



Information Submission for Consideration

UN Human Rights Council Side Event

Event Title:

Security-Oriented Policies of Germany and France and the Security Challenges of Muslim Communities

Organizing Organization: COJEP INTERNATIONAL

Status: ECOSOC Special Consultative Status

Location: Geneva, Concordia 1 Room

Date: 24.04.2026 (between 3pm – 4 pm)

1. Speaker Information

Full Name:	Enes Bayraklı
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Institution:	Turkish German University
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Area of Expertise (brief):	Islamophobia Studies

2. Presentation of the Speaker

Presentation Title:	Security-Oriented Policies of Germany and its impact on Muslim Communities in Germany
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Presentation Abstract

Please provide a technical abstract addressing the following points:

- Security-based policy or practice in Germany
- The impact of these policies on Muslim communities
- Concrete examples (legislation, administrative measures, court decisions, statistics)
- Assessment from an international human rights law perspective

The text should be academic and evidence-based.

Recent developments in Germany indicate an increasing tendency to frame Muslim communities and pro-Palestinian activism through a security lens. This dynamic has been particularly visible following the escalation of the Gaza conflict in October 2023. While states have a legitimate interest in maintaining public order and preventing violence, certain measures adopted in this context raise concerns regarding the protection of civil liberties and minority rights under international human rights law.

1. Security-Based Policies and Practices

In several German cities, authorities imposed restrictions on demonstrations related to the Gaza conflict, including bans, dispersals, and extensive police presence. Such measures engage **Article 21 of the International Covenant on Civil and Political Rights (ICCPR)** and **Article 11 of the European Convention on Human Rights (ECHR)**, which guarantee the right to peaceful

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assembly. International standards require that restrictions be **lawful, necessary, and proportionate**.

In parallel, political debates on migration and asylum have increasingly emphasized stricter border control measures and deportations, often framed in terms of security or social stability. Academic events, cultural initiatives, and public debates perceived as critical of Israeli government policies have also faced monitoring, cancellations, or funding restrictions. Scholars and civil society actors have warned that such measures may create a **chilling effect on freedom of expression**, protected under **ICCPR Article 19** and **ECHR Article 10**.

Impact on Muslim Communities

Empirical data indicate persistent discrimination affecting Muslims in Germany. According to the **EU Agency for Fundamental Rights (FRA)** survey *Being Muslim in the EU* (2024), **68% of Muslims in Germany reported experiencing discrimination during the previous five years, and 54% during the previous 12 months**, among the highest levels recorded in the European Union.

Civil society monitoring organizations also report a significant increase in anti-Muslim incidents. The **CLAIM network** documented **3,080 cases of anti-Muslim discrimination and violence in 2024**, including **198 physical attacks and two homicides**. Women wearing headscarves were disproportionately affected.

Official data further confirm these trends. The **Federal Criminal Police Office (BKA)** recorded **79 attacks on Muslim institutions in 2024**, while Germany's **Federal Anti-Discrimination Agency** received **11,405 discrimination inquiries**, more than double the number registered in 2019.

International Human Rights Law Assessment

These developments raise concerns under the **principle of non-discrimination** in **ICCPR Articles 2(1) and 26** and **ECHR Article 14**, as well as the protection of **freedom of religion** under **ICCPR Article 18** and **ECHR Article 9**. Policies that disproportionately affect Muslims, even if formally neutral, may constitute **indirect discrimination** if they have unequal impacts on particular religious groups.

Overall, the increasing securitization of Muslim communities—combined with heightened policing of protests and rising anti-Muslim incidents—raises questions regarding **necessity, proportionality, and equality before the law** under international human rights standards.

References

- EU Agency for Fundamental Rights (FRA). *Being Muslim in the EU: Experiences of Muslims*. 2024.
- Federal Criminal Police Office (BKA). *Politically Motivated Crime Statistics 2024*.
- CLAIM – Alliance Against Islamophobia. *Anti-Muslim Incidents in Germany: Annual Report 2024*.
- Federal Anti-Discrimination Agency (Germany). *Annual Report 2024*.

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International Covenant on Civil and Political Rights (ICCPR).
European Convention on Human Rights (ECHR).

3. Identified Human Rights Concerns

Please check the applicable issues and provide an explanation:

- Violation of freedom of religion or belief
- Discrimination / Indirect discrimination
- Restriction of freedom of association
- Disproportionate security measures
- Arbitrariness in administrative sanctions
- Stigmatization / Profiling
- Other:

Explanation (maximum 300 words):

Violation of Freedom of Religion or Belief

Freedom of religion or belief is protected under **Article 9 of the European Convention on Human Rights (ECHR)** and **Article 18 of the International Covenant on Civil and Political Rights (ICCPR)**. In Germany, this right generally enjoys constitutional protection through **Article 4 of the German Basic Law**, which guarantees freedom of faith and religious practice. However, practical challenges remain. Muslims, particularly those visibly identifiable through religious attire such as the headscarf, report higher levels of harassment and discrimination in public spaces and workplaces. According to the **EU Agency for Fundamental Rights (FRA)** survey *Being Muslim in the EU* (2024), **54% of Muslims in Germany reported experiencing discrimination in the past five years**, one of the highest rates in the EU. Such patterns raise concerns about the effective enjoyment of religious freedom in everyday life.

Discrimination / Indirect Discrimination

Anti-Muslim discrimination continues to manifest in employment, housing, and public services. The **German Federal Anti-Discrimination Agency (Antidiskriminierungsstelle des Bundes)** reported **over 11,000 discrimination inquiries in 2024**, more than double the number recorded in 2019. Research has consistently shown that applicants with Muslim-sounding names receive fewer responses in job applications compared to equally qualified candidates. Even when legal provisions appear neutral, policies may generate **indirect discrimination** if they disproportionately affect Muslims or individuals perceived as Muslim. This raises issues under **Article 14 ECHR, EU Equality Directives, and Articles 20–21 of the EU Charter of Fundamental Rights**.



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Restriction of Freedom of Association

Freedom of association and peaceful assembly are guaranteed by **Articles 10 and 11 ECHR**. In recent years, demonstrations connected to Middle East politics—particularly pro-Palestinian protests—have faced increased restrictions in several German cities, including bans or strict conditions imposed by authorities. While governments may impose limitations to protect public order, international human rights law requires that such restrictions be **necessary, proportionate, and non-discriminatory**.

Disproportionate Security Measures

Security concerns related to extremism and public order have led to extensive policing of demonstrations and religious communities. Critics argue that some security responses risk being disproportionate when they broadly affect particular communities rather than specific individuals suspected of criminal activity. Human rights jurisprudence from the **European Court of Human Rights** emphasizes that counter-extremism measures must be narrowly tailored and cannot undermine fundamental freedoms.

Arbitrariness in Administrative Sanctions

Administrative actions—such as cancellation of public events, withdrawal of funding, or restrictions on assemblies—must follow clear legal standards and due process requirements. If decisions are made without transparent criteria or consistent procedures, they may constitute arbitrary interference with fundamental rights, contrary to principles established in **European human rights law**.

Stigmatization / Profiling

Studies and monitoring data indicate that Muslims in Germany are often subject to **social stigmatization and racial or religious profiling**, particularly in policing contexts. The FRA has reported that **almost half of Muslims stopped by police in the EU believe the stop occurred due to their ethnic or immigrant background**. Such perceptions can undermine trust in institutions and contribute to social exclusion.

Other: Chilling Effect on Expression

Restrictions on political activism, public debate, or academic events related to Muslim communities or Middle East politics may create a **chilling effect on freedom of expression**, protected under **Article 10 ECHR**. Even when not formally prohibited, heightened scrutiny can discourage participation in democratic debate.



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4. Legal Framework Analysis

Please refer, where applicable, to the following international norms:

- International Covenant on Civil and Political Rights (ICCPR)
- European Convention on Human Rights (ECHR)
- Principle of non-discrimination
- Principles of proportionality and necessity

Please specify the relevant article numbers.

Explanation (maximum 300 words):

Several recent developments in Germany raise concerns when assessed against international human rights standards, particularly those contained in the **International Covenant on Civil and Political Rights (ICCPR)** and the **European Convention on Human Rights (ECHR)**.

First, restrictions on public demonstrations—especially those related to Middle East politics—must be evaluated under **ICCPR Article 21** and **ECHR Article 11**, which protect the right to peaceful assembly. While states may impose limitations to maintain public order or prevent violence, such restrictions must satisfy the principles of **necessity and proportionality**. Broad bans or sweeping restrictions that disproportionately affect specific groups or viewpoints risk exceeding what is permissible under these provisions.

Second, the treatment of Muslim communities and visibly Muslim individuals raises concerns under the **principle of non-discrimination**, enshrined in **ICCPR Articles 2(1) and 26** and **ECHR Article 14**, as well as **Protocol No. 12 to the ECHR**. Reports of higher rates of discrimination in employment, housing, and public life affecting Muslims suggest the possibility of **indirect discrimination**, where formally neutral policies produce disproportionately negative impacts on a particular religious group.

Third, issues relating to religious expression engage **ICCPR Article 18** and **ECHR Article 9**, which protect freedom of thought, conscience, and religion, including the right to manifest religion individually or collectively in public. Harassment or institutional barriers targeting visible religious practices—such as wearing religious attire—may undermine the effective enjoyment of this right if not justified by compelling and proportionate public interests.

Fourth, extensive policing of demonstrations or monitoring of civil society activities must also comply with **ICCPR Article 19** and **ECHR Article 10**, which guarantee freedom of expression.

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Measures that produce a **chilling effect** on political speech or academic debate may conflict with these protections unless they are narrowly tailored and clearly justified.

Overall, international human rights law allows states to address legitimate security concerns, but any restrictive measures must remain **lawful, necessary, proportionate, and non-discriminatory**, ensuring that fundamental rights are not undermined in the process.

5. Concrete Case or Data

If available, include:

- Statistical data
- Academic research references
- Official documents
- Court decisions
- Testimony (anonymized)

Please attach references.

Explanation (maximum 300 words):

In Germany, several measures and patterns raise concerns under international human rights law. Restrictions on demonstrations, including intensive policing and administrative limits on pro-Palestinian assemblies, engage **ICCPR Article 21** and **ECHR Article 11** (peaceful assembly), as well as **ICCPR Article 19** and **ECHR Article 10** (expression). Any restriction must be **necessary and proportionate**; broad or viewpoint-specific constraints risk incompatibility with these standards.

Anti-Muslim discrimination is also documented at significant levels. The **EU Agency for Fundamental Rights (FRA)** found that **68% of Muslims in Germany** experienced racial discrimination in the previous five years and **54% in the previous 12 months**, among the highest rates in the EU; Muslims in Germany also report especially high discrimination in employment. (FRA) This engages the **principle of non-discrimination** under **ICCPR Articles 2(1), 26** and **ECHR Article 14**.

Official and civil-society data indicate a broader pattern of stigmatization and profiling. According to **CLAIM**, **1,848 Islamophobic offences** were officially recorded in 2024, including **79 attacks on mosques**, while CLAIM documented **2 homicides, 198 bodily-harm offences, 122 cases of property damage, and 4 arsons** in anti-Muslim incidents. It also cites evidence that **39% of Muslim men experience racist discrimination by the police**. These patterns are relevant to **ICCPR Articles 17, 18, 26** and **ECHR Articles 8, 9, 14**, especially where Muslims are treated as a generalized security risk.

Regarding freedom of religion or belief, headscarf-related exclusion in employment remains a concrete concern. Germany's Federal Anti-Discrimination Agency states that Muslim women wearing headscarves face above-average discrimination and are sometimes not invited to

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interviews. (Antidiskriminierungsstelle) The constitutional baseline is clear: the Federal Constitutional Court has held that a general headscarf ban for teachers is incompatible with religious freedom absent a sufficiently specific danger. (Federal Constitutional Court)

References

FRA, *Being Muslim in the EU* (2024). (FRA)

CLAIM, *Anti-Muslim Incidents in Germany in 2024* (2025 summary).

Federal Anti-Discrimination Agency, *Wearing a headscarf in the workplace*.

(Antidiskriminierungsstelle)

Antidiskriminierungsstelle des Bundes, *Jahresbericht 2024*. (Antidiskriminierungsstelle)

German Federal Constitutional Court, headscarf rulings. (Federal Constitutional Court)

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6. Policy Recommendations

Recommendations addressed to UN mechanisms:

- x Request information from States
- x Call for a country visit
- x Inclusion in a thematic report
- x Call for dialogue

Explanation (maximum 250 words):

Recommendations addressed to UN mechanisms

Request information from the State

Relevant UN Special Procedures, including the **Special Rapporteur on freedom of religion or belief**, the **Special Rapporteur on contemporary forms of racism**, and the **Special Rapporteur on the rights to freedom of peaceful assembly and association**, should request detailed information from the Government of Germany regarding measures affecting Muslim communities. Particular attention could be given to restrictions on demonstrations, anti-Muslim discrimination in employment and public life, and the protection of freedom of religion in practice. Such communication would assist in assessing compliance with **ICCPR Articles 18, 19, 21, and 26**, as well as the principle of non-discrimination under international human rights law.

Call for a country visit

A country visit by relevant UN Special Rapporteurs could provide an opportunity to evaluate the broader human rights environment affecting religious minorities and Muslim communities. Such a visit could examine issues including discrimination, religious profiling, policing practices, and the impact of security-based measures on fundamental rights. Engagement with government authorities, civil society organizations, academics, and affected individuals would help ensure a comprehensive and balanced assessment.

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Inclusion in a thematic report

The situation could be considered within future thematic reports addressing **religious discrimination, Islamophobia, or the securitization of minority communities**. Incorporating the German case into comparative analysis would allow UN mechanisms to evaluate broader trends across democratic societies regarding the intersection of counter-extremism policies and the protection of civil liberties. This would also contribute to strengthening international guidance on ensuring that security measures comply with the **principles of necessity, proportionality, and non-discrimination**.

Call for dialogue

UN human rights mechanisms should encourage **constructive dialogue** between the German government, international human rights bodies, and civil society organizations representing Muslim communities. Such dialogue could focus on strengthening anti-discrimination policies, improving data collection on anti-Muslim incidents, and ensuring that security measures do not disproportionately affect particular religious or ethnic groups. Enhanced cooperation between state institutions and civil society would support the effective implementation of Germany's international obligations under the **ICCPR and the European human rights framework**.

7. Declaration and Confirmation

I declare that the information provided in this form complies with academic ethical standards and is accurate to the best of my knowledge.

Full Name: Prof. Dr. Enes Bayrakli

Date: 09.03.26

Signature:

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References and Official Sources

ICCPR (International Covenant on Civil and Political Rights), Arts. 2(1), 18, 19, 21, 26 – Official text: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

UN Human Rights Committee, General Comment No. 34 (Article 19 – Freedom of Opinion and Expression): <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no34-article-19-freedom-opinion-and-expression>

UN Human Rights Committee, General Comment No. 37 (Article 21 – Right of Peaceful Assembly): <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful>

European Convention on Human Rights (ECHR), Arts. 9, 10, 11, 14 – Official text: https://www.echr.coe.int/documents/d/echr/convention_ENG

Protocol No. 12 to the ECHR (General prohibition of discrimination): https://www.echr.coe.int/documents/d/echr/Library_Collection_P12_ET5177E_ENG

EU Fundamental Rights Agency (FRA), Being Muslim in the EU (2024): <https://fra.europa.eu/en/publication/2024/being-muslim-eu>

CLAIM – Alliance against Islamophobia and Anti-Muslim Hate, Annual Report 2024: https://www.claim-allianz.de/content/uploads/2025/07/claim_lagebild25_summary_eng_250725.pdf

Federal Anti-Discrimination Agency Germany, Annual Report 2024: https://www.antidiskriminierungsstelle.de/EN/homepage/_documents/annual_report_2024.pdf

German Federal Constitutional Court (BVerfG), Headscarf ruling press release (2015): <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2015/bvg15-014.html>

German Federal Criminal Police Office (BKA), Politically Motivated Crime statistics 2024: https://www.bka.de/DE/UnsereAufgaben/Deliktsbereiche/PMK/PMKZahlen2024/PMKZahlen2024_node.html

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