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Countering Islamophobia/Anti-Muslim Hatred to Eliminate Discrimination and Intolerance Based on Religion or Belief

Report of the Special Rapporteur on freedom of religion or belief*

Summary

In the present report, the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed examines how Islamophobia/anti-Muslim hatred infringes upon freedom of religion or belief. Perpetuating discrimination, hostility and violence towards Muslim individuals and communities, the phenomenon undercuts the ability of affected Muslims to be Muslim and violates freedom of religion or belief and myriad other human rights. Despite its pervasive impacts, Islamophobia/anti-Muslim hate remains poorly understood and discussions on how to address its impacts are often fraught with tension.

The report: (i) unpacks the concept of Islamophobia, including the processes of essentialization and racialization that propel this form of bias (ii) documents the experiences of affected communities and the human rights impacts (iii) affirms the relevant international human rights framework; and (iv) proposes recommendations to address and mitigate the impacts of Islamophobia consistent with international law.

* The present report was submitted after the deadline so as to include the most recent information.

I. Introduction[1]

1. Following the terrorist attacks of 9/11 and other horrific acts of terrorism purportedly carried out in the name of Islam, institutional suspicion of Muslims and those perceived to be Muslim has escalated to epidemic proportions. Numerous States — along with regional and international bodies — have responded to security threats by adopting measures which disproportionately target Muslims and define Muslims as both high-risk and at risk of radicalization. Entreating upon long entrenched imperialist essentializations of Muslims as cultural "others,"[2] laws, policies and practices have also perpetuated harmful stereotypes and tropes that depict Muslims and their beliefs and culture as a threat. The consequences for human rights, in particular the right to freedom of thought, conscience, religion of belief, have been stark.

2. Experts and human rights monitors report that widespread negative representations of Islam, fear of Muslims generally (not just "Muslim" extremists and terrorists) and the above-mentioned security and counterterrorism policies have served to perpetuate, validate and normalize discrimination, hostility and violence towards Muslim individuals and communities.[3] Rights monitors assert that States directly restrict the right to freedom of religion or belief of Muslims; curtail the enjoyment of freedom of religion or belief by limiting Muslims' other fundamental rights; and securitize Muslim communities and/or their organizations. Members of Muslim communities themselves, especially those living as minorities, recount alarming tolerance or indifference to their experiences of anti-Muslim bias, discrimination and violence. Violent attacks and impunity for such attacks, including those resulting in mass casualties; industrial scale internment designed to coercively change beliefs; disproportionate restrictions on the ability of Muslims to manifest their beliefs; limits on access to citizenship; socio-economic exclusion and pervasive stigmatization of Muslim communities are among the panoply of concerns.

3. In such climates of exclusion, fear and distrust, Muslims report that they often feel stigma, shame and a sense that they are "suspect communities," that are being forced to bear collective responsibility for the actions of a small minority. Notably, in India, approximately half of police personnel reportedly believe that Muslims are "very much" naturally prone to committing crimes and another 36% feel that Muslims are "somewhat" naturally prone to committing crimes.[4] In 2018 and 2019 surveys in Europe, an average of 37% of the population reported that they held unfavourable views of Muslims.[5] In 2017, some 30% of Americans surveyed viewed Muslims in a negative light.[6] And in Myanmar, unchecked Buddhist nationalism, peddling the view that Islam threatens to "overrun" the country and that Buddhists must stand up and "save" their way of life, has contributed to egregious atrocities against Rohingya Muslims.

4. Human rights monitors and affected communities stress that many Muslims feel pressure to conceal or underplay their religious identity to make themselves less identifiable as Muslims or seem more "moderate" in an effort to reduce State and public suspicion, to avoid attacks, and to exercise their agency and human rights. At governmental level, policies which disproportionately limit freedom of religion of belief for Muslims or infringe upon Muslims' other fundamental rights based on their Muslim identity suppress the ability of

[1] Rose Richter, Christine Ryan and Jennifer Tridgell undertook outstanding research and analysis for this report, as did Benjamin Greenacre, Zurab Archuashvili and Sarah Aruanno. The Special Rapporteur is also grateful to Chian Yew Lim and Damianos Serefidis at OHCHR for their excellent support in facilitating research for this report.

[2] Edward Said, *Orientalism* (1978)

[3] A/HRC/46/36, para. 11; and A/73/362

[4] https://www.commoncause.in/uploadimage/page/Status_of_Policing_in_India_Report_2019_by_Common_Cause_and_CSDS.pdf p.119

[5] https://edition.cnn.com/interactive/2018/11/europe/antisemitism-poll-2018-intl/; http://www.pewforum.org/2018/10/29/eastern-and-western-europeans-differonimportance-of-religion-views-of-minorities-and-key-social-issues; and https://www.pewresearch.org/global/2019/10/14/minority-groups/

[6] https://www.pewforum.org/2017/02/15/americans-express-increasingly-warm-feelings-toward-religious-groups/

Muslims to freely be Muslim. Moreover, such exceptional and exclusionary measures may serve to validate anti-Muslim sentiments within the wider population.

5. Interlocutors contend that States either lack effective monitoring and reporting mechanisms for discrimination against Muslims and/or that States are the principal perpetrators of discrimination themselves. An increasing chorus of voices assert that scant attention to, or the amplification of, intolerant ideologies towards Muslims, are among the root causes of the discrimination, hostility and violence to which Muslims are subjected.

6. The term most used by victims, scholars and rights monitors to describe and explain the animus driving acts of discrimination, hostility and violence against Muslims is "Islamophobia."[7] The Special Rapporteur notes that some policymakers and monitors prefer the label "anti-Muslim hatred," fearing that the term "Islamophobia" risks condemning all critiques of Islam and, as such, could stifle freedom of expression. Moreover, the term is contested because charges of Islamophobia have been inappropriately and dangerously levelled at persons who challenge majoritarian interpretations of Islam, such as human rights activists, including women's human rights advocates; members of minority Muslim communities within majority Muslim contexts; non-Muslims, including atheists and other religious minorities; and dissidents in authoritarian States. However, others contend that a nebula of anti-Islam discourses use "Islam" as a proxy for "Muslims" and that the institutionalized bias against Muslims is not captured by the concept of "anti-Muslim hatred". Meanwhile, the term "anti-Muslim racism", grounded in cultural racism perspectives, is used by others to reflect the theory that "religion" serves the function of race in differentiating, dehumanizing and subordinating Muslims to the relevant dominant group. However, the racism frame elides religious bigotry that is independent of racialized narratives.

7. For the purposes of this report, the Special Rapporteur adopts the term "Islamophobia" to characterize the complex and diverse set of processes communicated to him that accommodate exclusionary paradigms which are anchored in the use of essentializations and misperceptions of Islam to stigmatize Muslim individuals and communities. The report seeks to identify the relationship between Islamophobia and the exercise of freedom of religion or belief by Muslims, and those perceived to be Muslim, while noting that a threat to the freedoms of one community is an obstacle to the enjoyment of human rights more broadly. Additionally, the report underscores a human rights approach to countering discrimination and intolerance engendered by Islamophobia and to better ensure that measures for addressing the phenomenon are grounded in international law and uphold the human rights of all.

II. Methodology

8. To inform the present report, the Special Rapporteur held 12 roundtable consultations and 15 bilateral meetings with stakeholders representing five geographical regions via online platforms. Pursuant to his call for submissions, he received and reviewed 76 submissions from civil society, 2 from national human rights and equality bodies, 26 from States and 3 from multilateral organizations. The Special Rapporteur extends his deepest gratitude to all those that provided their time and insight.

9. In many cases, it would be incorrect to address discrimination, hostility and violence that emanate from Islamophobia as based on the single protected ground of "religion" alone; Islamophobia can be fuelled by various overlapping prejudices — ethnic, racial, xenophobic, economic, gendered and religious, subjecting targets to discrimination based on multiple or concurring grounds.[8] Therefore, the Special Rapporteur uses an intersectional lens and tools to promote and protect freedom of religion or belief in the context of Islamophobia.

10. The Special Rapporteur notes that Muslim individuals and communities experience anti-Muslim bias differently depending on the context. The mandate has consistently raised incidents — including through its communications procedure and country visits — of anti-Muslim bias targeting Muslim communities who live as minorities in Muslim-majority

[7] http://bridge.georgetown.edu/islamophobia-the-right-word-for-a-real-problem/
[8] https://www.jstor.org/stable/1229039?seq=1 p.140

settings[9] and within Muslim communities.[10] While some illustrative examples of sectarian, intra-Muslim prejudice and violence are identified in this report, given word-limit restrictions, coverage in mandate practice to date and forthcoming reports and activities of the current mandate-holder, the present report draws largely on challenges faced by Muslims who live as minorities in non-Muslim majority States.

III. Mandate Activities

11. An overview of the activities of the mandate holder from July 2019 to July 2020 is provided in the report presented to the General Assembly at its seventy-fifth session (A/75/385). The Special Rapporteur collaborated closely with a range of United Nations actors, such as UNESCO, UNAOC, UNOGP, UNICRI and OHCHR, to address issues related to hate speech. He also worked closely with OSCE/ODIHR, IPP-FoRB and a range of civil society actors including academics, to disseminate the findings of his reports on freedom of expression, gender equality, combating antisemitism, and the 2030 development agenda. He also issued 24 communications to governments from July 2020 addressing a broad range of violations of freedom of religion or belief.

Key Findings

Conceptual framework

12. A preponderance of the views submitted for this report characterize Islamophobia as a pool of ideas or ideologies that includes two overlapping processes whereby Islam and Muslims are essentialized and "othered". While the precise character is context-specific, in its most prevalent form, the Islamophobic mindset treats Islam — a global religion with widely diverse interpretations and practices across the world — as a monolithic and fundamentalist creed that advocates violence, sexism and homophobia. Denying Islam of its status as a religion, the Islamophobic mindset considers Islam a fixed political ideology that endangers "Western civilization,"[11] and other nations where Muslims are a minority.[12] In parallel, as followers of Islam, Muslims are demonized as disloyal "others" who are intent upon imposing their values on non-believers through violence, overbreeding and the radicalization of "good" Muslims.

13. Scholars have explored how this latter process functions as a form of "racialization"; instilling the idea that Muslim identity is a fixed marker of cultural – not just religious – difference, characterizing Muslims as a foreign "other". Simultaneously drawing upon Muslims' religion, race and culture, Muslims are differentiated as a social group apart from the majority and treated as inferior on the basis of such perceived differences. As such, some recognize Islamophobia as a form of anti-Muslim racism.[13] Scholars and human rights experts also underscore the gendered forms of the phenomenon whereby Muslim women — particularly "veiled" Muslim women—are cast as agentless subordinates, while Muslim men, and those who "look" Muslim by virtue of their skin colour and facial hair, are deemed to be

[9] e.g. AL PAK 1/2020; OL PAK 10/2020; JAL AFG 4/2016; JUA MRT 3/2016; JUA 8/10/2016; JUA SDN 1/2016; JUA SAU 11/2015; UA DZA 3/2017; AL EGY 4/2017; AL IDN 5/2018; OL NGA 3/2017

[10] e.g. AL PHL 6/2019

[11] https://www.worldcat.org/title/clash-of-civilizations-and-the-remaking-of-world-order/oclc/35029747; and https://www.worldcat.org/title/militant-islam-reaches-america/oclc/49681230

[12] e.g Myanmar, China and India. Submission – Justice for All

[13] https://www.runnymedetrust.org/uploads/Islamophobia%20Report%202018%20FINAL.pdf. The EU Anti-Racism Action Plan emphasises that anti-Muslim hatred is a source of intolerance, and that "[t]here are different forms of racism […] that link to religion or belief in cases such anti-Muslim hatred": https://ec.europa.eu/info/sites/info/files/a_union_of_equality_eu_action_plan_against_racism_2020_-2025_en.pdf pp.1-2.

intrinsically violent.[14] Others highlight that the possibility of conversion away from Islam limits the relevance of the racism frame, while also noting that in many contexts religious bigotry based on essentialized depictions of Islam offers a shield for racist expression.

14. Some scholars contend that Islamophobia can exist in Muslim-majority states, manifesting in discourses and policies that treat Islam as unfit for inclusion in burgeoning democracies.[15] Moreover, many former Soviet States with Muslim majority populations criminalize expressions of Islamic faith and target individuals who appear "Muslim."[16] Informing governmental and institutional policies, social discourses, and violent practices against Muslims, this form of anti-Muslim bias in majority Muslim contexts institutes power hierarchies, albeit driven by a different form to the bias examined herein.

A. Dissemination of intolerant narratives

15. Harmful stereotypes and tropes about Muslims and Islam are chronically reinforced by mainstream media, powerful politicians, influencers of popular culture and in academic discourse. Muslims are generally underrepresented and are often mispresented in the media. A European Commission against Racism and Intolerance ("ECRI") study reported, for example, that in over 600,000 Dutch news items in 2016 and 2017, the adjectives most used to describe Muslims were "radical", "extremist" and "terrorist;" in contrast, Dutch people are often described as "known", "average" and "beautiful."[17] Studies show that media in several countries disproportionately focus on negative angles for news stories involving Muslims,[18] such as reporting on their perceived failure to integrate,[19] and disproportionate media attention is often paid to a terrorist attack committed by Muslims than coverage of terrorist attacks committed by far-right extremists.[20] Indeed, a Federal Commission against Racism-commissioned study on the quality of media coverage of Swiss Muslims in 18 print media outlets between 2014 to 2017 found that reporting predominantly condemned a lack of will of Muslims to integrate, but only 2% of reporting covered the daily life of Muslims or their successful integration respectively.[21]

16. Conversely, many films feature "negative" depictions of Muslims and play into harmful stereotypes,[22] with some even claiming that the "Muslim-as-terrorist" film has become a "legitimate genre (or subgenre) in its own right."[23] Despite an increasing number of "positive" depictions of Muslims in recent years, such depictions may justify discriminatory policies and Islamophobic sentiment by feeding a "good v bad" Muslim binary.[24] And various Western film and television producers also engage in the process of

[14] https://www.worldcat.org/title/do-muslim-women-need-saving/oclc/828265187Lila Abu-Lughod, Do Muslim women need saving? (2013)
[15] e.g. https://www.worldcat.org/title/islamophobia-in-muslim-majority-societies/oclc/1076873408
[16] e.g. A/HRC/37/49/Add.2 para 47; and A/75/385
[17] https://rm.coe.int/fifth-report-on-the-netherlands/168094c577 para 34
[18] e.g. Australia: https://onepathnetwork.com/islam-in-the-media-2017/; UK: https://www.cam.ac.uk/research/news/media-fuelling-rising-hostility-towards-muslims-in-britain and https://static1.squarespace.com/static/599c3d2febbd1a90cffdd8a9/t/5bfd1ea3352f531a6170ceee/1543315109493/Islamophobia+Defined.pdf pp.19-20; USA: https://bridge.georgetown.edu/research/report-muslims-most-negatively-portrayed-minority-in-us-media/. Generally: https://journals.sagepub.com/doi/10.1177/1748048516656305
[19] Submission – ECRI
[20] Submission – Asociación Musulmana por los Derechos Humanos ("AMDEH") https://www.mdpi.com/2077-1444/9/9/274/htm; and https://cfmm.org.uk/resources/publication/cfmm-special-report-how-british-media-reports-terrorism/
[21] https://rm.coe.int/ecri-report-on-switzerland-sixth-monitoring-cycle-/16809ce4bd, para 32
[22] https://www.worldcat.org/title/reel-inequality-hollywood-actors-and-racism/oclc/948339407&referer=brief_results helps to understand how film and television can also cultivate existent fears of foreign threat.
[23] https://journal.equinoxpub.com/CIS/article/view/9322 p.219.
[24] https://popcollab.org/wp-content/uploads/2018/10/HaqqAndHollywood_Report.pdf pp.25-29

"whitewashing", depicting Muslim characters without having consulted with or cast any Muslims.[25]

Dissemination online

17. Harmful narratives and stereotypes about Muslims and Islam are also widely disseminated through digital media – both on platforms that attempt to regulate content, such as YouTube, Twitter and Facebook, and on networks such as Gab, 8chan and Voat that largely have been established in response to the hate-speech policies of larger social-media platforms. In Europe, for example, Muslim individuals have been accused of being paedophiles simply for being Muslim.[26] In Myanmar, inflammatory statements shared on social media by prominent Buddhist monks have alleged that Muslims generally are responsible for sexual crimes against Buddhist women.[27] Muslims and those who ostensibly manifest an ethnically Arab identity online — including by wearing "Muslim dress" in profile pictures or having "Muslim or Arab names" — are regularly accused of being "terrorists" and "suicide bombers."[28]

18. Muslim women are more likely to be targeted than men with hate, both online and offline. Muslim women also appear to receive more extreme hate speech than other women online: 55% of the most aggressive online hate speech documented by Amnesty India directed at female politicians was directed at Muslim women.[29] Abuse, harassment and threats of gratuitous violence have also been reported by academics,[30] journalists[31] and human rights defenders[32] who report on Islamophobia.

19. In Europe and North America, prominent politicians, influencers and academics advance discourses online on both social networks and blogs that Islam is innately antithetical to democracy and human rights — particularly gender equality — often propagating the trope that all Muslim women are oppressed.[33] In China, popular narratives on social media emphasize the incompatibility of Muslim identities with being Chinese and claim that State initiatives attempting to strip Muslim women of their religious identity serve to "rescue" Muslim women from their supposed lives as vessels of Muslim reproduction.[34]

20. Conspiracy theories drawing on xenophobic and racist narratives about Muslims are also propagated by far-right groups online. Designed to influence attitudes towards policies meant to promote immigration and inclusion, or to ascribe blame for challenges facing a society, such theories include fabrications that immigrant Muslim populations are going to "out-breed" native populations, which are widespread online in Europe,[35] North America,[36] Myanmar[37] and Sri Lanka;[38] and in India, Hindu nationalists have pushed the "Love Jihad" narrative, claiming that Muslim men conspire to marry, seduce or otherwise induce Hindu women into converting to Islam.[39] Notably, conspiracy theories have been amplified by a

[25] https://digitalcommons.colby.edu/cgi/viewcontent.cgi?article=1940&context=honorstheses p.15
[26] https://www.jstor.org/stable/j.ctt1t88zw7 p.59
[27] https://www.bbc.co.uk/news/world-asia-28122925
[28] https://ethos.bl.uk/OrderDetails.do?uin=uk.bl.ethos.617634
[29] https://amnesty.org.in/trolling-verified-troll-patrol-indias-findings-on-online-abuse-twitter/
[30] https://journals.sagepub.com/doi/full/10.1177/2056305116678896
[31] UA IND 1/2020; OL IND 10/2018
[32] https://www.apc.org/en/pubs/apc-condemns-crackdown-peaceful-protesters-india-including-harassment-apc-staff-member
[33] https://www.jstor.org/stable/pdf/10.33428/jsoutasiamiddeas.42.3.0020.pdf; https://www.brookings.edu/research/muslims-and-the-secular-city-how-right-wing-populists-shape-the-french-debate-over-islam/ https://www.brookings.edu/blog/markaz/2015/12/09/what-americans-really-think-about-muslims-and-islam/
[34] https://www.tandfonline.com/doi/abs/10.1080/10670564.2019.1704995?journalCode=cjcc20
[35] https://www.ucviden.dk/en/publications/propaganda-and-conspiracy-theories-in-extreme-right-ideologies
[36] Consultation – Canada. See also, 2019 El Paso Shooter's Manifesto (purposely not linked)
[37] https://ash.harvard.edu/links/creating-future-using-natural-resources-new-federalism-and-unity p.24
[38] https://www.jstor.org/stable/26402133?seq=1#metadata_info_tab_contents
[39] https://www.reuters.com/article/us-india-women-law-religion/love-jihad-law-seen-trampling-womens-hard-earned-freedoms-in-india-idUSKBN29K260

number of so-called "Counter-jihad" and "alt-news" websites, blogs and organisations across Europe and North America. These theories have also directly incited atrocities offline, including Norwegian[40] and Christchurch terrorists whose statements frequently referenced these conspiracies as justifications for their acts.

21. Echoing the trope of the Muslim terrorist, in India the hashtag "CoronaJihad" went viral on Twitter following the government announcement of high levels of COVID-19 infection among the Muslim community.[41] Similarly, in Sri Lanka, disinformation rapidly spread online that Muslims deliberately disseminated COVID-19 in the country,[42] and in the UK, discourse online alleged that Muslim communities were responsible for the spread of COVID-19.[43] Encrypted chat platforms such as WhatsApp or Telegram are also used to spread Islamophobic disinformation, particularly during the COVID-19 pandemic. [44] Additionally, in India, WhatsApp group chats and forwarding features have been used, including allegedly by government officials, to propagate disinformation about the Muslim population, depicting members of Muslim communities in India as criminals or terrorists, sometimes including specific calls to violence.[45]

22. The Special Rapporteur notes that surges in online hate speech are often catalysed by offline "trigger-events." Such events may include terror attacks (including attacks on Muslims), comments made by prominent public figures, or political events such as elections or referenda.[46] Following the Christchurch attack, one civil society organization ("CSO") recorded a 692% increase in online attacks against Muslim persons, many using the same rhetoric as the attacker.[47] Trigger events typically produce a strong response in the first 24-48 hours which rapidly drops off, however it can take months for online expressions of hatred to taper to the baseline.[48] Notably, Muslims do not necessarily have to be perceived as "at fault" in the context of the trigger-event to be targeted.

B. Discrimination

Securitization

23. The securitization of religious or belief communities encompasses a complex process through which the "normal rule of law is suspended in favour of exceptional measures justified by extraordinary situations" that threaten the security or survival of a society. [49] Over the past two decades, Muslim individuals and communities have borne the brunt of the use and abuse of counter-terrorism measures. The Special Rapporteur highlights reports – including from the CERD and Human Rights Committees – that national security and counter-terrorism measures have disproportionately and discriminatorily targeted Muslims in 17 States,[50] often with little transparency during their adoption, the use of sweeping definitions of "terrorism" and poor oversight during their implementation.

[40] https://journal-njmr.org/articles/10.2478/njmr-2013-0013/galley/107/download/ p.206

[41] https://www.hrw.org/news/2020/05/01/coronajihad-only-latest-manifestation-islamophobia-india-has-been-years-making

[42] Submission – Alliance for Minorities in Sri Lanka

[43] https://blog.twitter.com/en_gb/topics/company/2020/twitteruk-amhwguk-working-partnership.html https://fullfact.org/health/leicester-covid-outbreak-islam/

[44] https://www.bcu.ac.uk/about-us/coronavirus-information/news/covid-19-sparks-online-islamophobia-as-fake-news-and-racist-memes-are-shared-online-new-research-finds

[45] https://thediplomat.com/2019/05/manufacturing-islamophobia-on-whatsapp-in-india/

[46] https://tellmamauk.org/wp-content/uploads/resources/Tell%20MAMA%20-%20Report.pdf?utm_source=Report+Launch+Westminster+Bridge+09122018&utm_campaign=Westminster+Bridge+Report+09122018&utm_medium=email

[47] https://www.tellmamauk.org/wp-content/uploads/2020/03/The-Impact-of-the-ChristChurch-Attack-Tell-MAMA-Interim-Report-2019-PP.pdf

[48] http://orca.cf.ac.uk/127085/1/Hate%20Behind%20the%20Screens.pdf p.26

[49] https://www.palgrave.com/gp/book/9781403969804 p. xviii

[50] Sri Lanka, Austria, China, India, France, Thailand, Kenya, Russia, Philippines, Sweden: CERD/C/SWE/CO/22-23, para 20; and CCPR/C/SWE/CO/7, para 22, Australia: CERD/C/AUS/CO/18-20, para 13, UK: CERD/C/GBR/CO/21-23, para 18, Eritrea:

24. States have reportedly incorporated their essential services, including education and care sectors, within their national security apparatus in a way that disproportionately heightens surveillance of Muslims and potentially compounds existing inequalities, such as health and educational outcomes.[51] Doctors and other health personnel, social workers and educators are co-opted as enablers of the State's securitization apparatus, mandated to report those at risk of "radicalization". According to the UK government, British Muslims are 17 times more likely to be referred to PREVENT than individuals who are likely to engage in far-right extremism.[52]

25. In Germany, communal rooms that Muslim students use for prayers have reportedly been closed by authorities at some universities citing fears that such spaces could be used for radicalization. In Spain, teachers have been reportedly trained to consider changes in appearance (e.g., growing a beard) as a sign of radicalization.[53] France's proposed bill aimed at ending "Islamic Separatism" would scrutinize schools and associations serving religious communities and appoint domestic-trained Imams for key positions in the Muslim community,[54] raising serious concerns for freedom of religion or belief.[55]

Direct restrictions on manifestations of religion or belief

26. Despite the fact that some women regard it as integral to their faith or identity, at least 11 States across Europe, Africa and South Asia impose public restrictions or bans on Muslim head coverings — predominantly worn by women — on the grounds that this type of religious dress is incompatible with a secular public space, is "violative of the rights of Muslim women" or poses a security risk.[56] Other States reportedly permit certain institutions (e.g. schools, workplaces or courts) to exercise discretion on whether to permit Muslim dress.[57] Although such laws apply to all religious symbols, Muslim women disproportionately bear their effects: as the Human Rights Committee notes, such prohibitions can violate Muslim women's rights to freedom of religion or belief and non-discrimination, and exacerbate their marginalization in society.[58] The same may hold for restrictions on expressions of Muslim traditions adopted by men, such as the cut of beards.

27. In several States, the conditions under which Muslim individuals or groups can establish and maintain places of worship are unpredictable. In Western Europe and North America, rights monitors report that applications to construct mosques are disproportionately at risk of falling afoul of zoning laws, particularly following public opposition.[59] Claims of countering extremism have been invoked in Western Europe to close mosques, including in

CCPR/C/ERI/CO/1, para 17, Kazakhstan: CCPR/C/KAZ/CO/2, para 13 and the Netherlands: A/HRC/36/15 para 131-114

[51] USA: https://www.brennancenter.org/our-work/research-reports/why-countering-violent-extremism-programs-are-bad-policy; UK: https://yaqeeninstitute.org/tarekyounis/counter-radicalization-a-critical-look-into-a-racist-new-industry/; Spain: Submission – AMDEH

[52] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/763254/individuals-referred-supported-prevent-programme-apr2017-mar2018-hosb3118.pdf

[53] Submission – European Network Against Racism

[54] https://apnews.com/article/religion-emmanuel-macron-secularism-france-bills-d3146e80f369006ed6f5a0d8fe2bc1b2

[55] https://www.forbroundtable.org/post/france-letter-on-the-current-bill-on-consolidating-the-respect-of-the-principles-of-the-republic

[56] France, Denmark, Netherlands, Norway, Austria, Bulgaria, Cameroon, Chad, Congo-Brazzaville, Gabon and Sri Lanka. Local level authorities also ban head coverings in Canada, Switzerland, Germany and Italy.

[57] https://www.reuters.com/article/us-kenya-women-hijab/kenya-courts-hijab-ban-ruling-sparks-fears-over-muslim-girls-schooling-idUSKCN1PJ244

[58] CCPR/C/123/D/2807/2016; CCPR/C/123/D/2747/2016; CCPR/C/BEL/CO/6 para. 17; and CCPR/C/NLD/CO/5, para 58

[59] Submission – ECRI; USA: https://www.bloomberg.com/news/articles/2017-04-05/how-zoning-laws-are-used-to-block-mosque-construction

France[60] and Austria,[61] and to ban construction of new minarets in Switzerland.[62] The Special Rapporteur also notes that majority Muslim States have denied permits for places of worship to Muslim minority communities.[63]

28. Slovakia has reportedly increased the number of signatures required to register a mosque or religious community from 20,000 to 50,000, effectively barring Muslims from registration due to their low population. It was also reported to the Special Rapporteur that law enforcement and intelligence officers in a number of Western countries surveil mosques and their attendees in the name of counterterrorism.

29. At least four States surveyed have encroached upon the freedom of Muslims to nominate their own religious leaders.[64] China has appointed Imams for its Uighur minority since 1990. Austria has amended its 1912 Islamic Law with controversial provisions regulating the content of Islamic teachings, and the training, hiring and removal of Muslim clerics. The Special Rapporteur also received reports of hundreds of mosques, shrines and Muslim cemeteries in Myanmar being destroyed;[65] mosques in China being forcibly "renovated" by removing minarets and Arabic script;[66] and that State actors in Muslim majority states have destroyed religious sites belonging to minority Muslim communities.[67]

30. Restrictions on ability of Muslim communities to establish and maintain appropriate charitable or humanitarian institutions have dramatically increased in recent years. In 2020, French authorities reportedly shuttered two Muslim charities, BarakaCity and Collective Against Islamophobia in France, alleging that they were engaged in provoking terrorism.[68] In 2020, India shuttered Amnesty International's India office, a move that was reportedly catalyzed by its report on the 2020 Delhi riots that accused police of human rights violations against Muslims.[69] Officially, the office was closed for violating the Foreign Contribution Regulation Act, a law that UN Special Procedures describe as obtrusive towards civil society.[70] In a move that the European Commission has challenged,[71] Hungary passed a so-called "Stop Soros" in an effort to prevent NGOs aiding migrants from Muslim countries; and to impose 25% higher taxes on NGOs who "support immigration."[72] In the US, civil society has expressed concern that the current Presidential emergency powers have a broad scope, and have been used previously to disproportionately target Muslims and their organisations without due process.[73]

Economic exclusion

31. In 20 States surveyed, it was reported that Muslims experienced discrimination in their efforts to access goods and services – including public transport, airports, administrative offices, shops and restaurants.[74] Principal among the issues concerning European Muslims is

[60] https://www.hrw.org/news/2020/12/04/france-dissolving-anti-discrimination-group-threatens-rights
[61] https://www.politico.eu/article/vienna-mosque-shut-after-terror-attack/
[62] http://news.bbc.co.uk/1/hi/8385069.stm
[63] UA DZA 3/2017
[64] Austria: AUT 1/2014 and CCPR/C/AUT/CO/5; France: https://foreignpolicy.com/2020/10/07/macron-wants-to-start-an-islamic-revolution/; Greece: Submission – Federation of Western Thrace Turks in Europe ("ABTTF"); and China: https://freedomhouse.org/report/2017/battle-china-spirit-islam-religious-freedom
[65] Submission – Justice for Asia
[66] https://www.ohchr.org/Documents/Issues/Religion/Submissions/CSOs/53.nuc-uhrp-wuc.pdf p.3
[67] SAU 7/2015; and BHR 6/2015
[68] Submission – Action Droits des Musulmans
[69] AL IND 17/2020
[70] https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20112&LangID=E
[71] https://ec.europa.eu/commission/presscorner/detail/en/ip_19_4260
[72] https://reliefweb.int/sites/reliefweb.int/files/resources/ACT3096472019ENGLISH.PDF p.26
[73] https://www.aclu.org/sites/default/files/field_document/10-24-19_aclu_letter_to_senate_on_article_one_act_s._764_to_reform_national_emergencies_act.pdf pp.5-6
[74] Sri Lanka, India, Australia, Cambodia, USA, Hungary Austria, Belgium, Cyprus, Germany, Denmark, Greece, Spain, Finland, France, Italy, Malta, Netherlands, Sweden, Slovenia, UK.

unemployment.[75] When surveyed, 1/3 of Muslims across 15 EU Member States, for example, felt discriminated against when seeking employment;[76] and compared to other ethno-religious groups, Muslim minorities experience higher unemployment rates, lower wages, and higher employment in temporary, insecure and low-paid work.[77] Muslim minorities are often underrepresented in "top" professions including politics, law and medicine. Interlocutors have revealed that young Muslims increasingly suffer a "broken social mobility promise," whereby discrimination and prejudice undermine the translation of educational success into employment prospects.[78]

32. Muslim women are particularly affected. Legislative bans on religious dress and workplace dress codes can directly exclude women from certain employment contexts and/or lead to "self" exclusion from particular careers and places of work.[79] Additionally, the perception and fear of discrimination or hostility from colleagues is often heightened among Muslim women.[80] The impacts on women's participation in the workplace are substantial: one report in the UK revealed that British Muslim women are reportedly 71% more likely to be unemployed than white Christian women, despite having the same educational level and language skills.[81]

33. Where Islamophobia erodes Muslims' socio-economic prospects, they may be disproportionately poverty-stricken. British Muslims are the most economically disadvantaged religious group domestically, experiencing 32% more household poverty than the national average.[82] While migrants, refugees and asylum seekers often experience poverty given their insecure, low-paid or absent employment, the Special Rapporteur has received evidence that their status of economic deprivation may be exacerbated by discrimination based on their Muslim identity. The Special Rapporteur on extreme poverty and human rights has also highlighted the lack of access to water, electricity, sanitation or adequate housing among predominantly Muslim migrant workers' situation in Spain.[83] Poor living conditions, inadequate respect for labour rights and fear of deportation may increase migrants' vulnerability to human rights violations, including sexual abuse.[84]

34. In addition to the concrete economic impacts on Muslims, the Special Rapporteur notes with regret that the foregoing exclusionary practices and policies can cause "coercive assimilation," where these conditions may place Muslim individuals and communities under pressure to conform with majoritarian norms and values or hide their identity, including by changing their names, wardrobes, diets and religious and/or practices in order to receive equal treatment.[85]

Education, healthcare and housing

35. Rights monitors also submitted that the experiences of hostility based on their religious identity evokes feelings of isolation among Muslim students, often resulting in irregular schools attendance and lower educational outcomes.[86] In the US, one study found

[75] https://www.pewresearch.org/global/2006/07/06/muslims-in-europe-economic-worries-top-concerns-about-religious-and-cultural-identity/

[76] https://fra.europa.eu/en/publication/2017/second-european-union-minorities-and-discrimination-survey-muslims-selected p.9

[77] UK, Austria, France, US

[78] Submission – ECRI; and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642220/Young_Muslims_SMC.pdf

[79] https://scholars.org/contribution/fighting-subtle-forms-employment-discrimination-against-muslim-refugees; and https://bmjopen.bmj.com/content/9/3/e019954

[80] https://www.runnymedetrust.org/uploads/Islamophobia%20Report%202018%20FINAL.pdf p.28

[81] http://www.bristol.ac.uk/news/2015/april/muslim-women-and-employment.html

[82] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642220/Young_Muslims_SMC.pdf

[83] https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25524&LangID=E

[84] Submission – AMDEH

[85] https://www.cambridge.org/core/books/islamophobia-and-the-law/84A34D7C4EC08D03F03F9CD776042049 p.262

[86] e.g. https://minorityrights.org/wp-content/uploads/2017/06/MRG_Rep_India_Jun17-2.pdf p.5

that Muslim students are almost twice as likely to face religious-based bullying as children of other religious identities.[87] In eight States surveyed, education curricula reportedly either underrepresent and/or mispresent Muslims – whether by excluding positive representations or presenting discriminatory tropes.[88] Reports also highlight that China has closed hundreds of Arabic language and Islamic schools; nearly half a million – mostly Uighur – children forcibly placed in boarding schools; and Islamic scholars imprisoned.[89]

36. Other discriminatory barriers for Muslims students are subtler, with teachers lowering expectations for Muslims based on stereotypes of their ethno-religious background, thereby investing less time and fewer resources in Muslims, having few Muslim teachers or no reporting/support mechanisms for victims of Islamophobia.[90] Physical barriers, including poor infrastructure and few teachers, may further result in discrimination based on religious identity and contribute to Muslim minorities' lower educational outcomes.[91]

37. While Muslims minorities may experience poor housing conditions because of their socio-economic status, reports suggest that religious-based discrimination is an aggravating factor, often intersecting with xenophobia and racism. Public and private actors reportedly discriminate against Muslim in housing markets through practices such as charging higher rental prices, rejecting rental applications or physically threatening Muslims. In one Lebanese town, officials have prohibited Muslims from buying or renting property;[92] and in Belgium, 38% of Muslims with Moroccan descent reported having at least one negative experience when searching for rent properties.[93] The CERD Committee has articulated the difficulties faced by ethno-religious Muslim minorities "in accessing housing outside of minority-populated areas, amounting to de facto segregation."[94] Reportedly, Muslims in two States are highly vulnerable to COVID-19, due to poor housing or living in segregated residential areas.[95]

38. Additionally, access to adequate housing is particularly challenging for Muslims who – often due to religion-based discrimination – are internally displaced persons ("IDPs"), refugees, migrants, or forcibly displaced with little or no compensation.[96] The Human Rights Committee has expressed concern regarding the living conditions of largely Muslim IDPs in Sri Lanka.[97] Rohingya refugees in Bangladesh reportedly occupy temporary settlements without adequate shelter, water and sanitation, and face forced relocation to a remote, flood-prone island.[98]

Nationality and immigration

39. The ability of persons to enjoy a range of human rights frequently depends on their citizenship, nationality or immigration status. Reports received by the Rapporteur assert that Muslims have been targeted with both collective and individualized withdrawals of citizenship in some States while tropes of Muslims as "terrorists" or "hostile to equality" underlie discriminatory immigration policies in others.

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87 https://www.ispu.org/american-muslim-poll-2020-amid-pandemic-and-protest/#discrimination

88 Spain, Romania, Kosovo, Poland, Canada, UK, Cambodia, Myanmar

89 https://www.nytimes.com/2019/12/28/world/asia/china-xinjiang-children-boarding-schools.html and; https://www.npr.org/2020/11/21/932169863/china-targets-muslim-scholars-and-writers-with-increasingly-harsh-restrictions?t=1613993657614

90 https://static1.squarespace.com/static/599c3d2febbd1a90cffdd8a9/t/5bfd1ea3352f531a6170ceee/1543315109493/Islamophobia+Defined.pdf p.26-30

91 A/75/385 para 41

92 Consultation – MENA region

93 Submission – Belgium

94 CERD/C/SWE/CO/22-23 para 18

95 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642220/Young_Muslims_SMC.pdf; and https://science.thewire.in/health/why-is-gujarat-a-covid-19-hotspot/

96 e.g. Kenya, Cambodia, India.

97 CERD/C/LKA/CO/10-17 para 25

98 https://www.unhcr.org/uk/rohingya-emergency.html; https://www.bbc.co.uk/news/world-asia-55177688

40. Since its inception in 2018, the process to create a National Register of Citizens in India's northern state of Assam has disproportionately excluded Bengali-speaking Muslims —including Muslims who have lived in the state for generations – from the list of verified citizens and instead declared them "illegal immigrants."[99] India's Citizenship Amendment Act fast-tracks the citizenship of Hindu, Sikh, Buddhist, Jain, Parsi and Christian individuals who arrived from Afghanistan, Pakistan or Bangladesh before 2015 with the notable exclusion of Muslim persons.[100] Myanmar has denied citizenship to its predominately Muslim, Rohingya ethnic minority since 1982. Successive governments have claimed that no such ethnic group as "Rohingya" exists, preferring to label the community as "Bengali illegal immigrants." Most recently, Myanmar introduced National Verification Cards to access public services and required Rohingya to register as "Bengali" to obtain one.[101] Amid resistance from Rohingya to register as such, it has been reported that Myanmar authorities responded with arbitrary arrest, enforced disappearance and torture.[102]

41. In other States, Muslims are denied citizenship or legal immigration status due to xenophobic and racialized perceptions that Muslims represent national security and terrorism threats. It is reported that the US disproportionately applies its "Controlled Application Review and Resolution Program" ("CARRP") — a largely secretive extreme vetting process for immigrants perceived to be a threat to national security — to immigrants from Arab, Middle-Eastern and South-Asian countries or with such ethnicities with the result that significant number of applications from Muslim persons are indefinitely postponed or denied without proper notice, justification or the possibility to appeal.[103] The CARRP process has also reportedly been used to pressure Muslim individuals to gather intelligence on their local communities for law enforcement agencies.[104]

42. It was also reported to the Special Rapporteur that States have denied citizenship applications in response to individuals' expression of religion or belief, alleging an incompatibility between certain Muslim practices and "national values" such as gender equality.[105] Three European States have rejected citizenship applications in situations where the applicant was unwilling to shake hands with a government representative because doing so would violate their religious belief that it is prohibited to touch someone of another gender with whom they are neither intimate, nor related.[106] Denmark has also reportedly adopted similar policies, though the Special Rapporteur has not received any reports of Muslims being refused citizenship on the basis of this law to date.[107] Similarly, one of the reasons cited by a French court in upholding the denial of citizenship to a Muslim woman was her practice of wearing a Burqa.[108]

43. Relatedly, representatives of four European States have publicly rejected Muslim refugees or migrants in their societies, amidst accusations of preferential treatment for Christian refugees.[109] Slovakia and Hungary challenged the European Union ("EU") policy of the mandatory reallocation of refugees and migrants of Middle Eastern and North African

[99] OL/IND 11/2019; OL IND 13/2018; and OL IND 29/2018.
[100] IND 3/2020 p.5
[101] A/HRC/40/37 paras 22-26; and A/75/335 para 31
[102] https://www.fortifyrights.org/downloads/Tools%20of%20Genocide%20-%20Fortify%20Rights%20-%20September-03-2019-EN.pdf. See generally, A/HRC/38/52 para 46
[103] https://www.aclusocal.org/sites/default/files/carrp-muslims-need-not-apply-aclu-socal-report.pdf
[104] https://www.aclusocal.org/en/publications/muslims-need-not-apply p.30
[105] https://www.oasiscenter.eu/en/islam-in-europe-paradoxes-of-integration-debate
[106] France: https://www.conseil-etat.fr/fr/arianeweb/CRP/conclusion/2018-04-11/412462?download_pdf; Germany: http://lrbw.juris.de/cgi-bin/laender_rechtsprechung/document.py?Gericht=bw&nr=32523; and Switzerland: https://www.bbc.co.uk/news/world-europe-45232147
[107] Submission – Center for Danish-Muslim Relations
[108] https://www.legifrance.gouv.fr/ceta/id/CETATEXT000019081211/
[109] Slovakia: https://www.politico.eu/article/robert-fico-islam-no-place-news-slovakia-muslim-refugee/; Hungary, Poland: http://www.ceemr.uw.edu.pl/sites/default/files/Gozdziak_Marton_Where_the_Wild_Things_Are.pdf; and Czech Republic: https://content.sciendo.com/view/journals/jnmlp/12/2/article-p192.xml?language=en

origin before the European Court of Justice,[110] in the context of public claims by State leaders that Muslims were "criminals" "who are impossible to integrate"[111] and that the migrants were not refugees but rather "Muslim invaders".[112] Additionally, in Australia, officials reportedly "cherrypicked" Christian refugees from Syria for resettlement over Muslims.[113]

C. Violence

44. The Special Rapporteur is deeply alarmed by the frequent, widespread nature of violence targeting Muslims worldwide, including incidents where authorities allegedly have incited, engaged in or failed to respond to violence. He recalls studies identifying a dialectic between State policies and practices that discriminate against Muslims and the Islamophobia that fuels individual assailants to carry out violent attacks against Muslims and their property.[114] When the religious practices, beliefs, employment, education, and immigration statuses of Muslims are repressed by States, or when State actors advance stigmatizing discourses against Muslims, private citizens can be emboldened to attack Muslims, and may even consider themselves to be acting in defence of their nation-state or their culture. Rather than being "isolated incidents" they argue, street-level hate crimes against Muslims are a reproduction of the prejudice stoked by States.

45. The Special Rapporteur reiterates his serious concerns regarding reports of widespread violence committed against Muslim minorities by State authorities in Myanmar and China, including atrocities along gendered lines. Approximately 130,000 Rohingya Muslims are reportedly imprisoned in 24 internment camps in Rakhine, Myanmar, where they are subjected to squalid conditions, physical abuse and forced confinement amongst other violations.[115] Notably, the International Court of Justice has ordered provisional measures for the prevention of genocide against the Rohingya.[116] In China, allegations have emerged that Uighur women are systematically raped, sexually abused, and tortured in so-called "re-education" camps in Xinjiang Province.[117]

46. Mob violence or extremists threatening deadly violence targeting Muslim communities are growing concerns in at least three States.[118] Police were allegedly complicit, colluded with or actively participated in mob attacks against Muslims in Sri Lanka and India.[119] The Special Rapporteur also acknowledges the proliferation of violent attacks against Muslim minorities within majority Muslim contexts.[120]

47. Moreover, hate crimes against Muslims peaked in 2017 across 29 OSCE participating States.[121] Between 2014 and 2019, over 10,000 Islamophobic incidents were recorded across the US, with both the number and violent nature of cases rising most years,[122] including two

[110] https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=uriserv%3AOJ.C_.2017.374.01.0004.01.ENG
[111] https://domov.sme.sk/c/20070758/fico-musime-zabranit-vzniku-ucelenej-moslimskej-komunity-na-slovensku.html
[112] https://www.politico.eu/article/viktor-orban-hungary-doesnt-want-muslim-invaders/
[113] http://www.sps.ed.ac.uk/__data/assets/pdf_file/0007/276550/Kieran_Oberman,_22Refugee_Discrimination_The_Good,_the_Bad,_and_the_Pragmatic22.pdf p.6
[114] https://www.jstor.org/stable/10.1525/j.ctv1wxs79
[115] https://www.jstor.org/stable/10.1525/j.ctv1wxs79
[116] https://www.icj-cij.org/en/case/178
[117] https://www.bbc.co.uk/news/world-asia-china-55794071
[118] Mali: A/HRC/40/77 and A/HRC/37/78, para. 43; India - https://www.stimson.org/2021/violence-based-on-religion-or-belief-taking-action-at-the-united-nations/ p.3; and Sri Lanka https://undocs.org/A/HRC/43/48/Add.2%20
[119] India: Submission – Dr. Ritumbra; https://scroll.in/latest/969614/delhi-violence-mob-burnt-22-year-old-mans-unconscious-body-to-check-if-he-was-dead-say-police; and https://www.hrw.org/news/2019/08/14/failing-hold-violent-cow-protectors-account-india
[120] AL EGY 10/2019; AL PAK 5/2018; A/74/188; Submissions – Al-Khoei Foundation; Shia Muslims in Pakistan; and Tehmina Kazi
[121] https://hatecrime.osce.org/what-hate-crime/bias-against-muslims?year=2017
[122] http://www.islamophobia.org/articles/262-the-bias-brief-trump-s-impact-on-anti-muslim-bias.html

men stabbed to death, while trying to defend women perceived to be Muslim from attacks;[123] while the number of anti-Muslim hate groups allegedly grew 197% between 2015/2016.[124] In 2019, in perhaps the most egregious and deadly anti-Muslim attack by an individual in recent years, a gunman killed 51 people and injured 40 during Friday prayers at two mosques in Christchurch, New Zealand.[125] Violent attacks on Muslims attending mosques have occurred in Canada,[126] the UK[127] and Norway[128] amongst others, leaving victims dead or injured. Frequently, these and other convicted or alleged perpetrators are far-right terrorists, harbouring febrile anti-immigrant and anti-Muslim prejudices.[129]

48. The Special Rapporteur received numerous reports documenting attacks on Muslim properties, including mosques, community centres, family homes and businesses that have been desecrated with offensive graffiti or animal carcasses, such as a pig's head nailed to a Georgian school door.[130] Such attacks have been reported widely, including in Switzerland,[131] Bosnia and Herzegovina,[132] Latvia,[133] France,[134] North Macedonia,[135] Greece,[136] Norway,[137] France,[138] US,[139] Sri Lanka[140] and India.[141] According to the OSCE, attacks on property are the region's most common manifestation of Islamophobic violence, particularly occurring on Fridays and religious holidays.[142]

49. Muslim women are disproportionately targeted in Islamophobic hate crimes,[143] experiencing 90% of such incidents in the Netherlands and 81% in France.[144] Similarly, in the UK and Australia, victims of Islamophobic attacks are mostly women and perpetrators are predominantly men.[145] Muslim women and girls are targeted with verbal abuse, profanities, physical intimidation and death threats in public spaces, with 96% of female Muslims in one Australian survey reporting being targeted while wearing headscarves.[146] Perpetrators were not deterred by the public visibility of their attacks (60% of incidents occurred in places with security officers and surveillance), or the vulnerability of their targets

[123] https://www.nytimes.com/2017/05/27/us/portland-train-attack-muslim-rant.html
[124] Submission – Carter Center
[125] https://christchurchattack.royalcommission.nz/the-report/executive-summary-2/executive-summary/
[126] https://www.bbc.co.uk/news/world-us-canada-42782097
[127] https://www.bbc.co.uk/news/uk-42910051;and https://www.nytimes.com/2017/06/19/world/europe/uk-van-attack-london-mosque.html
[128] Submission – The International Alliance for Peace and Development ("IAPD")
[129] https://www.nytimes.com/2011/07/25/us/25debate.html
[130] Submission – ECRI
[131] Submission – IAPD
[132] Submission – ECRI
[133] Submission – ECRI
[134] https://www.nytimes.com/2015/01/11/world/europe/french-muslims-worry-about-backlash-after-charlie-hebdo-attack.html
[135] Submission – NGO Legis
[136] Submission – ABTTF
[137] https://www.tv2.no/a/4124776
[138] Submission – GIN-SSOGIE
[139] Submission – Carter Center pp.5, 69
[140] A/HRC/43/48/Add.2 paras 26-29; and CERD/C/LKA/CO/10-17 para 18
[141] Submission – Citizens Against Hate
[142] Submission – EU; and https://hatecrime.osce.org/what-hate-crime/bias-against-muslims
[143] Netherlands: https://undocs.org/A/HRC/43/48/add.1 pp.64-65; Australia: http://www.islamophobia.com.au/wp-content/uploads/2019/12/Islamophobia-Report-2019-2.pdf, p.5; and Submission – Australian Muslim Advocacy Network ("AMAN"); Finland: Submission – ECRI; USA: https://www.aclu.org/other/discrimination-against-muslim-women-fact-sheet?redirect=discrimination-against-muslim-women-fact-sheet#9
[144] https://www.washingtonpost.com/posteverything/wp/2016/09/16/how-muslim-women-bear-the-brunt-of-islamophobia/
[145] https://tellmamauk.org/tell-mamas-annual-report-for-2017-shows-highest-number-of-anti-muslim-incidents/; and http://www.islamophobia.com.au/wp-content/uploads/2019/12/Islamophobia-Report-2019-2.pdf p.4
[146] http://www.islamophobia.com.au/wp-content/uploads/2019/12/Islamophobia-Report-2019-2.pdf, p.5; Submission – AMAN; and Consultation – Asia-Pacific

(57% of women victims were unaccompanied).[147] In Slovakia, a male passer-by in the street reportedly tried to strangle a Muslim woman with her hijab, while she held her baby in her arms.[148]

50. Studies show that Islamophobic hate crimes frequently increase following events beyond the control of most Muslims, including terrorist attacks and anniversaries of such attacks – where the perpetrators identify as Muslim or claim to practice Islam, the Brexit referendum, around Presidential election cycles in the US and Islamophobic statements from political leaders generally.[149] For example, following 2015 terrorist attacks in Paris, France and San Bernardino, USA, hate crimes against Muslim Americans and mosques across the US reportedly tripled.[150] One organization attributes the 2017 peak of anti-Muslim incidents in the US to the "Muslim Ban" Executive Order, signed that year.[151] Ultimately, these "trigger" events illustrate how Islamophobia may attribute collective responsibility to all Muslims for the actions of a very select few or feed upon inflammatory rhetoric.

IV. Countering Islamophobia

A. International legal framework

51. The right to freedom of religion or belief is interdependent with myriad other human rights, including the rights to be free from discrimination. The imposition of undue or disproportionate limits on an individual's right to worship, observe, practice, or teach their religion or belief on the basis of their religious identity strikes at the heart of international law's prohibition against discrimination. Additionally, international law recognizes that discriminatory policies and practices that restrict civil, political, economic, social and cultural rights on the basis of religious identity can significantly infringe upon the right to freedom of religion or belief of targeted populations.[152] This includes policies and practices that limit access to benefits and services made available to the general population, including restrictions on access to education,[153] adequate housing or employment on the basis of religion or belief.[154] In turn, such discriminatory sanctions raise the stakes for targeted populations to exercise their freedom of religion or belief and intensifies their marginalization.

52. The foregoing findings of this report document myriad circumstances in which restrictions on the right to freedom of religion or belief disproportionately target Muslims. The freedom to have or adopt a religion or belief of one's choice is absolute and States can restrict the right to manifest a religion or belief *only* when doing so is necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.[155] As such, though States frequently reference "national security" or the imperative to promote "living together" to justify limits on religious dress, the dissemination of religious materials,

147 http://www.islamophobia.com.au/wp-content/uploads/2019/12/Islamophobia-Report-2019-2.pdf, pp.5-6; and Submission – AMAN

148 Submission – Islamic Foundation in Slovakia

149 Submissions – Imran Awan and Irene Zempi, Anti-Muslim Hatred Working Group, and Carter Center p.9; https://hatecrime.osce.org/what-hate-crime/bias-against-muslims; https://www.sandiegouniontribune.com/news/public-safety/story/2020-10-31/hate-crimes-surge-presidential-elections; https://saalt.org/report-communities-on-fire-confronting-hate-violence-and-xenophobic-political-rhetoric/; https://tellmamauk.org/wp-content/uploads/2019/09/Tell%20MAMA%20Annual%20Report%202018%20_%20Normalising%20Hate.pdf, pp.44-49; and http://www.islamophobia.org/articles/262-the-bias-brief-trump-s-impact-on-anti-muslim-bias.html

150 https://www.nytimes.com/2015/12/18/us/politics/crimes-against-muslim-americans-and-mosques-rise-sharply.html; Submission – Carter Center p.30

151 http://www.islamophobia.org/articles/262-the-bias-brief-trump-s-impact-on-anti-muslim-bias.html

152 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief ("1981 Declaration"), article 2

153 *Hudoyberganova v. Uzbekistan*, Communication No. 931/2000 (5 November 2004)

154 CCPR/C/21/Rev.1/Add.4, para 5

155 ICCPR, article 18(3)

on religious education and even impose outright bans on membership of certain religious or belief groups, said reasons are not permissible grounds for restricting freedom of religion or belief under international human rights law.[156] Additionally, any limitations must be prescribed by law and be non-discriminatory in both purpose and effect.[157]

53. All major international and regional[158] human rights instruments forbid discrimination based on religion or belief and Article 26 of the International Covenant on Civil and Political Rights ("ICCPR") provides a freestanding right to equality before the law and equal protection of the law for all persons. The Special Rapporteur notes that a standard single-axis approach of non-discrimination may be unable to adequately capture and respond to the forms of disadvantage engendered by Islamophobia. Depending on the context, Islamophobia targets individuals on numerous bases, including, but not limited to, religion or belief, race, nationality, gender, migratory status and ethnic origin, resulting in the intersection and confluence of discrimination based on religion or belief and other grounds.

54. In this regard, the CERD Committee has held that the International Convention on the Elimination of All Forms of Racial Discrimination ("ICERD") may apply in cases where discrimination on religious grounds intersects with forms of discrimination based on race, colour, descent, or national or ethnic origin).[159] Relatedly, the Human Rights Committee has also found that measures banning the wearing of gender specific religious dress constitutes intersectional discrimination based on gender and religion.[160] And the CEDAW Committee has clarified that the Convention on the Elimination of Discrimination Against Women ("CEDAW") necessarily applies to sex- and gender-based discrimination that disproportionately affects certain women on account of their race, ethnicity, religion or belief, caste or other status.[161]

55. States must "take effective measures" to address purposeful and/or de facto (or indirect) discrimination.[162] Increasingly, international human rights bodies are calling upon States to adopt measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate discrimination."[163] This obligation to dismantle discriminatory structures can extend to policies that are rooted in and propagate negative stereotypes of persons, including stereotypes based on religious, racial, gendered, migratory and disability status.[164] Furthermore, Human Rights Council Resolution 16/18 is explicit about the need to combat denigration and negative religious stereotyping of persons.

56. Both the CERD and Human Rights Committees have expressed concern about reports of stereotypical representations of Muslims in media, on social media platforms and by politicians.[165] The Human Rights Committee has repeatedly condemned the prevalence of online hate speech against Muslims.[166] However, under international law, State action to limit speech must be exceptional. Regardless of its potential to offend, shock or disturb, States

[156] CCPR/C/21/Rev.1/Add.4, para 8 explicitly excludes national security as a ground for permissible limitations on the right to freedom of religion or belief. See also A/HRC/34/30 para 30. The Special Rapporteur acknowledges that regional human rights law may differ in certain factual circumstances.

[157] Ibid.

[158] European Convention on Human Rights (article 14); American Convention on Human Rights (articles 1, 24 and 27); African Charter on Human and Peoples' Rights (article 28); and Cairo Declaration on Human Rights (article 1(a))

[159] CERD/C/GC/32, para. 7; and *P.S.N. v. Denmark*, Communication No. 36/2006 (8 August 2007) para 6.3

[160] *F.A. v. France*, Communication No. 2662/2015 (16 July 2008)

[161] CEDAW/C/GC/32, para 6

[162] 1981 Declaration, article 4

[163] E/C.12/GC/20, para 8(b)

[164] CEDAW, article 5; Convention on the Rights of Persons with Disabilities, article 5; A/HRC/63/185 (calling upon States not to resort to profiling based on religious or racial stereotypes); and Migration for Employment Convention (Revised), 1949 (No. 97) (article 3)

[165] CERD/C/RUS/CO/23-24; CERD/C/ISL/CO/21-23; CERD/C/NOR/CO/23-24; CCPR/C/CZE/CO/4;CERD/C/GRC/CO/20-22; CERD/C/MDA/CO/10-11; CCPR/C/NLD/CO/5; CCPR/C/HUN/CO/6; CCPR/C/CHE/CO/4; CCPR/C/SVK/CO/4; CCPR/C/AUT/CO/5; and CCPR/C/GBR/CO/7

[166] CERD/C/LTU/CO/9-10; and CCPR/C/SWE/CO/7

cannot prohibit national, racial or religious "hate speech" unless it reaches the high threshold of incitement to discrimination, hostility or violence under international human rights law.[167] Additionally, the Special Rapporteur emphasizes that international human rights law protects individuals, not religions.[168] The Special Rapporteur further encourages States to adopt measures that operationalize the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, which includes a six-part threshold test (taking into account the context, speaker, intent, content and form, extent of dissemination and likelihood of harm), on how to establish whether hateful expression should be considered to reach the level of incitement that must be prohibited. The CERD Committee also has offered concrete guidance for States parties on the adoption of legislation combating racist hate speech falling under Article 4 of ICERD.[169] And the Human Rights Committee has also provided useful guidance, notably through its General Comments on freedoms of opinion and expression (2011) as well as on the right of peaceful assembly (2020).[170]

B. Tackling online hate speech

57. The hate speech policies of some of the largest digital and social media companies have improved significantly in recent years. Facebook, YouTube, Twitter, Instagram, Snapchat, TikTok and other social media companies have committed to the EU's "Code of Conduct on illegal online hate speech" since 2016, in undertaking to remove all content that meets the definition of "illegal hate speech," including that which targets Muslims, under the EU Framework Decision 2008/913/JHA.[171] This has coincided with a positive trend in enforcement for these platforms.

58. The EU Commission has reported that Facebook, YouTube and Twitter removed 72% of illegal hate speech on their platforms in 2019, up from 28% from 2016.[172] Facebook has subsequently established an "Oversight Board" ("OSB") to function as the platform's court of final appeal on content moderation decisions, which heard its first set of cases, including one on Islamophobia, just prior to this report's publication. [173] Although policy changes have resulted in the removal of some of the most egregious content, an increase has been observed in the creation of "borderline content" – content which requires in-depth analysis to decide whether it satisfies a company's hate speech policy. This has driven a rise in human augmented moderation. This is a welcome change, as algorithms developed to screen online content rely largely on text recognition protocols, that are less effective in accurately classifying abstracted text. Furthermore, in many instances, user discussions that explore concerns about hate speech or seek to undermine hate speech narratives are indistinguishable to an algorithm from expressions that directly promote hostility, discrimination or violence against Muslims, hampering and potentially de-platforming targeted communities' own efforts to counter the discrimination they face.[174]

59. While the Special Rapporteur welcomes moves by digital and social media companies to increase the engagement of human moderators to enforce policies for countering online

[167] ICCPR, article 20 (2)

[168] HRC General Comment No. 34, stresses that prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the ICCPR, except in the specific circumstances envisaged in article 20(2) ICCPR, and that it would not be permissible "for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith". CCPR/C/GC/34, para 48

[169] CERD/C/GC/35

[170] CCPR/C/GC/34, paras 48-52; and CCPR/C/GC/37, para 50, referring to CERD General Recommendation No. 35, the Rabat Plan of Action and the Beirut Declaration on "Faith for Rights" (A/HRC/40/58, annexes I and II)

[171] https://ec.europa.eu/commission/presscorner/detail/en/IP_16_1937

[172] https://ec.europa.eu/info/sites/info/files/aid_ development_cooperation_fundamental_rights/assessment_of_the_code_of_conduct_on_hate_speech_on_line_-_state_of_play_0.pdf p.2

[173] https://oversightboard.com/news/719406882003532-announcing-the-oversight-board-s-first-cases-and-appointment-of-trustees/

[174] Consultation – Online Hate; https://arxiv.org/abs/1702.08138

hate speech — where algorithms are augmented by human decision-making — the extent of their training or working definitions and decision-making processes used by moderators are generally not transparent. Facebook's OSB model is a partial improvement in this regard, though it has a limited mandate; it will be involved in a very small fraction of content moderation decisions and its decisions are "standalone" rather than binding precedent.

60. The Special Rapporteur would like to note that it is problematic that the moderation data sets are often considered trade secrets by the companies that developed them. This means that most attempts to judge the scope of Islamophobia on online networks, or the efficacy of current solutions are dependent almost entirely upon data the company concerned chooses to provide, which is often inadequately disaggregated, if available at all, and extremely difficult to independently verify.

C. Best Practices

61. The Special Rapporteur notes that many Governments have taken steps to combat Islamophobia and pledged to strengthen their efforts. The Council of Europe[175] and some States, including Sweden,[176] Malta[177] and Norway,[178] have adopted policy recommendations or actions plans for religious-based discrimination and prejudice generally or Islamophobia specifically. The European Commission has established a dedicated coordinator on combating anti-Muslim hatred.[179] Barcelona, Spain[180] and Victoria, Australia[181] have developed regional action plans. Typically, these plans include educational outreach, capacity-building and measures to prevent and prosecute hate crimes. Norway's action plan aims to promote dialogue and gather information about Muslims' experiences of discrimination and hatred, with police registering hate crimes that specifically target Muslims.[182]

62. Other steps include the establishment of anti-hate crime legislation, indicating a deliberative response to the phenomenon in several States including Andorra,[183] Kyrgyzstan[184] Switzerland,[185] Sweden[186] and Croatia.[187] Togo's legislation prevents religious-based discrimination.[188] Reportedly, five States have created specific tasks forces or trained police officers to monitor, identify and respond to hate crimes.[189]

63. The Special Rapporteur acknowledges efforts to monitor and facilitate reporting of Islamophobic incidents, including OSCE/ODIHR[190] and ten States[191] in monitoring hate

[175] https://rm.coe.int/ecri-general-policy-recommendation-no-5-on-combating-intolerance-and-d/16808b5a76
[176] Submission – Sweden
[177] Submission – Malta
[178] Consultation – IPPFoRB
[179] https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combatting-discrimination/racism-and-xenophobia/combating-anti-muslim-hatred_en
[180] https://ajuntament.barcelona.cat/oficina-afers-religiosos/en/noticia/against-islamophobia_513396; and https://ec.europa.eu/migrant-integration/news/spain-first-municipal-plan-against-islamophobia-pioneered-in-barcelona?lang=de
[181] Submission – AMAN
[182] https://norwaytoday.info/news/norway-launches-new-action-plan-against-discrimination-and-hatred-of-muslims/
[183] Submission – Andorra
[184] Submission – Kyrgyzstan
[185] Submission – Switzerland.
[186] Submission – Sweden
[187] Submission – Croatia
[188] Submission – Togo
[189] Submissions – Croatia, Hungary, Mexico, Poland, Sweden
[190] https://hatecrime.osce.org/what-hate-crime/bias-against-muslims
[191] Sweden, Australia, Brazil, Croatia, Poland, Hungary, US, UK, Canada and Spain. https://www.fbi.gov/investigate/civil-rights/hate-crimes; https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00003-eng.pdf; http://www.interior.gob.es/documents/642012/3479677/Informe+2018+sobre+la+evoluci%C3%B3n+

crimes. Brazil's Ministry of Women, Family and Human Rights has a communication hotline for victims of discrimination to submit complaints, including a category for religious-based incidents.[192] Nonetheless, Islamophobic incidents are often under-reported, with some CSOs trying to fill reporting gaps,[193] often where State mechanisms are inadequate or non-existent.

64. The Special Rapporteur also recognizes efforts to tackle online hate speech. Mexico reportedly is engaging with social media companies to develop counter-narratives on hate speech.[194] Sweden provides financial support to civil society initiatives including Näthatsgranskaren, which detects online hate speech and reports findings to police and social media companies.[195]

65. Seven States have organized interfaith meetings, which covered discrimination against Muslims, or organized consultations with Muslim communities, so they may voice concerns and communicate their needs.[196] Reportedly, the OSCE[197] and EU[198] have organized high level conferences, and five States have engaged in regional consultations with civil society on the subject.[199] Recalling that Islamophobia may manifest as intersectional discrimination against Muslim refugees and migrants, the UNHCR,[200] OSCE[201] and EU[202] have developed good practice frameworks or resources for States on migrant integration.

66. Some States and CSOs inform Muslims about their rights, and conduct public awareness campaigns about Muslims and Islam designed to dispel negative myths and misconceptions. Ireland educates schoolchildren on common prejudices and attitudes that might infringe on dignity, including Islamophobia.[203] The Observatory of Islamophobia in the Media has increased awareness on how to report on matters involving Muslims and Islam in ways that avoid stigmatization and the reproduction of harmful stereotypes.

Definitions

67. In an effort to fully capture the collective experiences of victims and to coordinate effective governmental, multilateral and civil society responses, particularly in the field of education and awareness raising, many propose that there are time-sensitive and practical benefits of developing a working definition for "Islamophobia."[204] Several definitions have been proposed by academics and human rights advocates over the years, including the Runnymede Trust and other CSOs, and the UK's All-Party Parliamentary Group on British Muslims.

68. Some argue that efforts to define "Islamophobia" are a means to shield totalitarian political ambitions and harmful practices that undermine human rights, and to afford these practices exemptions from legitimate criticism and challenge.[205] Others assert that the working definitions of Islamophobia often "miss the point about what it is that is being

de+los+delitos+de+odio+English+version.pdf/1767a25c-cfb6-42c1-8876-c1534d825158; and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839172/hate-crime-1819-hosb2419.pdf

192 Submission – Brazil

193 https://tellmamauk.org/; and https://www.splcenter.org/data-projects/tracking-anti-muslim-legislation-across-us?by-type#filters

194 Submission – Mexico

195 Submission – Sweden

196 Submissions – Malta, Australia, Qatar, Switzerland, Togo, Belgium

197 Submission – IAPD

198 Submission – European Commission

199 Zimbabwe, Togo, Uganda, Norway and US. Consultations – Sub-Saharan Africa, Western Europe and Americas

200 https://www.unhcr.org/en-us/the-10-point-plan-in-action.html

201 https://www.osce.org/files/f/documents/a/2/393554.pdf

202 https://ec.europa.eu/migrant-integration/home; and https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2178

203 Submission – Ireland

204 https://columbialawreview.org/content/islamophobia-toward-a-legal-definition-and-framework/

205 https://www.worldcat.org/title/thinking-through-islamophobia-global-perspectives/oclc/635463824 pp.69-84

attacked…as the attack is not against *Islam* as a faith but against *Muslims* as a people."[206] And some argue that such an endeavour can have chilling effects on freedom of expression because it may stifle legitimate criticism of Islam and serve to demonize and stigmatize those that engage in said criticism. And other scholars and activists argue that the phenomenon is contextually specific, and that a working definition of "Islamophobia" may entail unforeseen consequences, by over-victimizing, homogenizing a diverse range of Muslim experiences and excluding certain perspectives.[207]

69. Rather than affirm a particular definition, the Special Rapporteur emphasizes the need for a better conceptual understanding of Islamophobia, its manifestations and its impacts on human rights, including the right to freedom of religion or belief for the purposes of public education, monitoring and responding to the phenomenon. The Special Rapporteur emphasizes the need to focus on how anti-Muslim bias, namely Islamophobia, is perpetrated and how it is experienced by Muslim individuals and communities, through its different, sometimes cumulative, forms.[208] Consistent with the Declaration on Principles of Tolerance, he recalls that States are obliged to address these consequences, since tolerance is not only a moral duty, but a political and legal requirement.[209] Moreover, a nuanced approach to understanding Islamophobia will be critical to ensure that the relevant educational, social, and policy responses are identified to effectively address a complex and context-specific challenge, in conformity with international human rights laws and standards.

V. Conclusions

70. Both conscious and unconscious bias against Muslims perpetuated by individuals, politicians, social influencers, the media and hate-groups play a significant role in dehumanizing Muslims, motivating hate crimes, promoting discrimination and exacerbating socio-economic exclusions. Scholars and rights monitors emphasize that Islamophobic attitudes often perpetuate a vicious circle whereby State policy validates private Islamophobic attitudes and actions, and the prevalence of such attitudes can propel State policies that penalize Muslims.

71. Collective blame cast on Muslims for terrorist acts purportedly carried out in the name of Islam, alongside Islamophobic attitudes that draw on negative overgeneralizations about Islam and essentializations of Muslims — which depict them as threatening and centre on constructions of irreconcilable cultural difference between Muslims and that the values of majority populations — have fuelled acts of discrimination, hostility and violence against Muslim individuals and communities.

72. The Special Rapporteur recalls the conclusion offered by Special Rapporteurs Asma Jahangir and Doudou Diene in their joint report[210] asserting that States must protect the rights of religious minorities even if other members of the community engage in intolerant acts. This is particularly relevant when a certain religious community may be in a minority in one part of the world and suffer accordingly, but it may constitute the major religious community in another part of the world and be accused of intolerant treatment towards its own religious minorities.

73. However, the Special Rapporteur emphasizes that international human rights law protects individuals, not religions. Nothing in the present report suggests that criticism of the ideas, leaders, symbols or practices of Islam is something that should be prohibited or criminally sanctioned. Rather, this report emphasizes that the discrimination and intolerance that emanate from the ideologies of Islamophobia present a significant challenge to a State's aspirations to foster democratic pluralism and respect, protect and promote all human rights. Peaceful, inclusive, pluralistic societies that endeavour to respect the human rights of all

[206] https://www.tandfonline.com/doi/abs/10.1080/014198799329305 p.898
[207] https://www.cambridge.org/core/journals/journal-of-law-and-religion/article/abs/limits-of-liberal-inclusivity-how-defining-islamophobia-normalizes-antimuslim-racism/83F07C7092083A0658B9CD2B9AA7553B
[208] A/HRC/2/3 20 para 18
[209] https://unesdoc.unesco.org/ark:/48223/pf0000151830 article 1.1
[210] A/HRC/2/3 (2006)

persons regardless of religious or belief identity must oppose religious bigotry and racism, but they must also avoid censoring purely discursive speech.[211]

74. Still, recognizing that both conscious and unconscious bias directed against Muslims can play a significant role in dehumanizing Muslim individuals and communities and in motivating discrimination, hostility and violence against them is critical to addressing the systematic structures and social norms within which such bias is normalized. Therefore, it is essential to identify and evaluate how State structures perpetuate and legitimize Islamophobia and actively discriminate against Muslim individuals and communities.

75. Moreover, discrimination, hostility and violence against actual or perceived Muslims is often intersectional, with religious-based discrimination intersecting with or compounding discrimination based on their nationality, gender, racial or ethnic background amongst other protected characteristics. Muslims are frequently targeted based on visible "Muslim" characteristics, such as their names, skin colour and religious attire, including headscarves.[212] Muslim women may face a "triple penalty" as women, minority ethnic and Muslim.[213]

76. Islamophobia infringes on the rights to freedom of religion or belief and non-discrimination where it influences policies and practices related to immigration, policing, employment, education, and housing, among other sectors. The obstacles created in both the public and the private sphere often make it difficult for a Muslim to be a Muslim. The totality of this experience, in some contexts, may amount to the level of coercion as prohibited in article 18.2 of the ICCPR and detailed in paragraph 5 of the Human Rights Committee's General Comment No. 22, condemning policies and practices that have the effect of violating this standard.

VI. Recommendations

77. The Special Rapporteur recognizes that a working definition of Islamophobia can offer practical guidance for identifying Islamophobia in its various forms, and therefore encourages stakeholders to undertake an inclusive process, involving a diverse group of stakeholders that also represent minority communities, to develop and endorse a non-legal tool for use in education, awareness-raising and for monitoring and responding to manifestations of Islamophobia. Such a tool must be in line with approaches to hate speech taken by the Human Rights Committee, the Rabat Plan of Action and General Recommendation No. 35 of the CERD Committee to ensure that any definition is accompanied by clear guidance on the obligation to defend freedom of expression within the law for all. In this regard, the Special Rapporteur notes that criticism of Islam is not Islamophobic *per se*, unless it is accompanied by hatred or bias towards Muslims in general.

78. Moreover, in order to address and mitigate the impacts of Islamophobia, the Special Rapporteur makes the following recommendations:

To States

79. Repeal all restrictions on the absolute freedom of belief in the *forum internum* and repeal discriminatory restrictions on the right to manifest one's religion or belief in the *forum externum*;

80. Take all measures necessary to combat direct and indirect forms of discrimination against Muslims, whether national, regional or local, particularly recalling that such discrimination is often intersectional on the basis of religion or belief, race, ethnicity, gender, and other protected characteristics. This includes taking steps to eliminate discrimination in the fields of employment, education, access to justice, adequate housing, healthcare and immigration and citizenship, by monitoring access to these sectors including by (i) gathering

[211] https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3355274

[212] https://fra.europa.eu/en/publication/2017/second-european-union-minorities-and-discrimination-survey-muslims-selected p.9

[213] https://publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/89/89.pdf p.15

data disaggregated by religious or belief group; (ii) working with national human rights institutions to monitor compliance and examine complaints and; (iii) repealing laws and policies that discriminate against Muslims;

81. Implement the recommendation provided by the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, to ensure that all policies aimed at preventing and countering "violent extremism" are governed by a clear and human rights-compliant legal framework and subject to rigorous monitoring and evaluation, including regular, independent and periodic review;[214]

82. Fulfill obligations to prohibit any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, in line with international norms and soft law instruments developed under the auspices of the UN;[215]

83. Counter discrimination by law enforcement, including by eliminating discriminatory profiling of Muslims and by promoting fair policing; taking measures to enhance the ability of law enforcement to recognise anti-Muslim bias; and increasing the enforcement of hate crime laws;

84. Provide resources to Muslim communities to invest in educational, mentorship and leadership programs that can build resilience, skills and support socially disadvantaged individuals;

85. Collect disaggregated data on hate crime and discrimination against actual or perceived Muslims, including the percentage of investigations and prosecutions undertaken following such complaints and their outcome;

86. Ensure the existence of accessible and confidential mechanisms where victims can report incidences of Islamophobic hate crimes and discrimination. Where such mechanisms exist, States must ensure that they are easily accessible and function under a victim-based human rights approach, including within the criminal justice system;[216]

87. Advise that political parties adopt and enforce ethical guidelines for their representatives' conduct, especially regarding public speech. Party leaders must promptly, clearly and consistently reject expressions of Islamophobic discourse within their parties and in public discourse; and

88. Address Islamophobic discourse by providing anti-stereotyping training to State officials and educators; removing Islamophobic rhetoric from educational curricula; and include content on religious and cultural diversity in school curricula.

That employers

89. Adopt and implement policies to prevent discrimination within the workplace, including on the basis of religion or belief, gender, and race; respect the right to freedom of religion or belief – e.g., by promoting diversity-friendly working conditions; and provide suitable complaints mechanisms for employees and support mechanisms for victims. Employers are encouraged to adopt anonymized recruitment processes and other measures to create an equal and inclusive workplace for Muslims and other religious minorities, especially in professions where Muslims are underrepresented.

That digital technology companies

90. Ensure community guidelines and terms of use are clear and predictable in their application and that content moderation takes a human rights-based approach. This includes providing content moderators with just and favourable working conditions and robust psychological support; and

91. Increase transparency with regard to their efforts to tackle incitement and hate speech. Anonymized data sets regarding hate speech detection and moderation should be public,

[214] A/HRC/43/46, para 52(f)
[215] A/HRC/RES/16/18; A/HRC/22/17/Add.4, appendix; A/HRC/40/58, annexes I and II
[216] https://www.osce.org/files/f/documents/c/5/447028.pdf

regularly updated and disaggregated by protected characteristic. Likewise, the training that content moderators receive should be made public.

That the Media

92. Adopt media guidelines for reporting on Muslims and Islam, imbedding good practices e.g., avoiding stereotypes and generalizations, portraying diversity and explaining context,[217] and train journalists and other media content producers accordingly.

That Civil Society, including Faith-Based Actors

93. Promote interfaith engagement; refrain from engaging in incitement to discrimination, hostility and violence against persons based on religion or belief; oppose essentializing narratives about Muslims and Islam; respect diversity; and build solidarity.

That the UN System

94. Promote the involvement CSOs, including Muslim-led groups and women's human rights groups, in the design, implementation and oversight of PVE responses at national, regional and global levels, through transparent and participatory processes;[218] and

95. Various organs of the UN system, including the OHCHR, UNESCO, UN Alliance of Civilizations, UN counter-terrorism entities and UN Office of the Special Adviser on the Prevention of Genocide, should enhance their collaboration and cooperation efforts with relevant Special Procedures mandate holders in order to undertake joint action on discrimination, hostility and violence emanating from Islamophobia.

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[217] http://www.fundacionalfanar.org/islamandjournalism/

[218] https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/gendered-dimensions-of-violent-extremism-outcome-report-en.pdf?la=en&vs=245 p.6