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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****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,
Ahmed Shaheed****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 their freedom of religion or belief and myriad other human rights. Despite its pervasive impacts, Islamophobia/anti-Muslim hatred remains poorly understood and discussions on how to address its effects are often fraught with tension.

The Special Rapporteur unpacks the concept of Islamophobia/anti-Muslim hatred, including the processes of essentialization and racialization that propel this form of bias; documents the experiences of affected communities and the impacts that Islamophobia/anti-Muslim hatred have on human rights; affirms the relevant international human rights framework; and proposes recommendations to address and mitigate the impacts of Islamophobia/anti-Muslim hatred in a manner consistent with international law.

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



I. Introduction¹

1. Following the terrorist attacks of 11 September 2001 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 that disproportionately target Muslims and define Muslims as both high-risk and at risk of radicalization. Drawing 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 and religion or 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 aforementioned security and counter-terrorism 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 enjoyment of this right 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. Among the concerns they have raised are: violent attacks and impunity for such attacks, including those causing 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; and socioeconomic exclusion and pervasive stigmatization of Muslim communities.

3. In such climates of exclusion, fear and distrust, Muslims report that they often feel stigma, shame and a sense that they belong to “suspect communities” that are being forced to bear collective responsibility for the actions of a small minority. In India, for example, approximately half of police personnel reportedly believe that Muslims are “likely” to be prone to committing crimes, 36 per cent believe that Muslims are “somewhat” prone to committing crimes and 14 per cent believe that Muslims are “very much” prone to committing crimes.⁴ In surveys conducted in Europe in 2018 and 2019, an average of 37 per cent of the population reported that they held unfavourable views of Muslims.⁵ In 2017, some 30 per cent of respondents to a survey conducted in the United States of America viewed Muslims in a negative light.⁶ In Myanmar, unchecked Buddhist nationalists peddling the view that Islam threatens to “overrun” the country and that Buddhists must stand up and “save” their way of life have contributed to egregious atrocities against Rohingya Muslims.

4. Human rights monitors and affected communities stress that many Muslims feel under 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 the governmental level,

¹ Rose Richter, Christine Ryan and Jennifer Tridgell carried out outstanding research and analysis for the present 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 and to Essex Human Rights Centre Clinic students Ulkar Aliyeva, Nicholas Bush, Keiu Kikas and Vanessa Lazo for their valuable research.

² Edward Said, *Orientalism* (New York, Pantheon Books, 1978).

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

⁴ 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/>; www.pewforum.org/2018/10/29/eastern-and-western-europeans-differ-on-importance-of-religion-views-of-minorities-and-key-social-issues; www.pewresearch.org/global/2019/10/14/minority-groups/.

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

policies that disproportionately limit freedom of religion or belief for Muslims or that infringe upon Muslims' other fundamental rights based on their Muslim identity suppress the ability of Muslims to freely be Muslim. Moreover, such exceptional and exclusionary measures may serve to validate anti-Muslim sentiments within the wider population.

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

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 Some policymakers and monitors prefer the label "anti-Muslim hatred", fearing that the term "Islamophobia" risks condemning all critiques of Islam and, therefore, 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". Some use the term "anti-Muslim racism", which is grounded in cultural racism perspectives, 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 the present report, the Special Rapporteur uses 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 Special Rapporteur 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, he underscores a human rights approach to countering discrimination and intolerance engendered by Islamophobia in order 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 online round-table consultations and 15 online bilateral meetings with stakeholders representing 5 geographical regions. In response to his call for submissions, he received and reviewed 78 submissions from civil society, 3 from national human rights and equality bodies, 26 from States and 3 from multilateral organizations. The Special Rapporteur extends his deepest gratitude to all who provided their time and insight.

9. It would often 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 adopts 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. He has consistently raised awareness

⁷ <http://bridge.georgetown.edu/islamophobia-the-right-word-for-a-real-problem/>.

⁸ www.jstor.org/stable/1229039?seq=1, p. 140.

– including through the communications procedure and country visits – of incidents of anti-Muslim bias targeting Muslim communities who live as minorities in Muslim-majority settings⁹ and within Muslim communities.¹⁰ Given the restrictions imposed on the length of reports submitted to the Human Rights Council, the present report focuses mainly on the challenges faced by Muslims who live as minorities in non-Muslim majority States, while also identifying some illustrative examples of sectarian, intra-Muslim prejudice and violence.

III. Activities of the Special Rapporteur

11. An overview of the activities of the Special Rapporteur from July 2019 to July 2020 is provided in a previous report.¹¹ The Special Rapporteur collaborated with a range of United Nations actors, including the United Nations Educational, Scientific and Cultural Organization, the United Nations Alliance of Civilizations, the Office of the Special Adviser to the Secretary-General on the Prevention of Genocide, the United Nations Interregional Crime and Justice Research Institute and the Office of the United Nations High Commissioner for Human Rights (OHCHR), to address issues related to hate speech. He also worked with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) and civil society actors, including academics, to disseminate the findings of his reports on freedom of expression, gender equality, combating antisemitism and the 2030 Agenda for Sustainable Development. Since July 2020, he has addressed 24 communications to Governments addressing a range of violations of the right to freedom of religion or belief.

A. Key findings and conceptual framework

12. A preponderance of the views submitted for the present 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 worldwide – 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”¹² and other nations where Muslims are a minority population.¹³ 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.¹⁴ Scholars and human rights experts also underscore the gendered forms of the phenomenon whereby Muslim women – particularly Muslim women who wear a head covering – are cast as subordinates without

⁹ See, e.g., AL PAK 1/2020, OL PAK 10/2020, AL AFG 4/2016, UA MRT 3/2016, UA SDN 1/2016, UA SAU 11/2015, UA DZA 3/2017, AL EGY 4/2017, AL IDN 5/2018 and OL NGA 3/2017. All communications are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

¹⁰ See, e.g., AL PHL 6/2019.

¹¹ A/75/385.

¹² www.worldcat.org/title/clash-of-civilizations-and-the-remaking-of-world-order/oclc/35029747; www.worldcat.org/title/militant-islam-reaches-america/oclc/49681230.

¹³ See, e.g., China, India and Myanmar. Submission by Justice for All.

¹⁴ www.runnymedetrust.org/uploads/Islamophobia%20Report%202018%20FINAL.pdf. The European Union emphasizes that anti-Muslim hatred is an expression of intolerance and that there are different forms of racism that link to religion or belief in cases of 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).

agency, while Muslim men and those who look Muslim by virtue of their skin colour and facial hair, are deemed to be intrinsically violent.¹⁵ Others highlight that the possibility of converting 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 expressions.

14. Some scholars contend that Islamophobia can exist in Muslim-majority States, where it becomes manifest in discourses and policies that treat Islam as unfit for inclusion in burgeoning democracies.¹⁶ Moreover, many former Soviet States with Muslim majority populations criminalize expressions of Islamic faith and target individuals who appear Muslim.¹⁷ Informing governmental and institutional policies, social discourse and violent practices against Muslims, this form of anti-Muslim bias in majority Muslim contexts institutes power hierarchies that are nonetheless driven by a different form of bias from the one examined herein.

B. Dissemination of intolerant narratives

15. Harmful stereotypes and tropes about Muslims and Islam are chronically reinforced by those working in the mainstream media, powerful politicians, influencers of popular culture and academics. Muslims are generally underrepresented and are often misrepresented in the media. In one study, the European Commission against Racism and Intolerance (ECRI) reported that in over 600,000 news items published in 2016 and 2017 in the Netherlands, the adjectives most used to describe Muslims were “radical”, “extremist” and “terrorist”; in contrast, people from the Netherlands were often described as “known”, “average” and “beautiful”.¹⁸ Other studies have shown that media outlets in several countries disproportionately focus on negative angles for news stories involving Muslims¹⁹ such as reporting on their perceived failure to integrate,²⁰ and more media attention is often paid to terrorist attacks committed by Muslims than to terrorist attacks committed by far-right extremists.²¹ Indeed, a study commissioned by the Federal Commission against Racism of Switzerland 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 per cent of reporting covered the daily life of Muslims or their successful integration in society.²²

16. Conversely, many films depict Muslims negatively and play into harmful stereotypes,²³ with some even claiming that the “Muslim-as-terrorist” film has become a legitimate genre (or subgenre) in its own right.²⁴ 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 versus bad Muslim binary.²⁵ Various Western

¹⁵ www.worldcat.org/title/do-muslim-women-need-saving/oclc/828265187.

¹⁶ See, e.g., www.worldcat.org/title/islamophobia-in-muslim-majority-societies/oclc/1076873408.

¹⁷ See, e.g., A/HRC/37/49/Add.2, para. 47, and A/75/385.

¹⁸ <https://rm.coe.int/fifth-report-on-the-netherlands/168094c577>, para. 34.

¹⁹ See, e.g., Australia (<https://onpathnetwork.com/islam-in-the-media-2017/>); United Kingdom (www.cam.ac.uk/research/news/media-fuelling-rising-hostility-towards-muslims-in-britain; <https://static1.squarespace.com/static/599c3d2febbd1a90cffdd8a9/t/5bfd1ea3352f531a6170ceee/1543315109493/Islamophobia+Defined.pdf>, pp.19–20); and United States (<https://bridge.georgetown.edu/research/report-muslims-most-negatively-portrayed-minority-in-us-media/>). See also <https://journals.sagepub.com/doi/10.1177/1748048516656305>.

²⁰ Submission by ECRI.

²¹ Submission by Asociación Musulmana por los Derechos Humanos. www.mdpi.com/2077-1444/9/9/274/htm; <https://cfmm.org.uk/resources/publication/cfmm-special-report-how-british-media-reports-terrorism/>.

²² <https://rm.coe.int/ecri-report-on-switzerland-sixth-monitoring-cycle-/16809ce4bd>, para. 32.

²³ www.worldcat.org/title/reel-inequality-hollywood-actors-and-racism/oclc/948339407&referer=brief_results.

²⁴ <https://journal.equinoxpub.com/CIS/article/view/9322>, p. 219.

²⁵ https://popcollab.org/wp-content/uploads/2018/10/HaqqAndHollywood_Report.pdf, pp. 25–29.

film and television producers also engage in the process of “whitewashing” by depicting Muslim characters without having consulted with or cast any Muslims.²⁶

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, which have been established largely 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.²⁷ 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.²⁸ 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.²⁹

18. Muslim women are more likely to be targeted than men with expressions of hate, both online and offline. Muslim women also appear to receive more extreme hate speech than other women online: 55 per cent of the most aggressive online hate speech directed at Indian female politicians was directed at Muslim women.³⁰ Abuse, harassment and threats of gratuitous violence have also been reported by academics,³¹ journalists³² and human rights defenders³³ 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.³⁴ 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.³⁵

20. Conspiracy theories drawing on xenophobic and racist narratives about Muslims are also propagated online by far-right groups. 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 “outbreed” native populations (these are widespread in Europe³⁶ and North America,³⁷ as well as in Myanmar³⁸ and Sri Lanka).³⁹ 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.⁴⁰ Notably, conspiracy theories have been amplified

²⁶ <https://digitalcommons.colby.edu/cgi/viewcontent.cgi?article=1940&context=honorstheses>, p. 15.

²⁷ www.jstor.org/stable/j.ctt1t88zw7, p. 59.

²⁸ www.bbc.co.uk/news/world-asia-28122925.

²⁹ <https://ethos.bl.uk/OrderDetails.do?uin=uk.bl.ethos.617634>.

³⁰ www.amnesty.org.uk/press-releases/india-women-politicians-face-shocking-scale-abuse-twitter-new-research.

³¹ <https://journals.sagepub.com/doi/full/10.1177/2056305116678896>.

³² UA IND 1/2020 and OL IND 10/2018.

³³ www.apc.org/en/pubs/apc-condemns-crackdown-peaceful-protesters-india-including-harassment-apc-staff-member.

³⁴ www.jstor.org/stable/pdf/10.33428/jsoutasiamiddeas.42.3.0020.pdf;
www.brookings.edu/research/muslims-and-the-secular-city-how-right-wing-populists-shape-the-french-debate-over-islam/;
www.brookings.edu/blog/markaz/2015/12/09/what-americans-really-think-about-muslims-and-islam/.

³⁵ www.tandfonline.com/doi/abs/10.1080/10670564.2019.1704995?journalCode=cjcc20.

³⁶ www.ucviden.dk/en/publications/propaganda-and-conspiracy-theories-in-extreme-right-ideologies.

³⁷ Consultation with Canada. See also the manifesto posted online by the gunman responsible for a shooting in 2019 in El Paso, Texas (purposely not linked).

³⁸ <https://ash.harvard.edu/links/creating-future-using-natural-resources-new-federalism-and-unity>.

³⁹ www.jstor.org/stable/26402133?seq=1#metadata_info_tab_contents.

⁴⁰ www.reuters.com/article/us-india-women-law-religion/love-jihad-law-seen-trampling-womens-hard-earned-freedoms-in-india-idUSKBN29K260.

by a number of so-called “counter-jihad” and “alt-news” websites, blogs and organizations across Europe and North America. These theories have also directly incited terrorists to commit atrocities offline, including in Norway⁴¹ and New Zealand, who frequently referenced such conspiracies as justifications for their acts.

21. Echoing the trope of the Muslim terrorist, in India the “corona jihad” hashtag (#coronajihad) went viral on Twitter following the Government’s announcement of high levels of coronavirus disease (COVID-19) infection among the Muslim community.⁴² Similarly, in Sri Lanka, disinformation rapidly spread online that Muslims deliberately disseminated COVID-19 in the country⁴³ and, in the United Kingdom of Great Britain and Northern Ireland, Internet users alleged that Muslim communities were responsible for the spread of COVID-19.⁴⁴ Encrypted chat platforms, including WhatsApp and Telegram, have also been used to spread Islamophobic disinformation, particularly during the COVID-19 pandemic.⁴⁵ 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 and sometimes including specific calls to violence.⁴⁶

22. The Special Rapporteur notes that surges in online hate speech are often sparked by offline “trigger events”. Such events may include terrorist attacks (including attacks on Muslims), comments made by prominent public figures and political events such as elections or referendums.⁴⁷ Following the attack in Christchurch, New Zealand, one civil society organization recorded an increase of 692 per cent in online attacks against Muslims, many using the same rhetoric as the attacker.⁴⁸ Trigger events typically produce a strong response during the first 24–48 hours; these rapidly drop off but it can take months for online expressions of hatred to taper to the baseline.⁴⁹ Notably, Muslims do not necessarily have to be perceived as “at fault” in the context of the trigger-event to be targeted.

C. Discrimination

Securitization

23. 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.⁵⁰ 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 of the Committee on the Elimination of Racial Discrimination and the Human Rights Committee, indicating that national security and counter-terrorism measures have disproportionately and discriminatorily targeted Muslims in 15 States⁵¹ and that many such

⁴¹ <https://journal-njmr.org/articles/10.2478/njmr-2013-0013/galley/107/download/>.

⁴² www.hrw.org/news/2020/05/01/coronajihad-only-latest-manifestation-islamophobia-india-has-been-years-making.

⁴³ Submission by the Alliance for Minorities.

⁴⁴ https://blog.twitter.com/en_gb/topics/company/2020/twitteruk-amhwguk-working-partnership.html; <https://fullfact.org/health/leicester-covid-outbreak-islam/>.

⁴⁵ 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.

⁴⁶ <https://thediplomat.com/2019/05/manufacturing-islamophobia-on-whatsapp-in-india/>.

⁴⁷ https://tellingmamauk.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.

⁴⁸ www.tellingmamauk.org/wp-content/uploads/2020/03/The-Impact-of-the-ChristChurch-Attack-Tell-MAMA-Interim-Report-2019-PP.pdf.

⁴⁹ <http://orca.cf.ac.uk/127085/1/Hate%20Behind%20the%20Screens.pdf>.

⁵⁰ <https://www.palgrave.com/gp/book/9781403969804>.

⁵¹ Australia (CERD/C/AUS/CO/18-20, para. 13), Austria, China, Eritrea (CCPR/C/ERI/CO/1, para. 17), France, India, Kazakhstan (CCPR/C/KAZ/CO/2, para. 13), Kenya, Netherlands (A/HRC/36/15, para. 131.114), Philippines, Russian Federation, Sri Lanka, Sweden (CERD/C/SWE/CO/22-23, para. 20,

measures have been adopted with little transparency, contain sweeping definitions of “terrorism” and have been implemented with poor oversight.

24. States have reportedly incorporated their essential services, including education and health care, within their national security apparatus in a way that disproportionately heightens surveillance of Muslims and potentially compounds existing inequalities, including educational and health outcomes.⁵² Doctors and other health personnel, social workers and educators are co-opted as enablers of the State’s securitization apparatus by being mandated to report who is ostensibly at risk of radicalization. British Muslims were reportedly 17 times more likely to be referred to under the Prevent Strategy than non-Muslims across six National Health Service trusts.⁵³

25. In Germany, the authorities have reportedly closed communal rooms used by Muslim students for prayer 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.⁵⁴ In France, a bill that was originally aimed at ending “Islamic separatism” would reportedly have increased State control over religious associations and create suspicion of religious communities, including Muslim communities, 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 in 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, violates the rights of Muslim women or poses a security risk.⁵⁶ Other States reportedly permit certain institutions (e.g., schools, places of work or the courts) to exercise discretion on whether to permit Muslim dress.⁵⁷ Although such laws apply to all religious symbols, Muslim women are often disproportionately affected. As the Human Rights Committee has noted, such prohibitions can violate Muslim women’s rights to freedom of religion or belief and non-discrimination and exacerbate their social marginalization.⁵⁸ The same may hold true 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 France⁶⁰ and Austria,⁶¹ and to ban the construction of new minarets in Switzerland.⁶² The

and [CCPR/C/SWE/CO/7](#), para. 22), Thailand and United Kingdom ([CERD/C/GBR/CO/21-23](#), para. 18).

⁵² Spain (submission by Asociación Musulmana por los Derechos Humanos); United Kingdom (<https://yaqeeninstitute.org/tarekyounis/counter-radicalization-a-critical-look-into-a-racist-new-industry/>); and United States (www.brennancenter.org/our-work/research-reports/why-countering-violent-extremism-programs-are-bad-policy).

⁵³ Submission by Medact.

⁵⁴ Submission by the European Network against Racism.

⁵⁵ <https://apnews.com/article/religion-emmanuel-macron-secularism-france-bills-d3146e80f369006ed6f5a0d8fe2bc1b2>; www.forbroundtable.org/post/france-letter-on-the-current-bill-on-consolidating-the-respect-of-the-principles-of-the-republic.

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

⁵⁷ 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](#) and [CCPR/C/NLD/CO/5](#).

⁵⁹ Europe (submission by ECRI) and United States (www.bloomberg.com/news/articles/2017-04-05/how-zoning-laws-are-used-to-block-mosque-construction).

⁶⁰ www.hrw.org/news/2020/12/04/france-dissolving-anti-discrimination-group-threatens-rights.

⁶¹ www.politico.eu/article/vienna-mosque-shut-after-terror-attack/.

⁶² <http://news.bbc.co.uk/1/hi/8385069.stm>.

Special Rapporteur 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 some Western countries surveil mosques and their attendees in the name of counter-terrorism.

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 law on Islam with controversial provisions regulating the content of Islamic teachings and the training, hiring and removal of Muslim clerics. The Special Rapporteur has also received reports indicating that hundreds of mosques, shrines and Muslim cemeteries in Myanmar are being destroyed,⁶⁵ that mosques in China are being forcibly “renovated” through the removal of minarets and Arabic script⁶⁶ and that State actors in Muslim majority States have destroyed religious sites belonging to minority Muslim communities.⁶⁷

30. Restrictions on the ability of Muslim communities to establish and maintain appropriate charitable or humanitarian institutions have dramatically increased in recent years. In 2020, the French authorities closed 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 triggered by its report on the 2020 Delhi riots, in which the police was accused of human rights violations against Muslims.⁶⁹ Officially, the office was closed for violating the Foreign Contribution Regulation Act, a law that the special procedures of the Human Rights Council have described as obstructive towards civil society.⁷⁰ In a move that the European Commission has challenged,⁷¹ Hungary passed a so-called “stop Soros” package of laws in an effort to prevent non-governmental organizations from aiding migrants from Muslim countries and to impose 25 per cent higher taxes on such organizations “supporting immigration”.⁷² In the United States, civil society has expressed concern that Presidential emergency powers have a broad scope and have been used to disproportionately target Muslims and their organizations 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 in public transport, airports, administrative offices, shops and restaurants.⁷⁴ Principal among the issues concerning European Muslims is unemployment.⁷⁵ When surveyed, one third of Muslims in 15 States members of the

⁶³ UA DZA 3/2017.

⁶⁴ Austria (OL AUT 1/2014 and [CCPR/C/AUT/CO/5](https://www.ccrpr.org/CCPR/C/AUT/CO/5)), China (<https://freedomhouse.org/report/2017/battle-china-spirit-islam-religious-freedom>), France (<https://foreignpolicy.com/2020/10/07/macron-wants-to-start-an-islamic-revolution/>) and Greece (submission by the Federation of Western Thrace Turks in Europe).

⁶⁵ Submission by Justice for All.

⁶⁶ www.ohchr.org/Documents/Issues/Religion/Submissions/CSOs/53.nuc-uhrp-wuc.pdf.

⁶⁷ AL SAU 7/2015 and AL BHR 6/2015.

⁶⁸ Submission by Action Droits des Musulmans.

⁶⁹ AL IND 17/2020.

⁷⁰ 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 [www.aclu.org/sites/default/files/field_document/10-24-](http://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)

[19_aclu_letter_to_senate_on_article_one_act_s_764_to_reform_national_emergencies_act.pdf](http://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).

⁷⁴ Australia, Austria, Belgium, Cambodia, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, India, Italy, Malta, Netherlands, Slovenia, Spain, Sri Lanka, Sweden, United Kingdom and United States.

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

European Union, felt discriminated against when seeking employment⁷⁶ 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 in the fields of politics, law and medicine. Some report that young Muslims increasingly suffer from 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 United Kingdom revealed that British Muslim women are 71 per cent more likely to be unemployed than white Christian women, despite having the same educational level and language skills.⁸¹

33. Where Islamophobia erodes Muslims’ socioeconomic prospects, poverty may affect them disproportionately. British Muslims are the most economically disadvantaged religious group in the United Kingdom, experiencing 32 per cent 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 highlighted the lack of access to water, electricity, sanitation and adequate housing among predominantly Muslim migrant workers 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. The Special Rapporteur notes with regret that, in addition to having concrete economic impacts on Muslims, the foregoing exclusionary practices and policies may cause “coercive assimilation” by placing 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 practices, in order to receive equal treatment.⁸⁵

Education, health care and housing

35. Rights monitors have also submitted that the hostility experienced by Muslim students because of their religious identity evokes feelings of isolation, often resulting in irregular school attendance and lower educational outcomes.⁸⁶ In the United States, one study has found that Muslim students are almost twice as likely as children of other religious identities to face religion-based bullying.⁸⁷ In eight States and areas surveyed, education curricula reportedly either underrepresented and/or misrepresented Muslims, whether by excluding

⁷⁶ <https://fra.europa.eu/en/publication/2017/second-european-union-minorities-and-discrimination-survey-muslims-selected>.

⁷⁷ Austria, France, United Kingdom and United States.

⁷⁸ Submission by 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>; <https://bmjopen.bmj.com/content/9/3/e019954>.

⁸⁰ www.runnymedetrust.org/uploads/Islamophobia%20Report%202018%20FINAL.pdf.

⁸¹ 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 www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25524&LangID=E.

⁸⁴ Submission by Asociación Musulmana por los Derechos Humanos.

⁸⁵ www.cambridge.org/core/books/islamophobia-and-the-law/84A34D7C4EC08D03F03F9CD776042049.

⁸⁶ See, e.g., https://minorityrights.org/wp-content/uploads/2017/06/MRG_Rep_India_Jun17-2.pdf.

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

positive representations or presenting discriminatory tropes.⁸⁸ Reports also highlight that China has closed hundreds of Arabic language and Islamic schools, forcibly placed nearly half a million – mostly Uighur – children in boarding schools and imprisoned Islamic scholars.⁸⁹

36. Other discriminatory barriers for Muslim 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, few Muslim teachers being hired and no reporting or support mechanisms being available for victims of Islamophobia.⁹⁰ Physical barriers, including poor infrastructure and few teachers, may result in further discrimination based on religious identity and contribute to Muslim minorities' lower educational outcomes.⁹¹

37. While Muslim minorities may experience poor housing conditions because of their socioeconomic status, reports suggest that religion-based discrimination is an aggravating factor, often intersecting with xenophobia and racism. Public and private actors reportedly discriminate against Muslims in housing markets by, for example, charging higher rents, rejecting rental applications or physically threatening Muslims. In one Lebanese town, officials have prohibited Muslims from buying or renting property⁹² and, in Belgium, 38 per cent of Muslims of Moroccan descent have reported at least one negative experience when looking for rental property.⁹³ The Committee on the Elimination of Racial Discrimination has articulated the difficulties faced by ethno-religious Muslim minorities in accessing housing outside of minority-populated areas, amounting to de facto segregation.⁹⁴ It has been reported that Muslims in two States are highly vulnerable to COVID-19 because they live in poor housing or segregated residential areas.⁹⁵

38. Access to adequate housing is particularly challenging for Muslims who – often due to religion-based discrimination – are internally displaced, refugees or migrants or who have been forcibly displaced with little or no compensation.⁹⁶ The Human Rights Committee has expressed concern regarding the living conditions of largely Muslim internally displaced persons in Sri Lanka.⁹⁷ Rohingya refugees in Bangladesh reportedly occupy temporary settlements without adequate shelter, water and sanitation and face the prospect of 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. The Special Rapporteur has received reports that Muslims in some States have, collectively and individually, had their citizenship withdrawn, while in other States tropes of Muslims as “terrorists” or as being “hostile to equality” underlie discriminatory immigration policies.

40. Since its inception in 2018, the process to create a national register of citizens in the northern Indian State of Assam has disproportionately excluded Bengali-speaking Muslims, including Muslims whose families have lived in the State for generations, from the list of

⁸⁸ Cambodia, Canada, Myanmar, Poland, Romania, Spain and the United Kingdom, as well as Kosovo.

⁸⁹ www.nytimes.com/2019/12/28/world/asia/china-xinjiang-children-boarding-schools.html and 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/599c3d2febbd1a90cfffdd8a9/t/5bfd1ea3352f531a6170ceee/1543315109493/Islamophobia+Defined.pdf>.

⁹¹ A/75/385, para. 41.

⁹² Consultation for the Middle East and North Africa region.

⁹³ Submission by 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; <https://science.thewire.in/health/why-is-gujarat-a-covid-19-hotspot/>.

⁹⁶ See, e.g., Cambodia, India and Kenya.

⁹⁷ CERD/C/LKA/CO/10-17, para. 25.

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

verified citizens and instead declared them “illegal immigrants”.⁹⁹ The Citizenship Amendment Act of India fast-tracks the citizenship of Hindu, Sikh, Buddhist, Jain, Parsi and Christian individuals who arrived from Afghanistan, Bangladesh or Pakistan before 2015; the absence of Muslims from that list is notable.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 enable individuals to gain access to public services and required Rohingya to register as Bengali to obtain one.¹⁰¹ Faced with resistance from Rohingya against registering as Bengali, the Myanmar authorities have reportedly 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 United States disproportionately applies its Controlled Application Review and Resolution Program – a largely secretive, extreme vetting process for immigrants perceived to be a threat to national security – to immigrants of Arab, Middle Eastern and South Asian origin or ethnicity with the result that a significant number of applications from Muslims are indefinitely postponed or denied without proper notice, justification or the possibility to appeal.¹⁰³ The Program has also reportedly been used to pressure Muslims into gathering intelligence on their local communities for use by 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 by individuals unwilling to shake hands with a government representative so as not to 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 reportedly adopted similar policies, although the Special Rapporteur has not received any reports of Muslims being refused citizenship on this basis to date.¹⁰⁷ Similarly, one of the reasons cited by a French court in upholding a decision to deny citizenship to a Muslim woman was her practice of wearing a burka.¹⁰⁸

43. Relatedly, representatives of four European States have publicly rejected Muslim refugees or migrants in their societies, amid accusations of preferential treatment for Christian refugees.¹⁰⁹ Hungary and Slovakia have challenged the European Union policy of mandatory reallocation of refugees and migrants of Middle Eastern and North African origin before the European Court of Justice,¹¹⁰ in the context of those States’ leaders publicly claiming that Muslims were “criminals” “who are impossible to integrate”¹¹¹ and that the

⁹⁹ OL IND 11/2019, OL IND 13/2018 and OL IND 29/2018.

¹⁰⁰ AL IND 3/2020.

¹⁰¹ A/HRC/40/37, paras. 22–26, and A/75/335, para. 31.

¹⁰² www.fortifyrights.org/downloads/Tools%20of%20Genocide%20-%20Fortify%20Rights%20-%20September-03-2019-EN.pdf. See also A/HRC/38/52.

¹⁰³ www.aclusocal.org/sites/default/files/carrp-muslims-need-not-apply-aclu-social-report.pdf.

¹⁰⁴ Ibid.

¹⁰⁵ www.oasiscenter.eu/en/islam-in-europe-paradoxes-of-integration-debate.

¹⁰⁶ France (www.conseil-etat.fr/fr/arianeweb/CRP/conclusion/2018-04-11/412462?download_pdf), Germany (http://lrw.juris.de/cgi-bin/laender_rechtsprechung/document.py?Gericht=bw&nr=32523) and Switzerland (www.bbc.co.uk/news/world-europe-45232147).

¹⁰⁷ Submission by the Centre for Danish-Muslim Relations.

¹⁰⁸ www.legifrance.gouv.fr/ceta/id/CETATEXT000019081211/.

¹⁰⁹ Czechia (<https://content.sciendo.com/view/journals/jnmlp/12/2/article-p192.xml?language=en>), Hungary, Poland

(www.ceemr.uw.edu.pl/sites/default/files/Gozdziak_Marton_Where_the_Wild_Things_Are.pdf) and Slovakia (www.politico.eu/article/robert-fico-islam-no-place-news-slovakia-muslim-refugee/).

¹¹⁰ <https://eur-lex.europa.eu/legal->

[content/en/TXT/PDF/?uri=uriserv%3AOJ.C_.2017.374.01.0004.01.ENG](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>.

migrants were not refugees but rather “Muslim invaders”.¹¹² In Australia, officials reportedly cherry-picked Christian refugees from the Syrian Arab Republic for resettlement over Muslims.¹¹³

D. Violence

44. The Special Rapporteur is deeply alarmed by the frequent, widespread nature of violence targeting Muslims worldwide, including incidents where the 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 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 among 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 officers were allegedly complicit, colluded with or actively participated in mob attacks against Muslims in India and Sri Lanka.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 States members of OSCE.¹²¹ Between 2014 and 2019, over 10,000 Islamophobic incidents were recorded across the United States, with both the number and violent nature of cases rising in most years.¹²² In one incident, two men were stabbed to death while trying to defend women perceived to be Muslim from being attacked.¹²³ The number of anti-Muslim hate groups allegedly also grew, by 197 per cent between 2015 and 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

¹¹² www.politico.eu/article/viktor-orban-hungary-doesnt-want-muslim-invaders/.

¹¹³ www.sps.ed.ac.uk/_data/assets/pdf_file/0007/276550/Kieran_Oberman,_22Refugee_Discrimination_The_Good,_the_Bad,_and_the_Pragmatic22.pdf.

¹¹⁴ www.jstor.org/stable/10.1525/j.ctv1wx79.

¹¹⁵ Ibid.

¹¹⁶ www.icj-cij.org/en/case/178.

¹¹⁷ www.bbc.co.uk/news/world-asia-china-55794071.

¹¹⁸ India (www.stimson.org/2021/violence-based-on-religion-or-belief-taking-action-at-the-united-nations/), Mali (A/HRC/40/77 and A/HRC/37/78, para. 43) and Sri Lanka (A/HRC/43/48/Add.2).

¹¹⁹ India (submission by Dr. Ritumbra Manuvie. <https://scroll.in/latest/969614/delhi-violence-mob-burnt-22-year-old-mans-unconscious-body-to-check-if-he-was-dead-say-police>; 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 by Al-Khoei Foundation and Tehmina Kazi.

¹²¹ <https://hatecrime.osce.org/what-hate-crime/bias-against-muslims?year=2017>.

¹²² www.islamophobia.org/articles/262-the-bias-brief-trump-s-impact-on-anti-muslim-bias.html.

¹²³ www.nytimes.com/2017/05/27/us/portland-train-attack-muslim-rant.html.

¹²⁴ Submission by the Carter Center.

40 during Friday prayers at two mosques in Christchurch, New Zealand.¹²⁵ Violent attacks on Muslims attending mosques have occurred in Canada,¹²⁶ Norway¹²⁷ and the United Kingdom,¹²⁸ among others, leaving victims dead or injured. Frequently, the convicted or alleged perpetrators of such attacks 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, as in the case of a pig's head being nailed to the door of a school in Georgia.¹³⁰ Such attacks have been reported widely, including in Bosnia and Herzegovina,¹³¹ France,¹³² Greece,¹³³ India,¹³⁴ Latvia,¹³⁵ North Macedonia,¹³⁶ Norway,¹³⁷ Sri Lanka,¹³⁸ Switzerland¹³⁹ and the United States.¹⁴⁰ According to OSCE, attacks on property, mainly on Fridays and religious holidays, are the most common manifestation of Islamophobic violence.¹⁴¹

49. Muslim women are disproportionately targeted in Islamophobic hate crimes,¹⁴² experiencing 90 per cent of such incidents in the Netherlands and 81 per cent in France.¹⁴³ Similarly, in Australia and the United Kingdom, the victims of Islamophobic attacks are mostly women and perpetrators are predominantly men.¹⁴⁴ Muslim women and girls are subjected to verbal abuse, profanities, physical intimidation and death threats in public spaces, with 96 per cent of female Muslims in one Australian survey reporting having been targeted while wearing a headscarf.¹⁴⁵ Perpetrators are often not deterred by the public visibility of their attacks (60 per cent of reported incidents occurred in places with security officers and surveillance) or the vulnerability of their targets (57 per cent of women victims were unaccompanied).¹⁴⁶ 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.¹⁴⁷

¹²⁵ <https://christchurchattack.royalcommission.nz/the-report/executive-summary-2/executive-summary/>.

¹²⁶ www.bbc.co.uk/news/world-us-canada-42782097.

¹²⁷ Submission by the International Alliance for Peace and Development.

¹²⁸ www.bbc.co.uk/news/uk-42910051; www.nytimes.com/2017/06/19/world/europe/uk-van-attack-london-mosque.html.

¹²⁹ www.nytimes.com/2011/07/25/us/25debate.html.

¹³⁰ Submission by ECRI.

¹³¹ Ibid.

¹³² www.nytimes.com/2015/01/11/world/europe/french-muslims-worry-about-backlash-after-charlie-hebdo-attack.html and submission by the Global Interfaith Network for People of All Sexes, Sexual Orientations, Gender Identities and Expressions.

¹³³ Submission by the Federation of Western Thrace Turks in Europe.

¹³⁴ Submission by Citizens against Hate.

¹³⁵ Submission by ECRI.

¹³⁶ Submission by Legis.

¹³⁷ www.tv2.no/a/4124776.

¹³⁸ A/HRC/43/48/Add.2, paras. 26–29, and CERD/C/LKA/CO/10-17, para. 18.

¹³⁹ Submission by the International Alliance for Peace and Development.

¹⁴⁰ Submission by the Carter Center.

¹⁴¹ Submission by the European Union and <https://hatecrime.osce.org/what-hate-crime/bias-against-muslims>.

¹⁴² Australia (www.islamophobia.com.au/wp-content/uploads/2019/12/Islamophobia-Report-2019-2.pdf) and submission by the Australian Muslim Advocacy Network), Finland (submission by ECRI), Netherlands (A/HRC/43/48/Add.1, paras. 64–65) and United States (www.aclu.org/other/discrimination-against-muslim-women-fact-sheet?redirect=discrimination-against-muslim-women-fact-sheet#9).

¹⁴³ www.washingtonpost.com/posteverything/wp/2016/09/16/how-muslim-women-bear-the-brunt-of-islamophobia/.

¹⁴⁴ <https://tellmamauk.org/tell-mamas-annual-report-for-2017-shows-highest-number-of-anti-muslim-incidents/>; www.islamophobia.com.au/wp-content/uploads/2019/12/Islamophobia-Report-2019-2.pdf.

¹⁴⁵ www.islamophobia.com.au/wp-content/uploads/2019/12/Islamophobia-Report-2019-2.pdf, submission by the Australian Muslim Advocacy Network; consultation in Asia and the Pacific.

¹⁴⁶ www.islamophobia.com.au/wp-content/uploads/2019/12/Islamophobia-Report-2019-2.pdf and submission by the Australian Muslim Advocacy Network.

¹⁴⁷ Submission by the Islamic Foundation in Slovakia.

50. Studies show that the number of Islamophobic hate crimes frequently increases following events beyond the control of most Muslims, including terrorist attacks and anniversaries of such attacks (the perpetrators of which identify as Muslim or claim to practise Islam), the Brexit referendum, Presidential elections in the United States and Islamophobic statements from political leaders generally.¹⁴⁸ For example, after the 2015 terrorist attacks in Paris and in San Bernardino, United States, hate crimes against Muslims and mosques across the United States reportedly tripled.¹⁴⁹ One organization attributes the 2017 peak in anti-Muslim incidents in the United States to Executive Order No. 13769 (the “Muslim ban”).¹⁵⁰ 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 right to be free from discrimination. The imposition of undue or disproportionate limits on individuals’ right to worship, observe, practise or teach their religion or belief on the basis of their religious identity strikes at the heart of international law’s prohibition of 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.¹⁵¹ This includes policies and practices that limit access to benefits and services made available to the general population, including restrictions on access to education,¹⁵² adequate housing or employment on the basis of religion or belief.¹⁵³ 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 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.¹⁵⁴ As such, although States frequently refer to national security or the imperative to promote harmonious coexistence to justify limits on religious dress, the dissemination of religious materials or religious education and even impose outright bans on membership of certain religious or belief groups, such reasons are not permissible grounds for restricting freedom of religion or

¹⁴⁸ Submissions by Imran Awan and Irene Zempi, the Anti-Muslim Hatred Working Group and the Carter Center; <https://hatecrime.osce.org/what-hate-crime/bias-against-muslims>; 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>; www.islamophobia.org/articles/262-the-bias-brief-trump-s-impact-on-anti-muslim-bias.html.

¹⁴⁹ www.nytimes.com/2015/12/18/us/politics/crimes-against-muslim-americans-and-mosques-rise-sharply.html; submission by the Carter Center.

¹⁵⁰ www.islamophobia.org/articles/262-the-bias-brief-trump-s-impact-on-anti-muslim-bias.html.

¹⁵¹ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, art. 2.

¹⁵² *Hudoyberganova v. Uzbekistan* (CCPR/C/82/D/931/2000).

¹⁵³ Human Rights Committee, general comment No. 22 (1993), para. 5.

¹⁵⁴ International Covenant on Civil and Political Rights, art. 18 (3).

belief under international human rights law.¹⁵⁵ Additionally, any limitations must be prescribed by law and be non-discriminatory in both purpose and effect.¹⁵⁶

53. All major international and regional¹⁵⁷ human rights instruments forbid discrimination based on religion or belief and article 26 of the International Covenant on Civil and Political Rights 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 to non-discrimination may not adequately capture and respond to the forms of disadvantage engendered by Islamophobia. Depending on the context, Islamophobia targets individuals on numerous grounds, including 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 Committee on the Elimination of Racial Discrimination has held that the International Convention on the Elimination of All Forms of Racial Discrimination may apply in cases where discrimination on religious grounds intersects with forms of discrimination based on race, colour, descent, or national or ethnic origin.¹⁵⁸ 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.¹⁵⁹ And the Committee on the Elimination of Discrimination against Women has clarified that the Convention on the Elimination of All Forms of Discrimination against Women 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.¹⁶⁰

55. States must take effective measures to address purposeful and/or de facto (or indirect) discrimination.¹⁶¹ Increasingly, international human rights bodies are calling upon States to adopt measures to prevent, diminish and eliminate the conditions and attitudes that cause or perpetuate discrimination.¹⁶² This obligation to dismantle discriminatory structures can extend to policies that are rooted in and propagate negative stereotypes, including stereotypes based on religious, racial, gendered, migratory and disability status.¹⁶³ Furthermore, Human Rights Council resolution 16/18 explicitly sets out the need to combat denigration and negative religious stereotyping of persons.

56. Both the Committee on the Elimination of Racial Discrimination and the Human Rights Committee have expressed concern about reports of stereotypical representations of Muslims in media, on social media platforms and by politicians.¹⁶⁴ They have also

¹⁵⁵ The Human Rights Committee, in its general comment No. 22 (1993), explicitly excludes national security as a ground for permissible limitations on the right to freedom of religion or belief (para. 8). See also A/HRC/34/30. The Special Rapporteur acknowledges that regional human rights law may differ in certain factual circumstances.

¹⁵⁶ Human Rights Committee, general comment No. 22 (1993), para. 5, and A/HRC/34/30, para. 41.

¹⁵⁷ Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), art. 14; American Convention on Human Rights, arts. 1, 24 and 27; African Charter on Human and Peoples' Rights, art. 28; and Cairo Declaration on Human Rights in Islam, art. 1 (a).

¹⁵⁸ Committee on the Elimination of Racial Discrimination, general recommendation No. 32 (2009), para. 7; *P.S.N. v. Denmark* (CERD/C/71/D/36/2006), para. 6.3.

¹⁵⁹ *F.A. v. France* (CCPR/C/123/D/2662/2015 and Corr.1), para. 8.13.

¹⁶⁰ General recommendation No. 32 (2014), para. 6.

¹⁶¹ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, art. 4.

¹⁶² Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009), para. 8 (b).

¹⁶³ Convention on the Elimination of All Forms of Discrimination against Women, art. 5; Convention on the Rights of Persons with Disabilities, art. 5; General Assembly resolution 63/185 (calling upon States not to resort to profiling based on stereotypes founded on racial, ethnic and/or religious grounds); Migration for Employment Convention (Revised), 1949 (No. 97), of the International Labour Organization, art. 3.

¹⁶⁴ [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](#).

condemned the prevalence of online hate speech against Muslims.¹⁶⁵ However, under international law, State action to limit speech must be exceptional. Regardless of its potential to offend, shock or disturb, States 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.¹⁶⁶ Additionally, the Special Rapporteur emphasizes that international human rights law protects individuals, not religions.¹⁶⁷ 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 (considering the context, speaker, intent, content and form, extent of dissemination and likelihood of harm) for establishing whether hateful expression should be considered to reach the level of incitement that must be prohibited. The Committee on the Elimination of Racial Discrimination also has offered concrete guidance for States parties on the adoption of legislation combating racist hate speech falling under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.¹⁶⁸ The Human Rights Committee too has provided useful guidance, notably through its general comments No. 34 (2011) on the freedoms of opinion and expression and No. 37 (2020) on the right of peaceful assembly.

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. Since 2016, Facebook, YouTube, Twitter, Instagram, Snapchat, TikTok and other social media companies have committed themselves to respecting the European Union code of conduct on countering illegal hate speech online, thereby undertaking to remove all content that meets the definition of illegal hate speech, including that which targets Muslims, under Council Framework Decision 2008/913/JHA. This has coincided with a positive trend in enforcement by these platforms.

58. The European Commission has reported that Facebook, YouTube and Twitter removed 72 per cent of the illegal hate speech from their platforms in 2019, up from 28 per cent in 2016.¹⁶⁹ Facebook subsequently established an oversight board to function as its court of final appeal on content moderation decisions, which heard its first set of cases, including one on Islamophobia, just prior to the present report's publication.¹⁷⁰ Although policy changes have resulted in the removal of particularly egregious online content, there has been an increase in "borderline content" – content that requires in-depth analysis to decide whether it meets a company's definition of hate speech. 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, which are arguably less effective in accurately classifying abstracted text. Furthermore, algorithms often struggle to distinguish between user discussions that explore concerns about or seek to counter hate speech narratives and conduct that directly promotes hostility, discrimination or violence against Muslims, thereby hampering targeted communities' efforts to counter the discrimination they face.¹⁷¹

59. While the Special Rapporteur welcomes moves by social media and other digital companies to increasingly engage human moderators in enforcing policies on countering

¹⁶⁵ CERD/C/LTU/CO/9-10 and CCPR/C/SWE/CO/7.

¹⁶⁶ International Covenant on Civil and Political Rights, art. 20 (2).

¹⁶⁷ In its general comment No. 34 (2011), the Human Rights Committee stresses that prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the International Covenant on Civil and Political Rights, except in the specific circumstances envisaged in its article 20 (2), 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 (para. 48).

¹⁶⁸ Committee on the Elimination of Racial Discrimination, general recommendation No. 35 (2013).

¹⁶⁹ https://ec.europa.eu/info/sites/info/files/code_of_conduct_factsheet_7_web.pdf.

¹⁷⁰ <https://oversightboard.com/news/719406882003532-announcing-the-oversight-board-s-first-cases-and-appointment-of-trustees/>.

¹⁷¹ Consultation on online hate. See also <https://arxiv.org/abs/1702.08138>.

online hate speech – where algorithms are made more effective by the addition of human decision-making – the extent of the training or working definitions and decision-making processes used by moderators are generally not transparent. Facebook’s oversight board model is a partial improvement in this regard, although it has a limited mandate; it will be involved in a very small fraction of content moderation decisions and its decisions “stand alone” rather than representing binding precedent.

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

C. Best practices

61. The Special Rapporteur notes that many Governments have taken steps to combat Islamophobia and have pledged to strengthen their efforts. The Council of Europe¹⁷² and some States, including Malta,¹⁷³ Norway¹⁷⁴ and Sweden¹⁷⁵ have adopted policy recommendations or action plans for addressing religion-based discrimination and prejudice generally or Islamophobia specifically. The European Commission has established the position of Coordinator on combating anti-Muslim hatred.¹⁷⁶ The authorities in Barcelona, Spain,¹⁷⁷ and Victoria, Australia,¹⁷⁸ have developed regional action plans. Typically, such plans include educational outreach, capacity-building and measures to prevent and prosecute for hate crimes. The action plan of Norway aims to promote dialogue and gather information about Muslims’ experiences of discrimination and hatred, with police registering hate crimes that specifically target Muslims.¹⁷⁹

62. Other steps include the establishment of anti-hate crime legislation, indicating a deliberative response to the phenomenon in several States, including Andorra,¹⁸⁰ Croatia,¹⁸¹ Kyrgyzstan,¹⁸² Sweden¹⁸³ and Switzerland.¹⁸⁴ In Togo, the legislation prevents religious-based discrimination.¹⁸⁵ Five States have reportedly created specific task forces or trained police officers to monitor, identify and respond to hate crimes.¹⁸⁶

63. The Special Rapporteur acknowledges efforts to monitor and facilitate reporting of Islamophobic incidents, including by the OSCE Office for Democratic Institutions and Human Rights¹⁸⁷ and 10 States.¹⁸⁸ The Ministry of Women, the Family and Human Rights of

¹⁷² <https://rm.coe.int/ecri-general-policy-recommendation-no-5-on-combating-intolerance-and-d/16808b5a76>.

¹⁷³ Submission by Malta.

¹⁷⁴ Consultation with the International Panel of Parliamentarians for Freedom of Religion or Belief.

¹⁷⁵ Submission by Sweden.

¹⁷⁶ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/combating-anti-muslim-hatred_en.

¹⁷⁷ https://ajuntament.barcelona.cat/oficina-afers-religiosos/en/noticia/against-islamophobia_513396; <https://ec.europa.eu/migrant-integration/news/spain-first-municipal-plan-against-islamophobia-pioneered-in-barcelona?lang=en>.

¹⁷⁸ Submission by the Australian Muslim Advocacy Network.

¹⁷⁹ <https://norwaytoday.info/news/norway-launches-new-action-plan-against-discrimination-and-hatred-of-muslims/>.

¹⁸⁰ Submission by Andorra.

¹⁸¹ Submission by Croatia.

¹⁸² Submission by Kyrgyzstan.

¹⁸³ Submission by Sweden.

¹⁸⁴ Submission by Switzerland.

¹⁸⁵ Submission by Togo.

¹⁸⁶ Submissions by Croatia, Hungary, Mexico, Poland and Sweden.

¹⁸⁷ <https://hatecrime.osce.org/what-hate-crime/bias-against-muslims>.

¹⁸⁸ Australia, Brazil, Canada (www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00003-eng.pdf), Croatia, Hungary, Poland, Spain (www.interior.gob.es/documents/642012/3479677/Informe+2018+sobre+la+evoluci%C3%B3n+de+l

Brazil has a communication hotline that allows victims of discrimination to submit complaints, including for religion-based discrimination.¹⁸⁹ Nonetheless, Islamophobic incidents are often underreported, with some civil society organizations trying to fill reporting gaps,¹⁹⁰ often where State mechanisms are inadequate or non-existent.

64. The Special Rapporteur also recognizes efforts to tackle hate speech online. Mexico is reportedly engaging with social media companies to develop counter-narratives on hate speech.¹⁹¹ Sweden provides financial support to civil society initiatives, including *Näthatsgranskaren*, which detects hate speech online and reports findings to the police and social media companies.¹⁹²

65. Six States have organized interfaith meetings covering discrimination against Muslims or have organized consultations with Muslim communities so that they may voice concerns and communicate their needs.¹⁹³ Reportedly, OSCE¹⁹⁴ and the European Union¹⁹⁵ have organized high-level conferences, and five States have engaged in regional consultations with civil society on the subject.¹⁹⁶ Recalling that Islamophobia may manifest itself as intersectional discrimination against Muslim refugees and migrants, the Office of the United Nations High Commissioner for Refugees,¹⁹⁷ OSCE¹⁹⁸ and the European Union¹⁹⁹ have developed good practice frameworks or resources for States on the integration of migrants.

66. Some States and civil society organizations 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.²⁰⁰ 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 to developing a working definition of “Islamophobia”.²⁰¹ Over the years, several definitions have been proposed by academics and human rights advocates, including the Runnymede Trust and other civil society organizations, as well as the All-Party Parliamentary Group on British Muslims in the United Kingdom.

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

[os+delitos+de+odio+English+version.pdf/1767a25c-cfb6-42c1-8876-c1534d825158](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839172/hate-crime-1819-hosb2419.pdf)), Sweden, United Kingdom (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839172/hate-crime-1819-hosb2419.pdf) and United States (www.fbi.gov/investigate/civil-rights/hate-crimes).

¹⁸⁹ Submission by Brazil.

¹⁹⁰ <https://tellmamauk.org/>; www.splcenter.org/data-projects/tracking-anti-muslim-legislation-across-us?by-type#filters.

¹⁹¹ Submission by Mexico.

¹⁹² Submission by Sweden.

¹⁹³ Submissions by Australia, Belgium, Malta, Qatar, Switzerland and Togo.

¹⁹⁴ Submission by the International Alliance for Peace and Development.

¹⁹⁵ Submission by the European Commission.

¹⁹⁶ Norway, Togo, Uganda, United States and Zimbabwe. Consultations in sub-Saharan Africa, Western Europe and the Americas.

¹⁹⁷ www.unhcr.org/en-us/the-10-point-plan-in-action.html.

¹⁹⁸ www.osce.org/files/f/documents/a/2/393554.pdf.

¹⁹⁹ <https://ec.europa.eu/migrant-integration/home>;

https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2178.

²⁰⁰ Submission by Ireland.

²⁰¹ <https://columbialawreview.org/content/islamophobia-toward-a-legal-definition-and-framework/>.

practices exemptions from legitimate criticism and challenge.²⁰² Others assert that the working definitions of Islamophobia often miss the point about what it is that is being attacked, as the attack is not against Islam as a faith but against Muslims as a people.²⁰³ 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 who engage in said criticism. 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 and homogenizing a diverse range of Muslim experiences and excluding certain perspectives.²⁰⁴

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.²⁰⁵ Consistent with article 1 (1) of the Declaration of Principles on Tolerance, he recalls that States are obliged to address these consequences, since tolerance is not only a moral duty but also a political and legal requirement. Moreover, a nuanced approach to understanding Islamophobia will be critical to ensuring 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, among others, play a significant role in dehumanizing Muslims, motivating hate crimes, promoting discrimination and exacerbating socioeconomic exclusion. Scholars and rights monitors emphasize that Islamophobic attitudes often perpetuate a vicious circle whereby State policies validate 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 differences between Muslims and the values of majority populations – have fuelled acts of discrimination, hostility and violence against Muslim individuals and communities.

72. The Special Rapporteur recalls that States must protect the rights of religious minorities even if other members of the community engage in intolerant acts.²⁰⁶ This is particularly relevant when a religious community may be in a minority in one part of the world, and may suffer for it, but may constitute a majority religious community in another part of the world, where it may be accused of intolerance towards local religious minorities.

73. 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, the Special Rapporteur emphasizes that the discrimination and intolerance that emanate from the ideologies of Islamophobia present a significant challenge to States' aspirations to foster democratic pluralism and respect, protect and promote all human rights. Peaceful, inclusive, pluralistic societies that endeavour to respect the human

²⁰² www.worldcat.org/title/thinking-through-islamophobia-global-perspectives/oclc/635463824.

²⁰³ www.tandfonline.com/doi/abs/10.1080/014198799329305, p. 898.

²⁰⁴ www.cambridge.org/core/journals/journal-of-law-and-religion/article/abs/limits-of-liberal-inclusivity-how-defining-islamophobia-normalizes-antimuslim-racism/83F07C7092083A0658B9CD2B9AA7553B.

²⁰⁵ A/HRC/2/3, para. 18.

²⁰⁶ *Ibid.*, para. 26.

rights of all persons regardless of religious or belief identity must oppose religious bigotry and racism, but they must also avoid censoring purely discursive speech.²⁰⁷

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 religion-based discrimination intersecting with or compounding discrimination based on nationality, gender or racial or ethnic background, among other protected characteristics. Muslims are frequently targeted for certain visible “Muslim” characteristics, such as their skin colour and religious attire, including headscarves, and because of their names.²⁰⁸ Muslim women may face a triple penalty for being women, belonging to a minority ethnic community and for being Muslim.²⁰⁹

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 others. The obstacles created in both the public and the private spheres often make it difficult for a Muslim to be a Muslim. The totality of this experience, in some contexts, may amount to coercion of such a level as to be prohibited by article 18 (2) of the International Covenant on Civil and Political Rights, as detailed in paragraph 5 of the Human Rights Committee’s general comment No. 22 (1993), in which the Committee condemns policies and practices that have the effect of violating that 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, in 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 (2013) of the Committee on the Elimination of Racial Discrimination 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 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 recommendations set out below.

79. States should:

(a) **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*;**

(b) **Take all measures necessary to combat direct and indirect forms of discrimination against Muslims, whether at the national, regional or local levels, particularly recalling that such discrimination is often intersectional, being based concurrently on 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, health care and**

²⁰⁷ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3355274.

²⁰⁸ <https://fra.europa.eu/en/publication/2017/second-european-union-minorities-and-discrimination-survey-muslims-selected>, p. 9.

²⁰⁹ <https://publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/89/89.pdf>, p. 15.

immigration and citizenship by monitoring access to these services, including by gathering data disaggregated by religious or belief group, by working with national human rights institutions to monitor compliance and examine complaints and by repealing laws and policies that discriminate against Muslims;

(c) Implement the recommendation made by the 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;²¹⁰

(d) Fulfil 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 United Nations;²¹¹

(e) Counter discrimination through law enforcement, including by eliminating the discriminatory profiling of Muslims and promoting fair policing; taking measures to enhance the ability of law enforcement to recognize anti-Muslim bias; and increasing the enforcement of hate crime laws;

(f) Provide resources to Muslim communities to invest in educational, mentorship and leadership programmes that can build resilience and skills and support socially disadvantaged individuals;

(g) 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;

(h) Ensure the existence of accessible and confidential mechanisms where victims can report incidences of Islamophobic hate crime and discrimination. Where such mechanisms exist, States must ensure that they are easily accessible and function in accordance with a victim-based human rights approach, including within the criminal justice system;²¹²

(i) Advise political parties to 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;

(j) Address Islamophobic discourse by providing anti-stereotyping training to State officials and educators, removing Islamophobic rhetoric from educational curricula and including content on religious and cultural diversity in school curricula.

80. Employers should 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, such as 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.

81. Digital technology companies should:

(a) Ensure that community guidelines and terms of use are clear and applied in a predictable manner and that content is moderated using a human rights-based approach. This includes providing content moderators with just and favourable working conditions and robust psychological support;

²¹⁰ A/HRC/43/46, para. 52 (f).

²¹¹ Human Rights Council resolution 16/18; the Rabat Plan of Action and the Beirut Declaration and its 18 Commitments on Faith for Rights.

²¹² www.osce.org/files/f/documents/c/5/447028.pdf.

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

82. The media should adopt guidelines for reporting on Muslims and Islam, imbedding good practices that include avoiding stereotypes and generalizations, portraying diversity and explaining context,²¹³ and train journalists and other media content producers accordingly.

83. Civil society, including faith-based actors, should 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.

84. The United Nations system should promote the involvement of civil society organizations, including Muslim-led groups and women's human rights groups, in the design, implementation and oversight of responses aimed at preventing violent extremism at the national, regional and global levels, through transparent and participatory processes.²¹⁴

85. Various organs of the United Nations system, including OHCHR, the United Nations Educational, Scientific and Cultural Organization, the United Nations Alliance of Civilizations, United Nations counter-terrorism entities and the Office of the Special Adviser to the Secretary-General on the Prevention of Genocide, should enhance their efforts to collaborate and cooperate with relevant special procedure mandate holders in order to undertake joint action to address discrimination, hostility and violence emanating from Islamophobia.

²¹³ www.fundacionalfanar.org/islamandjournalism/.

²¹⁴ 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.