

Written testimony
Anti-Muslim Hatred and Its Threat to Freedom of Religion or Belief

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Chair Hartzler, Vice Chair Mahmood, and honorable commissioners, thank you for the opportunity to testify today. I have been asked to discuss and share my expertise on anti-Muslim hatred and freedom of religion or belief (FoRB) violations against Muslims.

I. Introduction

I am honored to submit this testimony regarding anti-Muslim hatred and its impact on the freedom of religion or belief (FoRB) of Muslim individuals and communities. The evidence gathered over the past decade by international human rights bodies presents a deeply troubling picture of systemic discrimination, legal encroachment, and institutional hostility that together constitute a serious and escalating threat to one of the most fundamental of human rights.

In 2012, a regional Amnesty International study documented widespread discrimination experienced by Muslim people and communities across Europe in the areas of employment and education, and identified laws and policies that directly infringed upon their freedom of religion or belief. A decade later, the United Nations Special Rapporteur on freedom of religion or belief, reporting to the Human Rights Council, concluded that “widespread negative representations of Islam, fear of Muslims generally and security and counterterrorism policies have served to perpetuate, validate and normalize discrimination, hostility and violence towards Muslim individuals and communities” and warned that “institutional suspicion of Muslims and those perceived to be Muslim has escalated to epidemic proportions”.

Drawing on these findings, this testimony addresses three interconnected concerns:

1. The disproportionate impact of anti-Muslim hatred on Muslim women, particularly those who wear the hijab;
2. The state's illegitimate interference in religious affairs through the redefinition of Islam as a political rather than religious matter; and
3. The criminalization of Islamic practice through counterterrorism legislation.

II. The Rights of Muslim Women and Hijab Restrictions

Wearing hijab is protected under international law related to FoRB as a religious practice. Extensive reporting by human rights organizations consistently identifies Muslim women as among those most severely affected by anti-Muslim hatred—whether in the form of hate crimes and violence in public spaces, or institutional discrimination in education and employment. Visible Muslim women who wear the hijab are particularly vulnerable.

A. France

France enforces one of the most rigid interpretations of secularism in Europe. All public-sector workers—from civil servants to interns—are required to refrain from any visible expression of religious, philosophical, or political belief. This principle, presented as a pillar of the French Republic designed to preserve an impartial public sphere, has in practice disproportionately burdened Muslim women.

Since 2004, all religious symbols—including the Muslim headscarf—have been banned in public primary and secondary schools. In 2019, this prohibition was extended to parents accompanying school activities, when the Lyon Administrative Court of Appeal held that parents are also required to observe the principle of neutrality during school-organized activities. In 2023, a decree classifying the abaya and qamis (loose-fitting garments that do not cover the hair) as religious dress was formally validated by the Council of State, further extending the regulatory reach.

The 2021 anti-separatism law broadened the hijab ban to include members of Municipal Councils and employees of private companies performing public service functions, such as public transport operators and social housing concierges. In 2023, the Council of State upheld the National Bar Council’s prohibition on all religious symbols worn by female lawyers, on the grounds of judicial neutrality and impartiality. Since 2016, the so-called El Khomri Law has also permitted private companies to incorporate a “principle of neutrality” into their internal workplace regulations.

B. Broader European Trends

Austria enacted another legislation in 2026 banning the hijab for children under the age of 14, with proponents of the old law openly stating that this was intended as a first step toward broader bans extending to high schools, universities, and public service. For judges and policewomen, a de facto hijab ban has been maintained without explicit legislation, premised on the notion that the hijab falls outside any officially permitted uniform or dress code. As a first step, Austria had banned the full-face veil in public in 2017, a measure since followed by Bulgaria, Denmark (2018), and, partially, the Netherlands. France pioneered the full-face veil ban as early as 2011, and Switzerland followed in 2025. Norway prohibits the full-face veil in schools, public institutions, and healthcare settings.

In Germany, a long history of legal contestation surrounds the hijab in public-sector employment. Following the Federal Constitutional Court’s 2015 ruling that blanket prohibitions on teachers wearing headscarves are unconstitutional, most German states revoked their bans for public school teachers. Nevertheless, headscarf prohibitions for police officers, judges, prosecutors, and legal trainees remain in force in several states. Headscarf bans for teachers remain permissible where a

court finds a demonstrable threat to “school peace,” effectively forcing hijab-wearing applicants to bear the burden of protracted litigation.

In October 2024, for the first time a hijab ban was introduced in educational institutions in the Vladimir Region, making it the first region of the Russian Federation to do so by law. In India, the High Court of Karnataka upheld in 2022 a hijab ban in educational institutions, holding that the hijab is not an essential religious practice under Islam and therefore not constitutionally protected—a ruling that exemplifies how secular states can effectively arrogate to themselves the power to define the beliefs of religious minorities.

Additional restrictions on Muslim women’s religious expression include: the suspension of a Bosnian Armed Forces servicewoman in 2024 for refusing to remove her hijab while on duty; a requirement in Bulgaria that women remove their headscarves for official identity document photographs; ongoing disputes in Kosovo over the wearing of hijabs in schools and public institutions; and a ban on hijabs in several state-owned swimming pools in North Macedonia.

C. The European Court of Human Rights

In April 2024, the European Court of Human Rights declared inadmissible a case brought by three Muslim students challenging a ban on visible religious symbols—including the hijab—in the Flemish public school network. This ruling was widely regarded as a continuation of a troubling jurisprudential trend toward the erosion of the right to manifest religion under Article 9 of the European Convention on Human Rights.

The Court’s decision reflects a persistent failure to engage adequately with issues of indirect discrimination, intersectionality, and the right to education of minority religious groups. By consistently prioritizing a narrow conception of state neutrality over the substantive protection of religious expression, the Court risks entrenching systemic inequalities and undermining the very pluralism and inclusion that democratic societies are committed to upholding. Far from resolving the underlying tensions, such rulings have emboldened far-right political actors who [invoke](#) them to legitimize further discrimination against visibly Muslim women, effectively erasing them from public life.

III. State Interference in the Definition of Religion and the Rights of Muslim Communities

The interference of the state extends beyond individual religious expression to the collective rights of Muslim religious denominations. In several European countries, state frameworks of legal recognition and coordination with religious communities—established originally in relation to Christian churches—have been applied to Muslim communities in ways that are discriminatory in law and effect.

In Austria, the Islam Act of 2015, which replaced the Islam Act of 1912, has been widely criticized by legal experts as creating a discriminatory dual-religion regime. It grants the state extensive powers to regulate the internal affairs of Islamic religious communities and prohibits foreign funding of Muslim institutions—restrictions that have no equivalent for other recognized religious

communities. Legal scholar Richard Potz has characterized the law as effectively establishing a form of “religion police” with the new Islam Act. Since 2015, several amendments have increased the state’s power vis-à-vis Muslims. The new standard set with Muslims also had negative effects on other minority religious minorities such as the Protestant Church.

In Slovakia, the disproportionately high membership quota required for the official registration of religious communities under the Act on the Registration of Churches and Religious Societies continues to operate as a barrier to recognition for several religious minorities, including Muslims as well as the Old Catholics. Recent attempts to amend this legislation through the National Council in 2024 were rejected.

IV. Counterterrorism Legislation and the Criminalization of Islamic Practice

A recurring and deeply problematic feature of the legal landscape described above is the willingness of state actors to recharacterize Islam—not as a religion deserving of protection—but as a political ideology subject to regulation or suppression. This rhetorical and legal move is often expressed through the framing the Islamic religion as a political ideology. This allows lawmakers and courts to maintain a formal commitment to freedom of religion in public discourse, even while systematically violating it in practice. As an example, the hijab ban implemented in Austria in 2026 was framed as a legitimate means to curtail not a religious practice, but a symbol of so-called “political Islam.” This discourse connects to the counterterrorism efforts that build on concepts like “separatist Islamism” (France), “legalistic Islamism” (Germany), “political Islam” (Austria), “Islamism” (Sweden) and finds different iterations in various places in Europe.

Beyond this fundamentally troubling redefinition of religion, the intersection of counterterrorism policy and religious freedom represents one of the most acute threats facing Muslim communities today throughout Europe. The EU Agency for Fundamental Rights, in its report on Directive (EU) 2017/541 on Combating Terrorism and its impact on fundamental rights and freedoms, found that counterterrorism legislation has caused serious harm to Muslim communities across Europe.

To give a few examples in the realm of religious freedom, the Russian Federation offers some of the starkest examples. In 2009, the Tabligh-e-Jama’at—a Muslim missionary movement that operates no political program—was designated as an extremist organization in Russia. In 2024 alone, four separate criminal judgments were handed down under Article 282.2 of the Russian Criminal Code against seventeen individuals for continuing the activities of this organization. Similarly, students of the theological writings of Said Nursi continue to face criminal prosecution in Russia as alleged members of the outlawed Nurdzhular movement; a conviction was issued in 2024 for the simple act of studying Said Nursi's books, legally framed as participation in the activities of an extremist organization.

Germany, too, has classified the Tabligh-e-Jama’at as a subject of domestic intelligence surveillance by the Office for the Protection of the Constitution (Bundesverfassungsschutz). Members of this movement have been denied citizenship on the grounds that the German Ministry of Interior considers the organization to work against the basic liberal-democratic order. Comparable consequences have affected members of other Muslim civil society organizations in

Germany, reflecting a broader pattern in which participation in Islamic associational life has become grounds for suspicion, sanction, and exclusion from civic participation.

V. Conclusion

The foregoing testimony documents a clear and documented pattern: across Europe and beyond, anti-Muslim hatred has translated into concrete legal and institutional measures that restrict the freedom of religion or belief of Muslim individuals and communities. These restrictions are not marginal or isolated—they span employment, education, public life, religious organization, and criminal law.

Of particular concern is the use of legal and rhetorical strategies that reframe Islamic practice as political extremism, thereby stripping it of the protections that freedom of religion or belief is designed to guarantee. When states arrogate to themselves the authority to define what does and does not constitute authentic religious practice—invariably in ways that disadvantage minority communities—they fundamentally undermine the rule of law and the principle of equal dignity.

I respectfully urge this Commission to take note of these developments and to consider measures necessary to ensure that the freedom of religion or belief of Muslim communities is genuinely protected, not merely acknowledged in formal terms.

VI. Recommendations

I allow myself to suggest a few recommendations on what USCIRF can do to counteract anti-Muslim hatred and freedom of religion or belief (FoRB) violations against Muslims:

- Report on anti-Muslim hatred and violation of freedom of religion or belief violations against Muslims in Europe and beyond;
- Visit the leaders and engage in dialogue with Muslim minorities as well as NGOs working against anti-Muslim hatred;
- Since freedom of religion or belief are violated by some governments who use the pretext of national security to justify repression, a hearing on the impact of security on FoRB would be an important step;
- Sharing best practice examples such as the U.S. National Strategy to Counter Islamophobia and Anti-Arab Hate with other governments including bodies that have not yet materialized their vocal support in combatting anti-Muslim hatred in the form of resolutions, legislations, strategies, etc.