

Monitoring and Reporting Anti-Muslim Discrimination and Intolerance

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This document aims to introduce the basic definitions, methodology and indicators necessary for reporting cases and incidents of Islamophobia/anti-Muslim discrimination and intolerance. It is envisaged as a guidance and introductory note for civil society activists, community leaders, journalists and other practitioners who want to keep records and publish reports on instances of anti-Muslim discrimination and intolerance. This note does not cover other important segments necessary for the work on Islamophobia/anti-Muslim racism, discrimination and intolerance, such as advocacy, victim support, engagement with equality bodies, law enforcement institutions or the media, etc.

For the purposes of this document, a manifestation of anti-Muslim discrimination and intolerance shall be: an incident or practice of unjustified differential treatment that targets the expression of Muslimness or the perception of Muslimness or the association of the person or property with Muslims and/or Islam. The differential treatment occurs when the treatment is different from that which is used or believed to be employed for other person(s) or groups of persons, in the same or similar circumstances. This can be occur at interpersonal, institutional, systemic and/or discursive level.¹

An incident or practice that can be classified as a manifestation of anti-Muslim discrimination and intolerance is the one that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. Such incidents or practices include, but are not limited to, discriminatory violence (e.g., hate incidents and crimes), discriminatory and abusive language (e.g., hate speech), harassment, discrimination in access to goods or services, such as limited access to education or employment, violations of the right to freedom of religion or belief of Muslims, and/or instances of discriminatory profiling, etc.

Some of these incidents or practices can be legally challenged if the right conditions are met, while for others it may not be possible. This depends on many issues like: the evidence collected or the legal provisions of a particular country. Still, they can and should be monitored and

¹ For different definitions and debates about terminology please refer to bibliography at the end of the note



reported. This note does not deal with the legality of such incidents or practices, or the thresholds applied in different contexts. It focuses on their monitoring and reporting. Robust monitoring and reporting of such incidents and practices is an important step in the overall process of addressing anti-Muslim discrimination and intolerance. Organisations and stakeholders working to monitor and report such cases should contact international organisations, national or local equality bodies, anti-discrimination institutes and/or (media) regulatory bodies if they are interested in understanding and/or taking legal (or other available) action against such incidents or practices. It is recommended that this data be made public and/or shared with the ODIHR and the FRA, as well as other relevant institutions, if applicable.

Robust monitoring and reporting of data on manifestations of anti-Muslim discrimination and intolerance is key to understanding and documenting the magnitude of this phenomenon. Data collection at the grassroots and community level can especially ensure that more instances of anti-Muslim discrimination and intolerance are recorded, for example due to the trust and position that they hold. Also, such initiatives are best placed to raise awareness of all different forms and manifestations of racism, discrimination and intolerance against Muslims. Unfortunately, due to diverse sets of reasons, some of these manifestations are often normalised in many societies, as people, including the victims, are often not even aware that they are anti-Muslim discrimination and intolerance.

It is a well-established fact that such incidents and practices remain unreported by victims and unrecorded by official authorities. These are some of the reasons discouraging victims from reporting to official authorities:

- Belief that nothing will happen
- Mistrust or fear of official authorities
- Fear of reprisals
- Lack of knowledge of the legislation and their rights
- Shame and embarrassed
- Denial
- Fear of revealing their ethnic or religious affiliation
- Fear of being arrested and/or deported
- Experience of previous discouragement by police or other authorities to file a complaint².

As many groups, organisations and communities often work only with volunteers or do not have full-time staff working on monitoring and/or reporting, this paper aims to provide a simple but robust introductory note on how to recognise and classify cases of anti-Muslim discrimination and intolerance.

² For more: FRA Report: ENCOURAGING HATE CRIME REPORTING THE ROLE OF LAW ENFORCEMENT AND OTHER AUTHORITIES, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-hate-crime-reporting_en.pdf; and OSCE ODIHR Guide on Understanding Anti-Muslim Hate Crimes - Addressing the Security Needs of Muslim Communities, <https://www.osce.org/files/f/documents/9/0/448696.pdf>

ANTI-MUSLIM PREJUDICE

The root causes of anti-Muslim discrimination and intolerance are often to be found in anti-Muslim stereotypes and prejudices that contribute to creating and maintaining inequality. These are, in fact, beliefs and attitudes, often negative but sometimes also positive, conscious or not, that people have about members of other groups, in this case “Muslims”. Fixed stereotypical constructions of Muslimness create, in effect, static images of “Muslims” that are attributed in negative terms and generalised for all Muslims or those perceived to be Muslims.³ It is important to note here that often “ethnicity” or “race” operate as a proxy for “religious affiliation”, and therefore individuals may be victims of anti-Muslim discrimination and intolerance on the basis of their perceived ethnic or racial identity.⁴ Additionally, it is important to understand that Islamophobia or anti-Muslim racism is a gendered phenomenon. This also means that there are sets of stereotypes and beliefs that are attributed only to Muslim women or only Muslim men, or to all Muslims in relation to the false belief that all Muslims hold certain fixed views related to many diverse gender(ed) issues. This also means that the manifestations of anti-Muslim racism can be different for Muslim women and girls on one side, and Muslim men and boys on the other⁵. Whenever there are several aspects of a person’s (or groups) social and political identity are subject to overlapping and interdependent systems of discrimination or disadvantage, that is a case of intersectionality.⁶ It is important that the data collected captures these situations of overlapping biases involved and that the data is disaggregated in a way that allows for analysis in cases of multiple biases.

All in all, stereotypes and prejudices change and evolve over time, but here are some of the main Islamophobic narratives present in the EU and collected through Counter-Islamophobia Kit (CIK) project at Leeds University⁷:

1. Muslims are a security threat
2. Muslims cannot assimilate or integrate
3. Muslims represent a demographic threat and are invading the territory
4. Muslims are aiming to establish Islamic theocracy and parallel societies
5. Muslims are a threat to local and national identity
6. Gender inequality is inherent in Muslims, women are oppressed, men are violent predators
7. Muslims are ontologically different with incompatible values
8. Muslims are inherently violent
9. Muslims are never full citizens
10. Muslims are inherently homophobic

³ For more: <https://www.islamophobiaeurope.com/about-us/>

⁴ More on the concept of racialization here: ECRI’s opinion on the concept of “racialisation”, <https://rm.coe.int/ecri-opinion-on-the-concept-of-racialisation/1680a4dcc2>

⁵ For more: ENAR Report “Forgotten Women: the impact of Islamophobia on Muslim women”, <https://www.enar-eu.org/Forgotten-Women-the-impact-of-Islamophobia-on-Muslim-women>

⁶ For more: Crenshaw, Kimberle, Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination, Doctrine, Feminist Theory and Antiracist Politics, <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=ucf>

⁷ Counter-Islamophobia Kit: <https://cik.leeds.ac.uk/>

HOW TO RECOGNISE IT?

The OSCE Office for Democratic Institutions and Human Rights developed some indicators that are recommended for the usage in cases of hate incidents and crimes (i.e. cases of discriminatory violence).⁸ Also Claim Allianz, working in Germany and Europe, has been working on adjusting these indicators in its own work.⁹ What follows is a combination of these indicators, adapted for this note, which can be used to navigate the process of recognising whether there is an anti-Muslim motive behind an incident or a practice:

- Do victims or witnesses perceive the incident or practice to be motivated by anti-Muslim prejudice?
- Compared to others, was there a different treatment of a Muslim, a person or persons perceived to be Muslim, their allies or their organisations in relation to, for example, their right to freedom of association, freedom of religion or belief, freedom of access good or services, freedom of movement, etc.?
- Are there any comments, written statements, items, messages, gestures, graffiti, etc. that indicate prejudice or intended/achieved exclusion of Muslims?
- If the property is targeted, is it a place of religious or cultural significance, such as a mosque, a Muslim cemetery, a school or a site selected for the construction of a mosque?
- If the property is targeted, is it a shop, home or building associated in any way with Muslims or perceived to be associated with Muslims?
- Has this incident or practice happened before (has it started to occur before) and it is now being repeated/continued?
- What is the nature of this incident or practice? Are any practices that are considered to be specific to Islam or Muslims banned, challenged or attacked? Like a headscarf or a beard, or some other practice or item. Or did the person have or wear something that can be perceived as Muslim, such a name or Arabic inscriptions on their clothing or jewellery?
- Do the alleged perpetrators have a history of such behaviour, including against other groups? Do they belong to a group that has targeted Muslims before?
- Is the victim wrongly perceived to be a Muslim (e.g. because of their dress)?
- Was the person a human rights defender, a journalist or a person who might otherwise be perceived as associated with Muslims (e.g. a partner)?
- Did the incident or practice take place/started to happen in the days following any new personal circumstances, external events, incidents or crimes, such as a name change, a violent extremist attack or at some other time or date of significance to either side? Did the incident or practice take place/start to happen on an Islamic holiday or in the course of a political campaign or other current social or political disruption?
- Is there any other clear motive? The lack of other motives is also a reason to consider prejudiced motivation.

⁸ OSCE ODIHR Anti-Muslim Hate Crime Factsheet: <https://www.osce.org/odihr/373441>

⁹ CLAIM: <https://www.claim-allianz.de/en/>, IREPORT: <https://www.i-report.eu/en/report-a-case/>

WHERE TO FIND THE DATA?

Some common means of data collection include (but are not limited to):

- (online) form or application for the submission of victims, witnesses or partners data
- emails sent to the monitoring organisation/group
- publicly available/published data (newspaper, internet, government sources, etc.)
- individual interviews conducted and documented by those responsible for monitoring
- group discussions or focus groups
- organisations working on monitoring can conduct surveys, including victimisation surveys
- operate a hotline for assistance, etc.

HOW TO CATEGORISE DATA?

The methodology for data collection and further analysis should include a breakdown of data into useful categories. Several examples of good practice include the categorisation of data by the OSCE's Office for Democratic Institutions and Human Rights¹⁰, the UK's Tell MAMA programme¹¹ or the National Council of Canadian Muslims¹². The following are some basic categories that could be used in such reports, depending on the local context:

Date of incident, time of day (as close as possible)

Country, region of the country, city/town/village, specific location

Victim properties (age, gender, religious/ethnic and/or racial social identity, anything else that is relevant, especially from an intersectional point of view)

Incident description: What, when, where, and how did the incident happen? Was it:

- hate speech (discriminatory and/or abusive language or literature);
 - hate incident/crime (discriminatory violence) like threats, violent attack against people or property;
 - discrimination (instances of discrimination at work, school, services, etc.)
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Indicator/s of anti-Muslim motive? Why is this an anti-Muslim incident? (symbolism, context, words or insults used, etc. if not previously described.)

Perpetrators (age, gender, religious/ethnic and/or racial social identity (as relevant), number, relation to victim/target, if any, was the incident or practice perpetrated or upheld by an official institution or authorities?

Source with link if available (from media, victim's or witnesses' testimony, official sources, etc.)

Additional information, comments, photo or video evidence.

¹⁰ See the table here: <https://onedrive.live.com/view.aspx?cid=49ede8e933202dae&page=view&resid=49EDE8E933202DAE!1371&parId=49EDE8E933202DAE!759&authkey=!ADtmb8-bukEekEA&app=Word>

¹¹ <https://tellmamauk.org/submit-a-report-to-us/>

¹² <https://www.nccm.ca/programs/incident-report-form/>

It is extremely important to keep in mind at all times the security and confidentiality issues around your sources and data, as well as the protection of victims and others involved. First and last names, locations or detailed descriptions of incidents can reveal the identity of the victims or clearly point to a very particular and high-profile case known to the media or otherwise. Therefore, it is crucial to perform due diligence before sharing data with anyone, either publicly or privately, as well as to follow all laws regulating this field in your country. No information should be shared with anyone, publicly or privately, without the consent of the victims or those who provided the information to you, unless such information was already publicly available. Once this has been ensured and categories have been determined, it is also possible to create an online form (similar to a Google form¹³) or another type of a database that can be populated with data and allows it to be organised in a spreadsheet to make sorting and analysing data relatively easy and inexpensive for groups and organisations. This type of form can also be included on your website or in an email.

¹³ <https://www.google.com/forms/about/>

FOR FURTHER READING

American Psychological Association: Discrimination: What it is, and how to cope:

<https://www.apa.org/topics/racism-bias-discrimination/types-stress>

CoE – Discrimination and intolerance guide with Compass Manual: <https://www.coe.int/en/web/compass/discrimination-and-intolerance>

Counter-Islamophobia Kit: <https://cik.leeds.ac.uk/>

Definition of Islamophobia: <https://www.islamophobia-definition.com/>

ECRI's opinion on the concept of "racialisation", <https://rm.coe.int/ecri-opinion-on-the-concept-of-racialisation/1680a4dcc2>

ENAR Report "Forgotten Women: the impact of Islamophobia on Muslim women", <https://www.enar-eu.org/Forgotten-Women-the-impact-of-Islamophobia-on-Muslim-women>

European Islamophobia Report: <https://www.islamophobiaeurope.com/>

FRA Hate Crime Recording and Data Collection Practice Across the EU: <https://fra.europa.eu/en/publication/2018/hate-crime-recording-and-data-collection-practice-across-eu>

FRA Opinions Hate Crime Recording: <https://fra.europa.eu/en/publication/2018/hate-crime-recording/fra-opinions>

Guide on Article 14 of the European Convention on Human Rights and on Article 1 of Protocol No. 12 to the Convention Prohibition of discrimination:

https://www.echr.coe.int/Documents/Guide_Art_14_Art_1_Protocol_12_ENG.pdf

Hate Crime Monitoring Course: <https://www.facingfacts.eu/courses/hate-crime-monitoring-course/>

Non-discrimination in International Law: http://old.adapt.it/adapt-indice-a-z/wp-content/uploads/2014/08/interight_non-discrimination_in_international_law_2011.pdf

OSCE ODIHR 2020 Call for Civil Society Submissions: <https://hatecrime.osce.org/infocus/2020-call-civil-society-submissions>

OSCE ODIHR Anti-Muslim Hate Crime Factsheet: <https://www.osce.org/odihr/373441>

OSCE ODIHR Civil Society Submissions: <https://hatecrime.osce.org/infocus/2020-call-civil-society-submissions>

OSCE ODIHR Guide on Preventing and Responding to Hate Crimes: A Resource Guide for NGOs in the OSCE region: <https://www.osce.org/files/f/documents/8/a/39821.pdf>

OSCE ODIHR Guide on Understanding Anti-Muslim Hate Crimes - Addressing the Security Needs of Muslim Communities, <https://www.osce.org/files/f/documents/9/0/448696.pdf>

OSCE ODIHR Mapping Unreported Hate Crimes Using Respondent-driven Sampling: A Methodology, <https://www.osce.org/odihr/402314>

Resources on Discrimination from a Human Rights Perspective:

<https://www.un.org/ruleoflaw/thematic-areas/human-rights/equality-and-non-discrimination/>

The development of hate crime reporting, recording and data collection standards and practice in Europe: <https://www.facingfacts.eu/the-development-of-hate-crime-reporting-recording-and-data-collection-standards-and-practice-in-europe/>

UK All Party Parliamentary Group on British Muslims, The Inquiry Into a Working Definition of Islamophobia: <https://static1.squarespace.com/static/599c3d2febbd1a90cffdd8a9/t/5bfd1ea3352f531a6170ceee/1543315109493/Islamophobia+Defined.pdf>

UN Special Rapporteur Report on Countering Islamophobia/Anti-Muslim Hatred to Eliminate Discrimination and Intolerance Based on Religion or Belief: <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/HatredAndDiscrimination.aspx>

What is Islamophobia: A Briefing Paper prepared For the Special Rapporteur on freedom of religion or belief, Preparation for the report to the 46th Session of Human Rights Council, November, 2020: <https://www.ohchr.org/Documents/Issues/Religion/Islamophobia-AntiMuslim/Civil%20Society%20or%20Individuals/ProfAwan-2.pdf>