



WRITTEN OBSERVATIONS

*submitted to the European Court of Human Rights
in the case of*

F.D. and I.M. against France

(N°38506/23 and 3 others)

Grégor Puppinck, Director,

Nicolas Bauer, Associate Researcher.

October 2024

Introduction

1. The expression “freedom of religion” had never been used in the Muslim world, until it was spread by the Western world and enshrined in international human rights law¹. It was because of its disagreement with freedom of religion that Saudi Arabia did not vote in favour of the 1948 Universal Declaration of Human Rights². The notion of freedom of religion is still contested in the Muslim world today. The Declaration of Human Rights in Islam, adopted in Cairo in 1990 and ratified by the 57 Muslim states of the Organisation of Islamic Cooperation (OIC), deliberately omits the right to freedom of religion and states that “*Islam is the natural religion of man*”³.
2. This rejection of freedom of religion is based on Islam itself, which includes mandatory compliance with Islamic Sharia law, which no legislation can contradict⁴, or the prohibition and punishment of apostasy⁵. Furthermore, *dar al-islam* (“domain of Islam”) is the “normal” or at least ideal situation for which all Muslims must work⁶. It implies state protection of Islam⁷ - for example, through the prohibition of blasphemy - a differentiated status and rights for “*dhimmis*” communities⁸, and a war waged to eliminate pagans and atheists⁹.
3. This is why it is always paradoxical when practicing Muslims invoke the right to freedom of religion before the European Court of Human Rights (ECHR). It would be more logical for the applicants, from the “*Les Hijabeuses*” collective, to make a choice between the freedom of religion they invoke and the Islam they profess. Whether

¹ Patricia Crone, "Traditional Political Thought", in Gerhard Bowering (ed.), *Islamic Political Thought: An Introduction*, Princeton University Press, 2015, p. 245.

² See: John P. Humphrey, *Human Rights & the United Nations: A Great Adventure*, Dobbs Ferry, NY: Transnational Publishers, 1984, p. 73; Susan Waltz, "Universal Human Rights: The Contribution of Muslim States", *op. cit.* p. 814.

³ Declaration of Human Rights in Islam, adopted in Cairo on August 5, 1990.

⁴ Erich Kolig, "To Shari'aticize or not to Shari'aticize: Islamic and Secular Law in Liberal Democratic Society", in Rex Ahdar and Nicholas Aroney, *Shari'a in the West*, Oxford: Oxford University Press, 2010, p. 264; Jean-Paul Charnay, *La Charia et l'Occident*, Paris, L'Herne, 2001, p. 15.

⁵ See: Koran, XVI, 106; II, 217; III, 90; IV, 137; IX, 66; IX, 74.

⁶ Patricia Crone, "Traditional Political Thought", in Gerhard Bowering (ed.), *Islamic Political Thought: An Introduction*, Princeton University Press, 2015, p. 249.

⁷ Marie-Thérèse Urvoy, *Islamologie et monde islamique*, Éditions du Cerf, 2016, p. 176.

⁸ See: Rachel M. Scott, *The Challenge of Political Islam: Non-Muslims and the Egyptian State*, Stanford University Press, 2010, pp. 17 and 22-23; Michael Nazir-Ali, "Islamic Law, Fundamental Freedoms, and Social Cohesion: Retrospect and Prospect", in Rex Ahdar and Nicholas Aroney, *op. cit.* pp. 72, 80.

⁹ See: Qur'an, VIII, 39; IX, 5; V, 33, VIII, 22. Saudi professor Abu Bakr al-Jazaeri, quoted in Patricia Crone, "No Compulsion in Religion: Q. 2:256 in Mediaeval and Modern Interpretation", first printed 2009, in *The Qur'anic Pagans and Related Matters*, Editor: Hanna Siurua, Collected Studies in Three Volumes, Volume 1, Series: Islamic History and Civilization, Volume: 129, 2016, p. 384.

consciously or not, the applicants are diverting freedom of religion from its true purpose, by taking advantage of this right to publicly manifest a religion that rejects this right. This constitutes an abuse of rights within the meaning of Article 17 of the Convention.

4. As the Court has ruled on many similar cases in the past, these observations will examine the substance of the matter: should the *Hijabeuses*' claim be upheld? In a context of civilisational change brought about by Muslim immigration to France, this choice must first and foremost be a political one. It's about determining the long-term sustainability of the customs and mores of the country and its inhabitants. These observations are intended to shed light on this choice, with several warnings in terms of human rights. It is important to ensure that the legitimate fight against political Islam does not violate the rights of society as a whole.
5. Before delving fully into the subject, we feel it is important to highlight one aspect of the problem, which will be developed in greater detail in the comments. Women's soccer in most countries with a Muslim tradition does not provide for the wearing of the *hijab* as part of the official dress code, except for a few Islamist countries such as Saudi Arabia and Iran. In France, women are allowed to cover their heads with accessories such as the bandana or bonnet, as exemplified by the French Football Federation (FFF). Hijabees are thus able to wear a head covering, without adopting Saudi or Iranian Islamic outfits. Claiming the right to wear the *hijab* does not have a religious or moral objective, but a political and civilisational one.
6. These observations will reveal the Islamist objectives and methods of the *Hijabeuses* (I). They will develop three impasses to be avoided in terms of protecting freedoms in the face of the *Hijabeuses*' demands (II). Finally, they will provide guidelines for combating the Islamisation of sport in France (III).

I- *Les Hijabeuses*: Islamist objectives and methods

The Hijabeuses' objective is first and foremost political

7. The “*Les Hijabeuses*” collective was created in 2020 within the “*Alliance citoyenne*” association, whose general political aims can be described as “Islamist-leftist”¹⁰. The *Alliance citoyenne* was funded by the Open society Foundations (OSF) to the tune of \$135,000 in 2021¹¹. According to the Alliance Citoyenne’s 2020 report, the collective “*Les Hijabeuses*” was supported for its foundation by the international association Women Win¹², which also received more than \$3.6 million from OSF between 2020 and 2023¹³.
8. According to Naëm Bestandji, author of *Linceul du féminisme. Caresser l’islamisme dans le sens du voile* (2021), the *Hijabeuses* are “Islamic activists before being sportswomen: some of them have never even seen a ball”¹⁴. He sums up their strategy as follows: “permanent victimisation, hijacking of feminist slogans, fusion of Islamist radicalism with all Muslims (opposing Islamism would thus be opposing all Muslims)...” On January 9, 2015, Taous Hammouti, one of the spokespersons for Alliance citoyenne¹⁵, posted a visual on Facebook justifying the Islamist massacre of Charlie Hebdo journalists: “Don’t forget that it was Charlie who drew the first weapon”¹⁶. *Alliance citoyenne* claims the support of rapper Médine, who in his song *Don’t Laïk* (2015) declares: “Porte le voile t’es dans de beaux draps / Crucifions les laïcards comme à Golgotha”¹⁷, which translates to: “Wear the veil, you're in trouble / Let’s crucify the secularists like at Golgotha.”
9. Founé Diawara, the only applicant whose identity is officially revealed, says she trained with Rokhaya Diallo, worked at *Women Win* and was head of communications for

¹⁰ <https://alliancecitoyenne.org/histoire/>

¹¹ https://www.opensocietyfoundations.org/grants/past?filter_keyword=Alliance+Citoyenne&grant_id=OR2021-80361

¹² https://alliancecitoyenne.org/wp-content/uploads/2022/12/AC_RA2020_VF_WEB.pdf

¹³ https://www.opensocietyfoundations.org/grants/past?filter_keyword=Women+Win

¹⁴ <https://www.lefigaro.fr/actualite-france/alliance-citoyenne-enquete-sur-les-militants-du-burkini-20220525>

¹⁵ <https://www.ledauphine.com/societe/2021/03/30/taous-hammouti-membre-de-l-association-alliance-citoyenne-de-grenoble-j-ai-ete-choquee-par-les-mots-de-darmanin>

¹⁶ https://twitter.com/Enthoven_R/status/1143815064513912832/photo/1

¹⁷ This support is claimed, for example, by Elies Ben Azib, director of the Alliance citoyenne of Grenoble since 2018, in his article “Alliance citoyenne: universalisme ou communautarisme?”, *Confluences Méditerranée*, n°121, Summer 2022.

“Black Lives Matter”¹⁸, a movement also funded by the OSF¹⁹. She gave a speech at a demonstration by the Collective Adama Traoré, booing the “racism” of the headscarf ban²⁰; this demonstration was further distinguished by anti-police slogans and attacks on journalists provoked at the microphone by spokespersons for the demonstration²¹.

A strategy of “social pyromaniacs” disrupting public order

10. The official X account of the “*Les Hijabeuses*” posted publications such as “*no respect for these brainless, heartless police force*” (August 13, 2024)²² or, concerning the police, “*may Allah punish them one by one and may they never sleep again*” (August 12, 2024)²³. Other posts from this account, in connection with police actions, state “*I’m so full of hate*”²⁴ or “*I hate this shitty country*”²⁵ (August 12, 2024). These publications are followed by other tweets attacking France and its institutions in a more radical, violent and insulting way.

11. Stéphane Gemmani, a former Grenoble city councillor in charge of disability issues (2008-2014), now a regional councillor with the Auvergne-Rhône-Alpes socialist and democrat group, explains that Alliance citoyenne is “*a very special kind of association*”, describing his experience as follows: “*It was a violent way of operating, and very organised: you could see that it wasn’t just volunteer work. For example, I was called in to help with elevator problems, and it almost bothered them that I was being cooperative: they were always trying to find a new conflict! It was a way of winding up the troops. We soon realised that these were people who were taking advantage of other people’s distress. At the time, there were no religious connotations in their fights, but there was a desire to touch communities, to create a poisonous climate*”²⁶. In 2022, the Grenoble public prosecutor opened an investigation against *Alliance citoyenne*. The association was suspected of having collected data including the ethnic origin during its activities, but also the political and religious beliefs of inhabitants of so-called “popular”

¹⁸ <https://www.linkedin.com/in/foun%C3%A9-diawara-16155818b/?originalSubdomain=fr>

¹⁹ <https://www.opensocietyfoundations.org/newsroom/open-society-foundations-announce-220-million-for-building-power-in-black-communities>

²⁰ <https://x.com/leshijabeuses/status/1492599648997019653>

²¹ <https://www.lefigaro.fr/actualite-france/comite-adama-un-journaliste-de-livre-noir-violemment-pris-a-partie-en-marge-d-une-manifestation-20220213>

²² <https://x.com/bluzza/status/1823301896058044544>

²³ https://x.com/moonytaa_/status/1823060186321269204

²⁴ https://x.com/naaw_s/status/1823091664593776931

²⁵ <https://x.com/Quantuum3arbii/status/1823065506783608871>

²⁶ <https://www.lefigaro.fr/actualite-france/alliance-citoyenne-enquete-sur-les-militants-du-burkini-20220525>

neighbourhoods²⁷. An internal document from the association, quoted by *Le Parisien*, stated: “We helped the leaders identify the conflicts behind the anger. It’s not easy to take on the role of agitator, or social arsonist as they say on the other side of the Atlantic”²⁸.

12. Generally speaking, the wearing of the Islamic veil or demands linked to this garment regularly provoke public order disturbances in France: physical violence against teachers enforcing the ban on the veil in public secondary schools²⁹, organised lynchings of company managers enforcing internal regulations banning the veil³⁰ or violence between communities on beaches where the burkini is worn³¹.

II- How can freedoms be protected in the face of the *Hijabeuses*’ demands? Three dead ends to avoid

5

The UN’s pro-Islamist stance

13. The UN Human Rights Committee stands out for its “militant” jurisprudence on the issue of the Islamic veil. Unlike the ECHR, it has repeatedly held that France’s 2004 law on religious symbols in public schools violates the right to freedom of religion and generates a “*feeling of exclusion and marginalisation of certain groups*”³². In two other cases, the Human Rights Committee systematically took the opposite position to that of the ECHR concerning French cases and laws relating to Muslim dress claims³³. In a communication against Uzbekistan, the Human Rights Committee even took the

²⁷ <https://www.leparisien.fr/faits-divers/fichiers-dalliance-citoyenne-le-parquet-de-grenoble-ouvre-une-enquete-18-05-2022-ED4H4UINDZCADGVLSSU772Z43A.php>

²⁸ <https://www.leparisien.fr/societe/burkini-a-grenoble-alliance-citoyenne-une-association-pyromane-derriere-eric-piolle-10-05-2022-GG3ZEDCALBAFH037CMP2UFSG6U.php>

²⁹ <https://www.lefigaro.fr/actualite-france/tourcoing-l-eleve-qui-a-gifle-l-enseignante-avait-deja-refuse-d-oter-son-voile-20241008>

³⁰ <https://www.lefigaro.fr/actualite-france/gerant-d-un-magasin-geox-menace-de-mort-la-loi-permet-elle-a-un-employeur-d-interdire-a-ses-salariees-de-porter-le-voile-20240412>

³¹ <https://www.lefigaro.fr/actualite-france/2016/08/15/01016-20160815ARTFIG00063-un-nouveau-maire-interdit-le-burkini-apres-des-violences-en-corse.php>

³² Human Rights Committee, *Bikramjit Singh v. France*, Communication No. 1852/2008, CCPR/C/106/D/1852/2008, February 4, 2013, §§ 8.7 and 10; Concluding observations on the fifth periodic report of France, CCPR/C/FRA/CO/5, August 17, 2015, § 22.

³³ Human Rights Committee, *F.A. v. France*, Communication No. 2662/2015, CCPR/C/123/D/2662/2015, August 10, 2018; *Sonia Yaker v. France*, Communication No. 2747/2016, CCPR/C/123/D/2747/2016, October 22, 2018.

unprecedented view that the Islamic veil fell within the scope not of the freedom to manifest one's religion, but of the freedom to have a religion, which is unlimited and absolute³⁴. According to such reasoning, no limit on the wearing of the headscarf could be consistent with international law. This position taken by the Human Rights Committee can be explained in part by its composition, and in particular by the influence within it of an Islamism that exploits freedom of religion for its own benefit³⁵.

14. The current Secretary General of the United Nations, António Guterres, considered in September 2023 that “*In some countries, women and girls are punished for wearing too much clothing. In others, because they don't wear enough.*” He was reacting to the planned disciplinary sanction for wearing the abaya in French state schools, comparing it to the ten-year prison sentence for unveiled women in the street in Iran³⁶. Another UN expert, Ahmed Shaheed, former Special Rapporteur on Freedom of Religion, considered in 2021 that French laws on religious clothing were “Islamophobic”³⁷. Finally, in the summer of 2023, the Human Rights Council adopted a resolution calling for the punishment of “*deseccration of the Holy Koran,*” the equivalent of an offence of blasphemy against Islam³⁸.

15. In 2021, through the “*Freedom in the hijab*” communication campaign, the Council of Europe financed the promotion of the “*beauty*” of the hijab, a garment to be “*respected*” and without which “*the world would be boring.*” The campaign was organised with the help of Islamist movements close to the Muslim Brotherhood, such as the *Femyso* association and the *European Forum of Muslim Women* (EFMW)³⁹. Fortunately, the campaign was withdrawn by the Council of Europe, which stated that the visuals “*reflected statements made individually by participants in one of the workshops [of a] project and do not represent the position of the Council of Europe*”⁴⁰.

³⁴ Human Rights Committee, *Raihon Hudoyberganova v. Uzbekistan*, Communication No. 931/2000, CCPR/C/82/D/931/2000, November 5, 2004, §§ 6.2. and 7.

³⁵ See on this subject: Nicolas Bauer, “Affaire Baby-Loup” et burqa: la divergence profonde entre Genève et Strasbourg affaiblit la liberté de religion”, revue *Société, droit et religion* 2019/1 (Numéro 9), CNRS Éditions, June 2020.

³⁶ See: Nicolas Bauer, “Contrary to what the Secretary-General of the United Nations claims, France does not undress its daughters”, *Le Figaro*, September 22, 2023.

³⁷ Human Rights Council, twenty-fifth session, “Combating Islamophobia and anti-Muslim hatred to eliminate discrimination and intolerance based on religion or belief - Report of the Special Rapporteur on freedom of religion or belief”, A/HRC/46/30, February 25, 2021.

³⁸ Human Rights Council, Fifty-third session, “Combating religious hatred that constitutes incitement to discrimination, hostility or violence”, A/HRC/53/L.23, July 7, 2023.

³⁹ <https://www.marianne.net/societe/laicite-et-religions/derriere-la-campagne-pro-voile-du-conseil-de-leurope-la-galaxie-des-freres-musulmans>

⁴⁰ <https://www.europe1.fr/politique/sous-pression-le-conseil-de-leurope-retire-une-campagne-sur-le-hijab-4074914>

16. Fortunately, the ECHR refuses to relay Islamist propaganda, as the UN does, and for the time being has remained relatively unaffected by undue Islamist pressure. Admittedly, certain rulings may suggest otherwise. For example, while in 2003 the ECHR found “*the incompatibility of Sharia law with the fundamental principles of democracy*”⁴¹, in 2018 it accepted its application in Europe under certain conditions, unfortunately imprecise⁴². In the same year, it upheld the conviction of an Austrian lecturer for expressing a moral reservation about Muhammad’s marriage to a six-year-old girl⁴³. Since that same year, case law on anti-religious speech seems to favour Islam over Christianity⁴⁴. Overall, however, the ECHR refuses to become complacent with Islamism, and has not aligned itself with the pro-Islamic positions of the UN⁴⁵.

Restricting the freedoms of non-Muslims

17. Soccer players often make the sign of the cross or some other prayer as they enter the stadium, before taking a penalty kick or after scoring a goal. This is the case of celebrities such as Neymar and Lionel Messi, imitated in amateur soccer⁴⁶. These manifestations of religious conviction should not be equated with the *hijab*. Indeed, contrary to the claims of the *Hijabeuses*, these signs are occasional manifestations and are not primarily intended to send a religious message to others.

18. Some ideologues use the provocations of the *Hijabeuses* to suppress all secular manifestations of Christianity, however discreet. On June 5, 2024, during a parliamentary debate on the subject, Communist Senator Pierre Ouzoulias said: “*I’m offended that a player should make the sign of the cross before entering the pitch. However, this is a religious manifestation - not a religious sign - which should also be*

⁴¹ ECHR, *Refah Partisi and others v. Turkey*, n° 41340/98 and 3 others, February 13, 2003.

⁴² ECHR, *Molla Sali v. Greece* [GC], no. 20452/14, December 19, 2018. See on this subject: Grégor Puppink, “Charia: ce que révèle la décision de la CEDH”, *Le Figaro*, December 26, 2018.

⁴³ ECHR, *E.S. v. Austria*, no. 38450/12, October 25, 2018. See on this subject: Paul Sugy, “Délit de blasphème : “La CEDH n’est pas Charlie!””, interview with Grégor Puppink, *Le Figaro*, October 26, 2018; Grégor Puppink, “La CEDH reviendra-t-elle sur la condamnation d’une personne qui avait taxé Mahomet de pédophilie?”, *Le Figaro*, February 15, 2019.

⁴⁴ See Nicolas Bauer and Grégor Puppink, “Discours antireligieux : libertés individuelles et obligations des Etats”, *Revue des deux Cités : Société, droit, politique et religion*, Presses universitaires de Louvain, n°1, December 2023, pp. 157-176.

⁴⁵ See for example: ECHR, *S.A.S. v. France* [GC], no. 43835/11, 1^{er} July 2014.

⁴⁶ <https://fr.aleteia.org/2014/06/13/mais-pourquoi-donc-messi-se-signe-t-il-apres-chaque-but-> ; <https://www.valeursactuelles.com/societe/coupe-du-monde-olivier-giroud-mercie-jesus-christ>

*banned*⁴⁷. This statement on the pretext of religious neutrality contrasts with the one he made a month later, publicly rejoicing that Christians had been offended by the opening ceremony of the Paris Olympic Games: “*Blasphemy is an integral part of our republican heritage. Better still, it is a glorious feature of our revolutionary history. Thank you, Thomas Jolly, for reminding the world of this through this Last Supper, which will long be remembered*”⁴⁸.

The false “neutrality” of public space

19. The ban on public displays of religion in sport makes religions invisible. Such a policy is not religiously “neutral” or impartial. It is a practical atheism, or *at the very least* a practical agnosticism, which in fact opposes the teaching or practice of most religions. The position of the promoters of such a ban, like Pierre Ouzoulias above, clearly shows that the objective is anti-religious. On the contrary, what the ECHR must defend are freedoms, and in particular the freedom of religion. The ECHR, which requires states to be “neutral” and “impartial” in organising the practice of religion⁴⁹, must not conflate this with practical atheism or agnosticism, which would exclude religion from the public sphere.

⁴⁷ Examination in committee on June 5, 2024, of the proposed law to ensure respect for the principle of secularism in sport (Commission de la Culture, de l'Éducation, de la Communication et du Sport): <https://www.senat.fr/rap/123-667/123-6671.pdf>, p. 41.

⁴⁸ <https://www.facebook.com/POuzoulias/photos/le-blasph%C3%A8me-fait-partie-int%C3%A9grante-de-notre-patrimoine-r%C3%A9publicain-mieux-il-est/874983521113464/>

⁴⁹ See for example: ECHR, *Bayatyan v. Armenia* [GC], no. 23459/03, July 7, 2011, § 120; *S.A.S. v. France* [GC], *op. cit.*, § 127.

III- How can we combat the Islamization of sport?

20. There are hundreds of Islamist claims similar to that of the *Hijabeuses* in the field of sport. This is shown in Médéric Chapitoux's book *Quand l'islamisme pénètre le sport* (2023)⁵⁰. Within these claims, what characterizes the *Hijabeuses* is the concealment of their claim by an argument based on human rights. The author highlights the importance of combating the Islamisation of sport, which has already fostered not only radical Islam but also terrorism. Forcing soccer clubs to accept the demands of *Hijabeuses* would undermine their resistance to Islamisation. Such a choice would penalise non-Muslim sportswomen, who sometimes struggle to practice their sport peacefully in an Islamised atmosphere.

The legitimacy of imposing dress regulations on competitions

9

21. The birth and development of women's soccer is a Western phenomenon. For a long time, Islamic civilisation was a stranger to it. Soccer is a team sport, meaning that it is played as part of a team. No one is obliged to play or love soccer. A team sport is no longer truly collective if there is no regulation uniform that characterises each team and gives it unity. Today, women's soccer teams exist all over the world, including in traditionally Muslim countries. In the latter, the teams are made up of Muslim women. They have a regulation uniform, which generally does not include a *hijab* (Algeria⁵¹, Morocco⁵², Tunisia⁵³, Palestine⁵⁴, Turkey⁵⁵, Pakistan⁵⁶...) Only the most Islamist countries impose the *hijab* as part of their dress code (Saudi Arabia⁵⁷, Iran⁵⁸). In France, the FFF uniform is flexible enough to allow the wearing of accessories (such as bandannas, hats, etc.), leaving open the possibility of covering the head⁵⁹. Under no circumstances is it necessary to authorise the import of Saudi or Iranian outfits to cover

⁵⁰ Médéric Chapitoux, *Quand l'islamisme pénètre le sport*, Presses universitaires de France, 2023.

⁵¹ <https://www.dzfoot.com/equipes-nationales/en-fem-elim-jo-2024-oublie-ou-manque-denvie-242831.html> ; https://drive.google.com/file/d/1jAr_1ypjZsFi1HrVvkbQ5isW9IL6H1P0/view

⁵² <https://www.sportfem.fr/football-feminin-au-maroc-du-tabou-a-la-consecration/>

⁵³ <https://letemps.news/2021/11/21/equipe-de-tunisie-de-football-feminin-deux-rencontres-amicales-contre-lalgerie/>

⁵⁴ <https://fr.timesofisrael.com/le-foot-feminin-palestinien-un-enorme-defi-et-plein-de-buts/>

⁵⁵ <https://www.turquie-news.com/l-equipe-nationale-de-football-feminin-s-est>

⁵⁶ <https://www.newarab.com/features/pakistans-womens-football-team-has-bright-future-ahead>

⁵⁷ <https://www.2022mag.com/arabie-saoudite-tournoi-international-feminin-a-4-en-janvier/>

⁵⁸ https://www.francetvinfo.fr/sports/foot/footballleuses-voilees-la-fifa-veut-juste-satisfaire-leur-gouvernement_115257.html

⁵⁹ <https://media.fff.fr/uploads/document/8977364d9e6baf01bdd685cf50813534.pdf>

the head. In France, adjustments in line with European civilisation, which do not break the team spirit, are to be preferred.

Taking account of a historical civilisational reality

22. The evolution of the European population, and the resulting concerns, should encourage us to take greater account of national cultural traditions⁶⁰. The abstract application of freedom of religion is insufficient when it comes to safeguarding identities and customs in the face of the Islamisation of the European continent. It is right and proper that culture, including its religious dimension, should influence the application of human rights. The Preamble to the Statute of the Council of Europe cites “*the spiritual and moral values which are the common heritage of the peoples of Europe*” and to which the signatory governments declare themselves to be “*unshakeably attached*”. Freedom of religion must therefore be interpreted by the ECHR in the light of the historical and cultural reality of European civilisation, which is incompatible with Islamism.

⁶⁰ See on this subject: ECLJ, Written observations submitted to the ECHR in the cases of *Hafid Ouairi v. Switzerland* (no. 65840/09) and *Association "Ligue des Musulmans de Suisse" v. Switzerland* (66274/09), October 22, 2010.