. 25 and 141). On that account, the Court accepted that the full-face veil raises a barrier in breach of 'the right of others to live in a space of socialisation which makes living together easier' (*S.A.S. v France*: paras. 121-122). Although the majority expressed its

concerns about the 'flexibility' and 'the resulting risk of abuse' of securing 'living together', it accepted that in principle 'it falls within the power of the State to secure the conditions whereby individuals can live together in their diversity' (*S.A.S. v France*: para. 141).

For reasons that, due to space constraints, cannot be fully examined in this Report, the majority of the ECtHR concluded, by fifteen votes to two, that the ban was necessary in a democratic society and therefore compatible with the Convention (*S.A.S. v France*: para. 158). The ban was found proportionate to the legitimate aim of preserving the conditions of 'living together' as required by the rights and freedoms of others (*S.A.S. v France*: para. 157). The ECtHR was partly aided to reach that conclusion by allowing a wide margin of appreciation to France on the basis that 'the question whether or not it should be permitted to wear the full-face veil in public places constitutes a choice of society' (*S.A.S. v France*: para. 157).

The problems that the overt deference of the ECtHR to national authorities could cause to the efforts to counter of Islamophobia are apparent in cases such as *S.A.S.* More specifically, it is noteworthy that in *S.A.S.* the majority of the ECtHR did not directly validate the French ban on full-face veils and did not expressly answer whether the criminalisation of full-face veils was proportionate to the legitimate aim of protecting the rights of others to 'living together'. Rather, despite having significant reservations about the concept (*S.A.S. v France*: para. 122), the ECtHR held that in 'general policy' questions states enjoy a wide margin of appreciation that constraints the ECtHR in its review of Convention compliance. Crucially, here the ECtHR uses margin of appreciation in a *structural*, rather than a *substantive*, form (Trispiotis, 2016: 583). More precisely, the majority of the ECtHR did not use the margin of appreciation in a substantive form that means that state authorities did struck a 'fair balance' between individual rights and collective goals, and that the limitation in question was proportionate and therefore within the state's discretion (Bjorge, 2015: 180). Rather, this is a typical case where the ECtHR allows wide margin of appreciation based on arguments from institutional competence and subsidiarity; and from the more specific idea that 'better placed' national authorities should enjoy normative priority over international courts whenever there is lack of consensus among the Contracting States of the Council of Europe. This is a typical case where the ECtHR simply refrains from making a substantive judgment as to whether a right has been violated.

This structural use of the margin of appreciation is all-too-common in cases touching on morals, such as, for instance, cases involving blasphemous art (*Otto-Preminger v Austria*, 1994; *Wingrove v United Kingdom*, 1996; *I.A. v Turkey*, 2005) and has been criticised for its association with moral relativism and for compromising the universality of human rights (Benvenisti, 1999). Although a detailed analysis of the margin of appreciation falls outside the scope of this article, its structural use is deeply problematic here for two specific reasons. First, the danger that majoritarian arguments might have been corrupted by impermissible reasons associated with Islamophobia whenever states use concepts as fluid and abstract as 'living together' in order to justify limitations on human rights is particularly acute. Close judicial scrutiny is crucial as a result and it cannot be effective without taking into account Islamophobia as a key contextual factor in cases such as *S.A.S.*

4. Comparison: The ECtHR and the UN Human Rights Committee in cases on religious symbols

It would be useful to juxtapose the approach of the ECtHR to the approach of the UN Human Rights Committee and examine any potential differences in the interpretative approach followed by the two mechanisms (Temperman, 2010: 204-208; Witte and Green, 2009). Shortly after the ECtHR rejected as inadmissible the complaint in *Mann Singh v France*, the applicant submitted an almost identical application to the UN Human Rights Committee (hereinafter HRC) under the individual communications mechanism. Slightly twisting the facts, he claimed that the prohibition to wear a turban on his passport photograph – instead of his driving license – was in violation of his right to freedom of religious manifestation under Article 18 ICCPR. Contrary to the ECtHR, the HRC found a violation of the applicant's right to freedom of religion under Article 18 ICCPR. The HRC turned to the principles of the General Comment 22 on Article 18 ICCPR, according to which freedom of religious manifestation includes the right to wear distinctive clothing or head coverings (General Comment 22, 1993: para. 4). The conditions for renewal of permanent residence in France constituted therefore interference with the exercise of the individual right to freedom of religion (*Ranjit Singh v France*: para. 8.3). The HRC examined then whether that interference was necessary and proportionate to the legitimate aim of public safety and public order (*Ranjit Singh v France*: para. 8.4). On that account, it held that

> [t]he State party has not explained why the wearing of a Sikh turban covering the top of the head and a portion of the forehead but leaving the rest of the face clearly visible would make it more difficult to identify the author than if he were to appear bareheaded, since he wears his turban at all times. Nor has the State party explained how, specifically, identity photographs in which people appear bareheaded help to avert the risk of fraud or falsification of residence permits (*Ranjit Singh v France*: para. 8.4).

As a result, the HRC concluded that the French authorities failed to demonstrate that the limitation was necessary within the meaning of Article 18 ICCPR. Moreover, the HRC agreed with the applicant that the interference would also be continuing because appearing without a turban in his identity photograph could compel him to remove it in every future identity check. The two different outcomes in *Mann Singh v France* can be traceable to the fact that the HRC applied stricter scrutiny of the public safety justification. By contrast, at least until *Ahmet Arslan*, the ECtHR used to allow a generous margin of appreciation to the respondent states in cases involving limitations on the right to wear religious symbols for reasons of public order or public safety, leaving the relevant state arguments practically unscrutinised.

Similar discrepancies between the approaches of the two international human rights mechanisms also arise in cases on the wearing of the Islamic headscarf in schools. In a well-documented series of cases against France (Hunter Henin, 2015: 259-271; Doe, 2011: 188-212; Chélini-Pont, 2011: 153-171; Evans, 2006), including *Dogru* and *Kervanci v France*, *Jasvir Singh v France*, and *Aktas*, *Bayrak*, *Gamaleddyn*, *Ghazal* and *Singh v France* – all applications concerning cases of expulsion of students from public schools for wearing headscarves or turbans – the ECtHR has held that the expulsions in question were proportionate to the legitimate aim of protecting the rights and freedoms of others as well as public order, through safeguarding *laïcité* in public schools. The approach of the ECtHR has been criticised for applying its familiar proportionality test without scrutinising the legitimacy of the claim that the manifestation of religion on behalf of the individual applicants interferes with the rights and freedoms of others. One explanation of this lack of scrutiny is that measures taken by virtue of the constitutional principle of *laïcité* fall within the respondent state's margin of appreciation (Leigh, 2009).

By contrast, in factually similar cases on prohibition of religious symbols in public schools, the HRC follows a strict scrutiny test vis-à-vis the public order arguments of the state and, contrary to the ECtHR, it has found violations of the right to freedom of religion under the ICCPR. In similar fashion to the ECtHR, the HRC accepts that secularism is a valuable means to safeguard equal enjoyment of freedom of religion in schools. However, the HRC has held that secularism is insufficient by itself to justify limitations on the individual freedom to manifest religion (Chaib, 2013). More specifically, in *Bikramjit Singh*, France failed to provide 'compelling evidence' to support the claim that the wearing of a small turban (called *keski*) by the applicant would jeopardise the rights and freedoms of other pupils or the school order in general. According to the HRC his expulsion was therefore disproportionate in the instant case. All in all, the HRC focused on the legitimacy of the reasons behind the limitations on the wearing of symbols. Instead of yielding to mere worries or fears, a more thorough investigation of the state claim that the individual applicant posed a threat enabled the HRC to pursue a more robust analysis of the reasons behind the limitation in question.

5. Conclusion: Islamophobia as a key contextual point

Cases on the wearing of religious symbols, including headscarves and full-face veils, are indicative of the limited engagement of the ECtHR with the concept of Islamophobia. Contrary to the increasingly vocal suggestions of the Council of Europe and different NGOs, the case law of the ECtHR has not engaged with Islamophobia as a key contextual point in cases involving complaints of illegitimate limitations on freedom of religion and/or unlawful religious discrimination. It is precisely because the questions of what Islamophobia actually means and which forms of differential treatment give rise to wrongful discrimination are interpretive questions (Sayyid, 2014: 20) that lack of engagement with Islamophobia can impoverish the ECtHR's contextual analysis of the facts of each case. If the available research shows that Islamophobia might be present in the context of a case, then the risk of unlawful discrimination is higher. This analytical framework can also bring forward, again as part of the necessary contextual analysis, the level of risk of intersectional discrimination (Solanke, 2009). Ultimately it will be for courts, such as the ECtHR, to determine whether a specific limitation constitutes unlawful religious discrimination, but that judgment cannot be reached without recourse to a systematic contextual analysis that takes into account the heterogeneity and socio-historical particularities of each individual case.

It is therefore unsurprising that the rigidity of the ECtHR's proportionality test, which shifts the burden of proof away from the state and onto the applicants who should then prove that the restrictions against their right to freedom of religion are disproportionate, has been repeatedly criticised (Berry, 2013). That critique is also associated with concerns about the procedural justice of the approach of the ECtHR (Chaib, 2013). More specifically, the permissible limitations on the right to freedom of religion have often been construed in a manner that permits restrictions against the right to freedom of religion of Muslim groups because of the worries, fears, and ideologies of the majority (Trispiotis, 2016; Hatzis, 2009). By contrast, the UN HRC has been praised for following a more sensitive interpretation of freedom of religion, which looks more suitable to protect equal access of Muslim groups and individuals to a wide array of opportunities (Gilbert, 2002). Its stricter scrutiny along with the fact that the UN HRC, contrary to the ECtHR, does not allow margin of appreciation to the respondent states, entail that if states wish to introduce limitations on freedom of religion in compliance with Article 18 ICCPR, they should ensure that those should be absolutely necessary to achieve the legitimate aim sought, even in cases of limitations supported by arguments of public order and public safety (Berry, 2012).

The contrast between the approaches followed by the ECtHR and the UN HRC could provide, by analogy, valuable insights on how evidence of Islamophobia can be used as a key contextual point in cases involving limitations on the right to freedom of religion and/or unlawful religious discrimination. More specifically, the approach of the UN HRC in cases on the wearing of headscarves in public provides better protection as it is more capable of blocking impermissible reasons, such as those related to Islamophobia, from justifying limitations on human rights. Recall that the focus of the HRC is not on whether an individual's interest to cover her head according to her religion is more

'weighty' compared to the state interest to protect public order or public safety. Rather, the investigation focuses on whether the state distribution of burdens shows equal respect for the religious commitments of the applicant in the circumstances of the case. Perhaps that different focus can also explain why the HRC has placed significant emphasis on the questionable efficacy of certain measures highlighting, for instance, that bareheaded identity photographs have often failed to avert the risk of fraud or falsification of residence permits (*Ranjit Singh v France*, para 8.4).

All in all, rigorous judicial examination of the reasons behind limitations on freedom of religion or on equal access to employment, housing, health, education and other valuable opportunities, is key to counter Islamophobia. That remains the case even if those reasons cite public order and public safety. Such judicial examination can be neither rigorous nor systematic without using social science research, including data from individual EU Member States, to determine the context for the facts of each case. If data show that Islamophobia is a key contextual point, then *strict scrutiny* is required by the ECtHR in order to ascertain whether the justification behind limitations on the rights of Muslim individuals has been corrupted by stereotypes and other impermissible majoritarian preferences about how others should live, what they should wear, and how they should behave in public. It is regrettable then that, contrary to the suggestions of the Council of Europe, the ECtHR has evaded strict scrutiny of most public order justifications, despite the danger that states can manipulate security to legitimise almost all actions taken in its name, simply by citing a need for the action to protect national security. Refraining from meaningful scrutiny of public order reasons incurs the risk to miss significant opportunities to track and block Islamophobic reasons from grounding state limitations on the right to freedom of religion or belief and the right to access a wide array of valuable opportunities on an equal basis regardless of religion. The current lack of engagement of the ECtHR with the relevant data prevents its case law from informing, and perhaps acting as, a source of effective counter-narratives of Islamophobia.

6. Appendix

Cases before the European Court of Human Rights involving complaints by Muslim individuals or groups about violations of their right to freedom of religion and/or their right to freedom from religious discrimination. Arranged in reverse chronological order. Cases where **Islamophobia** is expressly discussed either by the intervening parties, or by the ECtHR itself in its judgments, are in **bold**.

Case name	**Year**	**Complained violation**	**Outcome**
Osmanoglu and Kocabas v Switzerland	2017	Article 9 ECHR	No violation
Izzettin Dogan and Others v Turkey	2016	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Violation of Article 9 ECHR. Violation of Article 14 taken in conjunction with Article 9 ECHR.
Hamidovic v Bosnia and Herzegovina	2016	Complaint under Article 14 ECHR in conjunction with Article 9 ECHR	Pending
Dakir v Belgium	2015	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Pending
Belkacemi and Oussar v Belgium	2015	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Pending
Güler and Ugur v Turkey	2015	Article 9 ECHR	Violation
Lachiri v Belgium	2015	Article 9 ECHR	Pending
Ebrahimian v France	2015	Article 9 ECHR	No violation
S.A.S v France	2014	Article 9 ECHR. Separate complaint under Article 14	No violation of Article 9 ECHR. No violation of Article 14 taken

		ECHR in conjunction with Article 9 ECHR.	in conjunction with Article 9 ECHR.
Juma Mosque Congregation and others v Azerbaijan	2013	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Inadmissible
Ouardiri v Switzerland and *Association Ligue des Musulmans de Suisse and others v Switzerland*	2011	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Inadmissible
Sinan Isik v Turkey	2010	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Violation of Article 9 ECHR. No separate examination of the complaint under Article 14 in conjunction with Article 9 ECHR.
Dogru v France	2009	Article 9 ECHR	No violation
Aktas v France	2009	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Inadmissible
Bayrak v France	2009	Article 9 ECHR	Inadmissible
Gamaleddyn v France	2009	Article 9 ECHR	Inadmissible
Ghazal v France	2009	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Inadmissible
Jasvir Singh v France	2009	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Inadmissible
Ranjit Singh v France	2009	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Inadmissible
Masaev v Moldova	2009	Article 9 ECHR	Violation

Kervanci v France	2008	Article 9 ECHR	No violation
El Morsli v France	2008	Article 9 ECHR	Inadmissible
Kosteski v The Former Yugoslav Republic of Macedonia	2006	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	No violation of Article 9 ECHR. No violation of Article 14 taken in conjunction with Article 9 ECHR.
Kurtulmus v Turkey	2006	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Inadmissible
Köse and others v Turkey	2006	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Inadmissible
Agga v Greece (No. 3)	2006	Article 9 ECHR	Violation
Supreme Holy Council of the Muslim Community v Bulgaria	2005	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Violation of Article 9 ECHR. No separate examination of the complaint under Article 14 in conjunction with Article 9 ECHR.
Leyla Sahin v Turkey	2005	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	No violation of Article 9 ECHR. No violation of Article 14 taken in conjunction with Article 9 ECHR.
Refah Partisi v Turkey	2003	Complaint under Article 11 ECHR. Separate complaints under Article 9 and under Article 14 ECHR in conjunction with Article 9 ECHR.	No violation of Article 11 ECHR. No separate examination of the complaints under Article 9 ECHR and under Article 14 in conjunction with Article 9 ECHR.
Dahlab v Switzerland	2001	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Inadmissible
Hasan and Chaush v Bulgaria	2000	Article 9 ECHR	Violation of Article 9 ECHR

Serif v Greece	2000	Article 9 ECHR	Violation of Article 9 ECHR
Hüsnü Öz v Germany	1996	Article 9 ECHR	Inadmissible
Karakuzey v Germany	1996	Article 9 ECHR	Inadmissible
Tepeli and others v Turkey	1996	Article 9 ECHR	Inadmissible
Yanasik v Turkey	1993	Article 9 ECHR	Inadmissible
Karaduman v Turkey	1993	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Inadmissible
Janis Khan v United Kingdom	1986	Article 9 ECHR	Inadmissible
X v United Kingdom	1981	Article 9 ECHR. Separate complaint under Article 14 ECHR in conjunction with Article 9 ECHR.	Inadmissible

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