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1. INTRODUCTION

This report has been produced by the Islamic Human Rights Commission (IHRC), a not-for-profit, non-governmental organisation, established in March 1997, and based in the United Kingdom. The aims of the IHRC are as follows:

1. To champion the rights & duties revealed for human beings;
2. To promote a new social & international order, based on truth, justice, righteousness & generosity, rather than selfish interest;
3. To demand virtue & oppose wrongdoing in the exercise of power (from whatever base that power derives – e.g. political, judicial, media, economic, military, personal, etc.);
4. To gather information about, & to publicise, atrocities, oppression, discrimination, & other abuses of divinely-granted rights;
5. To campaign for redress & to support the victims, of such crimes;
6. To campaign to bring the perpetrators & their accomplices to justice;
7. To co-operate with other groups & individuals where such co-operation is likely to further the achievement of these aims.

In pursuing these aims, the IHRC has dealt with numerous cases of discrimination, and incitement to hostility, against Muslims in the U.K. Towards the end of 1998, we decided to survey the extent of the problem, and devised a questionnaire to be distributed among the Muslim community. That questionnaire was distributed at the end of 1998 / beginning of 1999 and again at the end of 1999 / beginning of 2000.

This report presents the results of analysing the returned questionnaires in 1999, and again in 2000, together with supporting information and case studies that illustrate the nature, extent and effects of anti-Muslim discrimination and hostility in the fields of education, employment and the media.

Finally, the report outlines the shortcomings of the existing legal system, the prospects for improvement when the 1998 Human Rights Act comes into force, and additional changes to the law that are needed to address the problem fully.

2. EDUCATION AND THE MUSLIM STUDENT

Areas of discrimination in education identified for the purposes of this report from cases reported to the Islamic Human Rights Commission (IHRC) are:

- Civil rights: the exclusion from, or discrimination within, educational establishments because of the performance of religious requirements.
- Religious harassment: exclusion from intellectual participation by identity politics.
- Lack of guidelines and procedures: the absence of governmental guidelines in accordance with extant legislation, and the anomalies of student representation.
- Perpetration of criminal acts: verbal or violent abuse from educators and student bodies.

Other forms of discrimination – notably with regard to funding for Muslim schools – exist, but are not dealt with in this report.

Examples range from exclusions and bad reporting of students, exclusion because of dress, inappropriate careers advice, and questioning of intellectual ability based on religious belief. The most extreme cases involve violence against students from Primary to University level, on occasion by education professionals as well.

Currently aspects of discrimination are covered by indirect discrimination under existing race relations law. Violent criminal acts can be prosecuted as violent acts in themselves, but without the aggravating factor of religious motivation being taken into consideration – an issue that has been extensively lobbied for in the run up to recent amendments for racially motivated crimes. Calls for the inclusion of religious motivation have been ignored. This needs to be re-addressed as a priority.

Cases referred to in Appendix A outline the nature of religious harassment and the need for legislation to prevent the exclusion of students. Likewise clear and unambiguous guidelines and procedures need to be issued by the Department for Education and Employment (DfEE), to stop legitimate claims, and institutional practices of Islamophobic discrimination, from being deliberately neglected by schools and local authorities. In the absence of guidelines as to extant codes, procedures and legislation, students are forced to litigate – an extraordinary burden for someone who simply wishes to pursue their education unmolested. This can only be addressed by clear and immediate action from the DfEE.

3. EMPLOYMENT AND THE MUSLIM EMPLOYEE

Discriminating against any community is clearly a waste of potential for the community as a whole. The IHRC can report discrimination in various sectors of employment in the following ways:

3.1 Application stage

Failure at job application only on the basis of religious dress (both male and female) is a common complaint, with adherence to dress codes being explicitly stated in rejections. In some cases Muslims have been rejected on the basis that due to their faith, they may one day wish to dress in a certain way. In one infamous case in Bradford, an advertisement for work read, "Muslims need not bother to apply."

3.2 Dismissal for expressing a religious identity

Other workers have been dismissed for starting to dress in a religious manner at work. Harassment on the basis of religion appears in the employment sector based not only on dress, but for expressing religious views or praying during approved work breaks. One London cleaner was sacked for praying at the back of the canteen during his lunch break. A consultant was also harassed by the NHS Trust he worked for, for wishing to pray on a Friday, (see Appendix B).

3.3 Harassment and intimidation at work

Other examples of harassment include verbal and psychological abuse (see Farida's statement in Appendix C), that have forced victims to take sick leave or leave work altogether. In Farida's case, she was so traumatised that two years later she still hasn't re-entered the workforce, and cannot see herself doing so.

Whilst courts and tribunals have, through the concept of 'indirect discrimination', begun to tackle these problems in a sporadic and inconsistent way, institutional acceptance of such discrimination can even be found in the Foreign & Commonwealth Office (see Appendix D) in relation to protection of its citizens' rights abroad.

Clearly existing legislation is not adequate to protect the rights of Muslims in, or trying to enter, the British workforce.

4. THE MEDIA AND INCITEMENT TO HOSTILITY AGAINST MUSLIMS

“...any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited.”

International Covenant on Civil & Political Rights

Extremist material inciting hatred against Muslims appears to be on the increase. IHRC studies in this area are at an early stage, but there is a clear shift from previous racial abuse to a more clearly defined abuse against Islam and Muslims in particular. There have already been calls, notably by the Runnymede Trust in their 1997 report *Islamophobia: A Challenge For Us All*, to amend the law to outlaw incitement to religious hatred, in line with the United Nations' International Covenant on Civil & Political Rights. Clearly this is urgently needed.

However, the IHRC is specifically concerned with the problem of media representations of Islam and Muslims, in an environment where Islamophobia prevails. Regular and usually incorrect portrayals of Muslims as violent threats to social stability are, in and of themselves, likely to stir up hatred against Muslims and are therefore incitements to religious hatred. A headline from the *Today* newspaper of April 1995 showing a burned baby in the arms of an Oklahoma fire officer, carried the banner headline, 'In the Name of Islam.' As events transpired the bombers were white supremacists. The Case Study by Sameera T. Mian in Appendix E, analyses the representations of Muslims made in the media in the days following the bombing.

“The formation of news events, and the formation of news values, is in fact a reciprocal, dialectical process in which stereotypes are the currency of negotiation. The occurrence of a striking event will reinforce a stereotype, and, reciprocally, the firmer the stereotype, the more likely the relevant events become news”. (Fowler, 1991: p.17).

There is no doubt the news of the bombing would have made the headlines, it was unfortunate that it managed to propagate so many stereotypes in the process (Biasing. 1996). Media often focus on events such as bombings and violent acts (mentioned by respondents as 'news agenda'). This was evident from people's memories of recent events, mainly the Middle East conflict. People already associate certain features with Muslim behaviour and religion, so it becomes easier to project and reinforce those ideas, rather than present alternative views. It would also appear that the media are influencing definitions of particular words; examples being fundamentalism and jihad. Many respondents noted that religion in general was presented as an explanation for unusual, weird' or extreme events and groups. The BDC, the other suspects in the bombing, were given considerable attention in the newspapers.[Mian]

The impact of such reporting cannot be underestimated. The persistent analogising of Muslims with all that is despised in society reinforces the prejudice that is exemplified throughout this report. In this context a Headteacher of a Primary school justifies her violent attack on a 9 year old child, and the NUS justifies ignoring the victimisation of Muslims on campus, and its own targeting of Muslims as a problem on campus.

The IHRC is undertaking further studies into this area, but it is of the opinion that stringent measures are urgently needed, whether through the extension of existing legislation, or

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through the creation of unbiased regulatory bodies that have the power to penalise such vilification.

5. SURVEY RESULTS

Details of the survey are in Appendix F.

Unsolicited questionnaires forming part of the Islamic Human Rights Commission's (IHRC's) fund-raising leaflet, were distributed in Ramadaan 1419 A.H. (Dec1998-Jan1999 C.E.) and 1420 A.H. (Dec1999-Jan2000 C.E.). As well as the questions dealt with in this report, and prior to them on the questionnaire, there were sections relating to the work of the IHRC and to its priorities. Those other questions served as the main motivators for completing the questionnaire.

Respondents were asked "Have you or a member of your immediate family experienced discrimination or hostility just for being a Muslim".

- In 1999, the respondents averaged about 34 years old. In 2000, the respondents averaged about 31 years old;
- In 1999, 59% of respondents were male and 40% female. In 2000, the male respondents had dropped to 46% with the females increasing to 53%;
- In 1999, 53% of respondents were married and 34% unmarried. In 2000, only 35% of respondents were married and 60% unmarried;
- In 1999, 52% of respondents had children and 38% did not. In 2000, only 30% of respondents had children and 64% did not;
- In 1999, about 60% of respondents had been educated to degree level or higher. In 2000, about 70% had been educated to degree level or higher;
- In 1999, about 50% of respondents indicated that they were professionals (in business, education, health, the law, the media, etc.). A further 25% indicated that they are studying for a degree or for a professional qualification. In 2000, the proportion of professionals had fallen to about 40%, with students increasing to 41%.

Analysis of the responses reveals the following:

- In 1999, 35% of respondents reported that either they have personal experience of discrimination or hostility specifically for being a Muslim, or they have a member of their immediate family who has had such an experience. In 2000, this had risen to 45%. The level of respondents who answered yes is undoubtedly significant, and, notwithstanding the dangers of extrapolation, indicates tens of thousands - or even hundreds of thousands - of cases of discrimination and/or hostility against Muslims each year;
- When gender is taken into account, the proportions change significantly. In 1999, only 25% of males, but 49% of females, reported discrimination or hostility. In 2000, 36% of males, but 51% of females, reported discrimination or hostility. This suggests strongly that gender is a significant factor in experiencing discrimination or hostility just for being a Muslim, that Muslim women and girls are bearing the brunt of it, but that the situation is worsening for the males also;
- When age is taken into account, the results suggest strongly that age is a significant factor in experiencing discrimination or hostility just for being a Muslim, and that up to the age of about 50, the probability is about 45%, but thereafter it reduces to about 20%;
- When gender is taken into account as well as age, the pattern becomes clear: In 1999, 37% of males and 47% of females born in the 1970's or 1980's reported

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discrimination or hostility; in 2000, it was 40% of males and 56% of females; In 1999, 29% of males and 55% of females born in the 1950's or 1960's reported discrimination or hostility; in 2000, it was 46% of males and 55% of females; In 1999, 15% of males and 100% of females born in the 1930's or 1940's reported discrimination or hostility; in 2000, it was 10% of males and 25% of females; This again suggests strongly that Muslim women and girls are indeed experiencing significantly more discrimination or hostility just for being Muslim than their male counterparts, and that – at least for the younger generations – the situation is deteriorating rapidly.

6. LEGAL DISCRIMINATION

Current statutes, in particular the Race Relations Act, discriminate against Muslims. While the law in the UK protects two religious minorities (Jews and Sikhs) on the pretext that they can be defined as a race, other religions are left to suffer harassment and discrimination at the hands of xenophobes with no legal recourse. What is significant is that there are examples of selective bigotry, where the perpetrators deliberately target groups such as Muslims, knowing that they can do so because the law is itself discriminatory and they are safe to do so.

A prime example is of a Headmistress at a private school in Yorkshire who terrorised a nine year old Muslim girl who wished to wear a headscarf. While the school allows Sikh students to wear a turban, the refusal to let the girl wear a scarf was based on a bigoted interpretation of school rules, supported by the fact that the law currently allows the school to exclude Muslim students who want to manifest their religious beliefs. For a period of two months the girl was threatened with exclusion, victimised and mocked by teachers - who had even encouraged other students to do the same - and the local authority was powerless to do anything. The campaign was orchestrated by a headmistress who hated Arabs because of her experiences working in the Gulf. The level of legally accepted racial harassment reminds one of the days when Jewish students were forced to wear the Star of David, and sit in a corner of the class in schools of Nazi Germany. Unfortunately this is an example of a school in the United Kingdom on the brink of the 21st Century.

The above example is one of many that have been faced by Muslim students throughout the United Kingdom. Vulnerable girls and boys who have had to suffer in silence because both they and their tormentors know that the law tolerates such behaviour.

The Race Relations Act was supposed to protect minorities. However, the mistake was that it was assumed that minorities had to be racial, so it created fictional minorities. A good example is that while Jews would have had protection if the Act protected religious minorities, it did not do so, so they had to be defined as a race to be protected by law. These fictional minorities and intellectual gymnastics have to be used currently by Muslim litigants. Lawyers have sought to use the concept of indirect discrimination – which, in effect, says that if a Muslim litigant is a Pakistani, Bengali, or Arab, there is a high probability that the action complained of is likely to be discriminatory on racial grounds.

There are however some circumstances where the ingenuity of lawyers can never overcome the handicap that Muslims face compared with Sikhs and Jews. A clever xenophobe will know that, if he wishes to attack someone and not risk an increased sentence, he is better off to pick on a Muslim than a Sikh, and abuse his victim as a Muslim rather than as a “Paki”. Likewise it is better for the bigoted arsonist to burn down a Mosque rather than a Synagogue or a Gurdwara, even though, to the bigot, the former is just as potent a symbol of foreignness as the latter two.

After 2nd October 2000, the situation is likely to improve slightly in some areas of the law, where currently there is no protection. Once the Human Rights Act 1998 comes into force Muslims will be able to rely on Article 14 of the European Convention of Human Rights to protect themselves against religious discrimination, but only so far as that discrimination relates to their rights under the Convention. Therefore schools can no longer exclude students for wearing a headscarf or growing a beard, as that would be contrary to Article 9 (Freedom of

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Religion) and Article 2 Protocol 1 (The Right to an Education). However, an employer could still have a policy of not employing Muslims, as there is no right to employment under the Convention.

The convention will not, however, solve the fundamental flaws in U.K. law as it stands. It will merely expose the hypocrisy, and create needless litigation which will overburden a Court System that is already suffering from a backlog of cases. What is likely to happen is that every case where a Muslim has suffered discrimination will be stayed while an application is made to the High Court for a Declaration of Incompatibility, if the relevant statute cannot be read compatibly with the convention. After the Declaration of Incompatibility, the Home Secretary can either ignore the High Court - and risk the case going to the European Court of Human Rights, which is even more lengthy and costly - or rush in measures to remedy the breach.

From 2nd of October 2000 it is likely if no laws are brought in to end religious discrimination that both the Courts and the Home Secretary will be very busy. Although the Courts may not be sympathetic and experience shows that some Learned Judges will find a host of intellectually dishonest methods to ensure that the Convention rights will not be applicable in relation to Muslims at least, there is the capacity from those from the religious minorities who feel that they are second class citizens in the UK to clog up the Courts.

7. CONCLUSION

As the case studies and survey results in this report prove, discrimination against, and hostility towards, Muslims –for no other reason than being Muslim - in the United Kingdom is widespread, deep-rooted, and insidious. And the evidence suggests strongly that the situation is deteriorating noticeably, year-on-year.

The demonisation, exclusion, and persecution of a minority is often the end result of a long process, during which the voice of decency and reasonableness is simply drowned out by the voices of extremists and opportunists (on both sides), and other minorities who feel they have an axe to grind against the target minority. This is the case with Muslims in the U.K. The vast majority of Muslims want only to live in peace and security, with a measure of prosperity, to practise their religion openly and without fear, and to contribute to the spiritual, moral and material uplift of humanity in accordance with the teachings of Islam.

Too often in the last century, the xenophobes and extremists had it their own way. Now, in the United Kingdom, in the Third Millennium of the Common Era, the time has come to reverse the trend. “Never again” must become an inclusive affirmation that stands for justice for all.

APPENDIX A

ANTI-MUSLIM DISCRIMINATION IN EDUCATION

“When you educate a man, you educate an individual. When you educate a woman you educate a nation.”

The above quotation has been attributed variously to the Prophet Muhammad (upon him be peace), Mahatma Gandhi and Malcolm X. Clearly two of the attributions have direct meaning for Muslims at a foundational level of ethics and in a recent historical context. Life-long learning is not a new concept for Muslims. A tradition of Prophet Mohammed exhorts believers to seek knowledge even if it requires travelling as far afield as China.

In this context it is saddening and shocking to note not only the types of discrimination and abuse encountered by Muslims young and old in the field of education, but also the clear trend that amongst the young – women in particular - this problem is increasing.

Civil rights

The Code of Practice for the Elimination of Discrimination in Education, already covers by means of indirect discrimination in race relations law, forms of exclusion based on the religious practice of students. These provisions are largely unsatisfactory as will be discussed later, but some small recourse exists for those aggrieved by discriminatory behaviour. The case studies of Tanvir, Sarah and the W. Foundation cited fall within this remit. However the law as it stands has not been made clear to schools in this respect. Children and their families as well as older students are put in the position of having to pursue litigation after failed internal appeals procedures, in order to prove NOT that they have been discriminated against, but that such discrimination is recognised by law.

Tanvir's story

Tanvir was accepted to an all boys Sixth Form, which was part of a high achieving grant maintained school in South London. At the time of his application and successful interview it was noted by the Head of Sixth Form, that school policy would need to be changed to accommodate Tanvir – a clearly excellent student. The policy in question was the refusal to allow students to wear a beard. Whilst this would have been a discriminatory practice as defined in the Race Relations Act had Tanvir been Sikh, Jewish or Rastafarian, the school felt confident that this did not apply to Tanvir.

“On the first day of school, I was told at the door I could not go in with a beard. I was told to come back without it...When we appealed to the Headteacher things got nasty. We were told that they had sought extra references from my previous school and that this confirmed that I was ill-behaved and as such was no longer welcome to attend the Sixth Form. We couldn't believe it...We found out the full appeals process, but it took some time. In the meantime I managed to get a place at college some ten miles away. By the time the board of governors got to hear our appeal, I had two and half months had gone. We won the appeal. Our advocate explained that their policy was indirect discrimination under the law. The Headteacher was there at the meeting and he refused to accept it. But he had to accept that they would have let me in on the first day without a beard, it had nothing to do with any past

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behaviour. Two days later we got a letter saying we had won the case. It was too late for me to change Sixth Form.

“I was told that I could probably get damages for the suffering and things to do with having to go so far away to study, but I didn’t want a fight. I just wanted to have a Muslim beard. The letter said that the school had changed its policy. We thought that that was at least a good thing. Later we heard that another boy had been stopped from growing a beard. I’m not sure what happened but the Headteacher left soon after. He is now the Headmaster of my old school.*”

- This school is in the private sector and is one of three in a Foundation that has stopped its female Muslim students from wearing a headscarf (see Civil Rights).

Tanvir’s case initially involved obdurate representations by the school based on supposed legal advice that they could prevent a Muslim boy (though not a Sikh, Jewish or Rastafarian boy) from wearing a beard to school. Hannah Smith and her co-student’s cases continue unresolved. The imposition of a ‘conviction test’ is deeply offensive – why else would they have requested permission to wear a headscarf if not based on religious belief? It is also a ludicrous proposition – how can a co-religionist never mind a member of another faith, test a person’s religious convictions? Finally and more pertinently, it is still a discriminatory practice.

Other problems encountered by students include being put on bad report, for ‘opting out’ of mixed swimming classes. After representations by Muslim and some Christian parents, an east London school last year stopped marking such students as truant, even though they were present in school and on time on the morning of the classes. The process took more than half a year – half a year of uncertainty, anxiety and isolation of students aged in their early teens. Both the short and long term effects of such actions at an institutional level cannot be underestimated.

Religious harassment

Nineteenth century race science – the characterisation and attribution of ‘superior’ and ‘inferior’ characteristics as inherent in different races – is now the preserve of right wing, fascist groups and movements. However the modern / post-modern alternative – religious harassment – flourishes in a supposedly liberal Educational establishment in the UK today.

Inappropriate careers advice is a recurrent theme of cases reported. In one well-known girls’ private school in London, two prospective medical students, in the same year, and the only Muslims in that year faced bizarre problems.

Saeeda B. missed a grade of her ‘BBC’ offer to study medicine at St. Bartholemew’s Medical School. They confirmed that if she retook the examination satisfactorily, a place would be hers the following year. She began on this course of action, and was of course shocked to receive a call from her old school’s Careers Advisor trying to dissuade her from this option, and to take up a secretarial post she had found for her instead. This post it was implied was a much better career option with regards to her personality. Saeeda B. is now in the final stages of qualifying to be a doctor.

Fatima B., was a ‘AAA’ student at A-Levels. She was surprised that despite her results, and the fact that both her parents were doctors, she was refused a place at medical school. One

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interviewer mentioned that her school thought her personality ‘inappropriate’ for medicine. The Headmistress subsequently let slip that her reference had mentioned that Fatima was ‘socially withdrawn’ – another surprise for Fatima who had been active in sports at school, and was voted class captain in the Sixth Form. Fatima wore a headscarf – something the Headmistress felt confirmed ‘withdrawal.’

Both Saeeda and Fatima’s cases are difficult to pursue. Both are left feeling that some sort of notion of their Muslim identity was used to try and prevent them pursuing legitimate career opportunities. Fatima is now a third year medical student at a University which accepted her unconditionally on the basis of her original grades and the A grades and references of her tutors for subsequent A-Levels she took in the three years she had to take out between the Sixth Form and University.

In other incidents students, particularly of arts subjects, have been told that they are unable to study their chosen subject because of their Muslim background. At one Oxbridge college, this was used by the same tutor against two female undergraduates of English literature – one practising the other not. Neither was told to their face, but found out via third parties, including other students on the course with whom the tutor had felt free to discuss their probable lack of intellectual capacity. Had this tutor referred to their racial background, her comments would have been discriminatory under the law. As the law stands this is not the case. The non-practising Muslim felt too pressurised and changed her course.

In a former North London polytechnic, another Muslim female undergraduate, Zeenah, faced a multitude of problems with her BA in English Literature. Originally from the Middle East, where she was a qualified teacher, Zeenah found the content of some of the material she was supposed to study unacceptable according to her own moral standards. When she broached these opinions she was reprimanded. This is a common complaint from students from as early as Key Stage 3 at secondary level. Further problems arose when Zeenah questioned a film shown that portrayed Islamic society in West Africa. In her opinion there were questions of presentation that were misleading. She was told that as the film-maker was a Muslim he must know what he was talking about – a courtesy that was not extended to Zeenah. Finally, Zeenah received a written warning that the university was a ‘modern Western concept... that reflected the prevailing culture,’ which she should either adopt or leave her course. Zeenah had not actually failed any of her modules or been found in any other way to be intellectually lacking. She simply voiced opinions from what was perceived by her tutor to be a Muslim perspective – something which has no place in a ‘modern, Western university.’ The university’s own code of practice firmly commits itself to multi-cultural practice not only as part of admissions policy and general administration, but also to be reflected in teaching. In discriminating against Muslims, tutors and other education professionals clearly feel they can act with impunity.

Sarah's story by Sarah's father

“My daughter cried everyday – why do I have to take my scarf off? We chose a Catholic girls school because not only was the standard of education excellent, but we admired the religious values which we thought were the same as ours: modesty, serious attention to studies, good polite and moral behaviour and devotion to prayers. Other Muslim parents also send their girls there for the same reasons. After we were accepted we were told that scarves could only be worn by Sixth Form girls. A couple of parents including ourselves contacted Sister Brigitte, the Headmistress...Her letter to us shocked us. It said:

Dear Mr. Ali,

It has come to attention that one or two Muslim parents are beginning to insist that their daughters be allowed to wear clothing which is not part of the school uniform...if Parents are unhappy about our Rules...than they are at liberty to place their daughter in an alternative Educational Establishment...

One of the other parents told us that Sister Brigitte said the school would no longer take Muslim pupils if any of us tried to appeal the decision. We felt worried that Sarah would be treated as a troublemaker if we took the case further ourselves, but she was upset and became withdrawn. We contacted an advocacy group, and they wrote to the school without mentioning any names. That was one year ago. They have written again, but received no answer. Sarah and the other girls take their scarves off just outside school, and put them on again when they leave. But the bad feeling is there...”

Sarah (now 12) and another girl have now left the school, despite no personal appeals being made.

The W. Foundation and the Headscarf

Correspondence between the old Headmistress and 11 year old Hannah Smith's parents at the beginning of Year 7. Hannah had attended for the first few days wearing a headscarf to and from school – neither she nor her family feeling it was necessary for her to wear one in school.

“Dear Miss H.,

“I am writing further to you about an incident which occurred yesterday concerning our daughter Hannah Smith.

“She was not able to find the temporary bus stop home...and had to return to school and her Mother was contacted to collect her. She was subsequently told by the Deputy Head Mistress that she was not allowed to wear a scarf whilst in school uniform, and received this new as a “telling off” which upset her. She was told she may be ridiculed by other girls for wearing it, and also draw unnecessary attention to herself outside of school.

“On the contrary she has received many compliments from other girls and they have asked why she does not wear it inside school. We appreciate that this would not be feasible...However being of the Muslim faith, it is a requirement that girls do wear such a covering...

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“As the school do not offer any form of head covering appropriate for Muslim girls as part of the uniform, we purposely chose a scarf that would match the uniform, and was suitable for the general style. If however there is a general guideline about scarves for Muslim girls, could you please communicate it to us at your earliest convenience...”

Response:

“Dear Mr & Mrs. Smith,

“...Girls do not wear a headscarves at * School. It is not part of our custom and we do not permit it either inside or outside school. Would you please see Hannah does not wear a headscarf in future. When she is in the sixth form and a grown girl it is for her to make up her own mind whether or not she wears one outside school but we feel it is better for all young girls to be the same. We have many Muslim girls here and many of them keep in touch with us after they have left...”

The following year another student faced similar problems. She wanted to wear her scarf inside school also, and requested an area she could pray in for a few minutes every day. After some explanation of indirect discrimination, the acting Headmistress informed IHRC of the change in the W* Foundation’s policy to be applied in both its girls’ and boys’ schools. Whilst no longer telling parents how to bring up their daughters, or identifying the late teens as an age when girls attain some form of mental agency, the Governors have decided:

“Parents should be advised that a request should be sent to the Headteacher of the School that the pupil attends setting out clearly the request. The Headteacher will consider the request and, if appropriate, will ask the Chaplain to the Foundation to assist the head at a meeting with the parents and pupils to ‘test’ the religious conviction behind any request. If genuine religious conviction is apparent, the presumption should be that permission is given. The Headteacher will take all factors into consideration including health and safety before reaching a decision. If any doubt remains, it should be referred to the Chairman of the School’s Committee.”

Lack of guidelines and procedures

The above problems either fall or would fall if the law were changed under civil law. Before recourse to the courts is sought, other procedures either do or should exist. As far as state funded schools are concerned appeals procedures either to the LEA or in the case of grant-maintained schools to the Board of Governors are the first step, before referral to the Secretary of State for Education. The Code of Practice for the Elimination of Discrimination in Education seemed to be unknown to many of the schools which had come to our attention. Whilst guidelines as to procedure exist, our own enquiries of the DfEE resulted in a disappointing response. Rather than guiding us to such procedures, we were told that the Department ‘expects schools to act with sensitivity...and avoid discriminatory rules.’

As the ‘conviction test’ shows, schools are developing other procedures that can involve a variety of people not always appropriate to the matter in hand, and indeed produce criteria which are not only discriminatory but highly subjective and arguably biased in favour of the prevailing discrimination. Who is able to or should represent students interests is left to the discretion of schools also. Although often taking legal advice themselves, schools have excluded any outside advocate from attending on behalf of students.

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At a university level, student unions have increasingly been reported as having institutionalised discriminatory practice against Muslims. The minutiae of discriminatory acts are extensive and varied - from helping to remove or deny special dietary provision on campus to expelling Islamic students unions from union membership. However the recent publication of the National Union of Students' handbook *Racism: a light sleeper* has caused us great alarm and exemplifies the institutionalisation of Islamophobia in education.

Not only were examples of Islamophobic violence and harassment on campus (except denial of dietary requirements on campus in the UK and in schools in France) not mentioned, but also a litany of Islamophobic comments and implications made. Examples of Islamophobic content are listed below. If the words Muslim / Islamic were replaced with Jewish, the handbook could and rightly should be prosecuted under existing criminal legislation. References to anti-Zionism can as easily be replaced with anti-Apartheid, the implications of which clearly become ridiculous. Naming two Muslim groups as perpetrators of racism, yet failing to mention the considerable level of attacks by societies and the often violent attacks of individuals against Muslim students on campus exemplifies either grotesque ignorance of problems faced by students, or a deliberate attempt to promote Islamophobia as an acceptable practice.

Racism: a light sleeper

Published by the National Union of Students in association with the union of Jewish Students, 1999.

From the introduction by Andrew Pakes, National President, p.3 '...The threat from Islamic extremist organisations continues to bring fear to many campuses...'

From Overview of the Extreme Right in Europe, by Searchlight magazine p.11 '...Another problem is the area of clerical fascism. Those people claiming to be Christians, Muslims, or whatever, are very well-funded and active in Britain, propagating intolerance; misogyny; communalism; anti-Semitism; and other reactionary concepts. We must recognise a fascist is a fascist whatever colour or whatever religion they profess to be, and oppose them and their ideas...'

From 'Jewish Students' by David Menton UJS, p25 '...UJS has worked with the British Organisation of Sikh Students, the National Hindu Students Forum, the National Black Student Alliance, against a common threat from Islamic extremists.'

From 'Anti-Racism in your Union: Proactive Anti-Racism campaigns' by NUS anti-racism committee p.29 '...Inter-society campaigning is only suitable where different minorities are able to exist without the fear and intimidation caused by other groups, such as Hizb-Ut Tahrir and Al-Muhajiroun. It is strongly recommended that such a policy is in your students' union...'

From 'Anti-racism training Programmes' p36 'Pre-prepare a list of different forms of racism and prejudice. Include

- physical racist abuse
- emotional racist abuse
- anti-Zionism
- verbal racist abuse
- lack of Halal food being served within the Student Union café

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- freshers' fairs run on Jewish and Sikh Holy Days etc. .etc. . .etc'

Also from the above, p36 'Pre-Prepared scenarios are given to the groups. Scenarios may involve

- racist graffiti on the Student Union
- BNP leafleting on Union steps
- anti-Zionism literature on the Jewish Society notice-board
- lack of minority representation within the Students Union.
- Sikh woman being verbally abused by Muslim extremists in your foyer'

Interestingly the handbook cites anti-Zionism as being a racial offence, when in fact it is not. It does variously try to imply that Zionism is an intrinsic part of Jewish identity rather than a political ideology that many Jews would disagree with. Would the NUS have Noam Chomsky, Harold Pinter, and Vanessa Redgrave - amongst others - prosecuted, and their published statements and works banned?

In the section named, 'The practical side to combating racism on campus' six subheadings are listed, but the last entitled, 'What about the argument for freedom of speech?' is interestingly left out.

Note: Spelling and punctuation mistakes are from the original handbook.

Criminal acts

Racially motivated verbal abuse is illegal – religiously motivated abuse is not. The 'No New Mosques in Newham' BNP banner is an example of obvious but currently marginal religiously motivated abuse. The IHRC is dealing with the issue of incitement to religious hatred separately, but the NUS' booklet gives an indication of the extent of the problem.

However other criminal acts have been perpetrated on Muslim students, including violence in school and on campus – from being spat at to physically assaulted. Some cases result in prosecution for assault, but without any aggravating factor being taken into account – something new race relations law has addressed with regard to racial motivation. In one of the worst cases reported to IHRC, a Headmistress in the North of England, ripped a 9 year old girl's headscarf off causing a cut to the girl's face.

APPENDIX B
DR. FAISAL'S STORY

“My problem dates back to the very beginning of my employment with this hospital. I started here in 1992 as Staff Grade Surgeon (a career post in NHS). I was promised the contract to be given to me within 2 weeks of my interview, but it took the management 2 months and 5 days, after I started the job, to give me the contract, simply because they were pressurising me and pushing me around to accept a lower salary scale than my entitlement. It was only because I proved that I was right and refused to give in, that they finally gave me the right salary scale and the contract. To make things difficult for me at that time, management staff refused to help me with my removal expenses entitlement and as a result I had to suffer a lot financially at the start of my career at this hospital.

“Initially I was given a contract for one year as probation. At the end of that period, when I asked for a new contract, they made me wait 2 years and 8 months before giving me the contract. During that time they tried their best to make my life difficult for no fault of mine and put as much hurdles for me as possible. In the mean time one member of the administration staff invented his own rules to calculate my annual leave and as a result I was denied any leave for almost 15 months. Once I was refused annual leave to look after my children, when my wife had to travel abroad for my mother-in-law's funeral. Then they tried to make rules for me that if I take annual leave for my religious festivals, I should work over Christmas in lieu of that. That was an extreme example of discrimination and harassment. During that period I was pushed around and bullied by my seniors in the department and they kept changing my job plan without my agreement or any consultation with me. During that time, I requested twice to my in-charge consultant to change my Friday afternoon session to some other time as I was unable to go for my Juma (Friday) Prayer but he did not do any thing about that.

“In April 1997, after fulfilling the requirements, I applied for re-grading (promotion) to the Associate Specialist post. My application was approved in July 1997 but the administration staff along with one of my consultant behind the scene, started blackmailing me to agree to a lower salary scale and more work in return for promotion. Even the Chief Executive at that time threatened me in that respect.

“It took about 7 months before a deal was agreed and only because I gave up my ground and agreed to their point, as all the harassment and bullying I had to put up with started affecting my family life seriously. I did that to make peace but that was not going to be the case as it turned out later.

“Soon after that agreement, administration staff and one of my consultants started bullying and harassing me again. In spite of the fact that I had notes of the meeting, they tried to force me to do the work that was not part of my contract. When I declined they accused me of breach of the contract and started disciplinary procedure against me and tried to get rid of me. Thanks God, I had the evidence and proved that I was right. I won the Disciplinary Hearing. Then I went through the Grievance Hearing which was held by Trust in response to my complaints. The decision of Grievance Hearing panel went unanimously in my favour, and I proved that I had been a victim of mal-administration, bullying and racial discrimination. In spite of this all, they still did not stop the harassment practice against me.”

During the hearing of Dr. Faisal's grievance case the following statement by a Trust employee was provided. It revealed that she and another Trust employee had been sent to check on Dr. Faisal's claim that he attended Friday prayers.

“On Friday, 10 July, 1998, I attended the...Mosque in Coventry (outside), accompanied by my secretary Mrs. R.

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“The purpose of this visit was to confirm the information I had been supplied with by SK regarding Jumaa prayers.

“Mrs R and I witnessed people arriving from 1.15 p.m. onwards, the majority arriving at around 1.45 p.m.

“Dr Faisal drove past us at 1.51 p.m. and went, we assumed, to park his car, he entered the Mosque shortly before 2.00 p.m.

“From 2.20 p.m. onwards people started leaving the mosque and we saw Dr Faisal leaving at 2.30 p.m, as it appeared that the service had finished we returned.”

APPENDIX C
FARIDA'S STORY

“I started working as the Research & Co-ordination Officer for a London Mental Health NHS Trust in autumn 1996. I had made clear prior to taking up the post that I would need specific needs met as a Muslim woman and disabled person. I was assured that these would be met. But I was given little help or support from very early on, I didn't even have my own desk, telephone, chair etc., I felt like a nomad. It is difficult enough in a new job but to be ignored and not catered for even in basic office tools is very baffling.

“My health suffered due to smoky environments which I had to encounter. It was virtually impossible to get a place to pray and to not be alone with male workers. These are issues which I had explained prior to accepting this job. Things were hopeless and I was getting very upset. Eventually I had to beg to be moved to another location - this was granted.

“I remained in this location for the next 9 months and I had my own office so there was the privacy I needed as a Muslim. The building had smoke free zones and was physically accessible. My needs were mainly met there. But I was consistently told that I would have to move to another place and the management were not concerned whether it met my needs or not. This caused great stress and I had to consult my Union.

“It was during my stay in this building that an unknown person would leave empty bacon crisp packets on my desk. This disturbed me a lot. By this time I had lost faith in my management so I didn't report it. I didn't think they would take any action in my favour. I was not consulted but my line-manager was felt to be inadequate by others and he was replaced.

“In mid-1997 I got a new line manager. I was very aware of hostility toward me as a Muslim woman. The new line-manager would frequently make uncalled for remarks about my beliefs e.g. he would tell me that it was primitive' that I couldn't shake hands with men. Remarks about linking me to Catholicism were often made. My line manager told me that one member of staff had attended a Convent as a child and she had encountered a cruel nun there. Apparently this experience was enough to stop her talking to me!

“He also said that my dress was nun-like and that I floated around and gave the appearance of being 'in-control' of my life. This was resented by many of the workers who were either past or current users of mental health services; they obviously found life difficult and begrudged me contentment'

“I eventually had to move to this new location I had initially been told that I would have my own office there, but this didn't happen. I was told that I would have to work in an open-planned area. I knew that I wouldn't be able to function there and my subsequent cries for help were ignored. The members based at this location were unfriendly toward me and their faces would drop when I entered a room and/or they would make a quick exit!

“During this time I engaged the services of a Muslim woman. It was a requirement of being based at this place to work with mentally ill people and incorporate them into your project. This woman fulfilled their criteria and became a member. She was also dressed like me and was from a minority cultural background. My line manager would make comments like the other members will be worried about a Muslim 'take-over!' And that there will be fears of 'Islamic fundamentalism' and 'terrorism' All these comments greatly offended me.

“My line manager had suggested that I go for a swim in a pool, [it was a hot summers day]. When I explained why I couldn't he was very rude and suggested that my way of life was boring and outdated! This bothered me a lot. I explained that I was working hard to cover my body what sense did it make then to reveal it, in front of men and women?

“My line manager had a loose tongue and would frequently tell me what the other staff thought but be too 'careful to say in front of me. I decided to challenge my line manager on

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some of his offensive remarks; I was sure that he would be embarrassed at the hurt caused to me and stop bothering me in the future. But when I told him he got very angry and aggressive - this was by late 1997.

“Soon after this, I have been ill and therefore off work. In early December 1997 I took out a formal grievance against certain Trust staff. Toward the end of December 1997 I was suspended from duty - which I thought was odd because I had a current medical note and wasn't working! At the end of December 1997 I applied to the Industrial Tribunal.”

Farida's case was subsequently settled the day before the tribunal took place. This was not before the Trust had accused her of sending anonymous hate mail to various members of staff – an allegation they later had to retract. She has not returned to the workforce since leaving this job.

APPENDIX D
ANNISA'S STORY

The following is Annisa's request to the Foreign & Commonwealth Office, and the response she received.

"I am a British citizen and I have lived and worked in France for more than sixteen years. In October 1998, I sent my residence permit ("Carte de Séjour") to the local authorities for renewal, as one must do every ten years.

"As I am Muslim, on the identity photos I supplied with my request for renewal, I am wearing hijab (or headscarf), as my religion obliges me to do so (see below). However, my face is perfectly visible and immediately and unmistakably recognisable. I am wearing a similar hijab on my British passport photo, which has caused no questions or problems whatsoever.

"Unfortunately, the French authorities do not wish to accept the photos on which I am wearing hijab, even though I am easily recognisable on the photos. They do make special provisions concerning identity photos for religious reasons, but these include the condition that the hair roots, the neck and the ears are visible - conditions that I cannot accept because they are in flagrant condition with the Quranic verses (Sura 24, Light) (translation):

(This is) a chapter which We have revealed and made obligatory and in which We have revealed clear communications that you may be mindful.

31. And say to the believing women that they cast down their looks and guard their private parts and do not display their ornaments except what appears thereof, and that they wear their head-coverings over their bosoms, and not display their ornaments except to their husbands or their fathers, or the fathers of their husbands, or their sons, or the sons of their husbands, or their brothers, or their brothers' sons, or their sisters' sons, or their women, or those whom their right hands possess, or the male servants not having need (of women), or the children who have not attained knowledge of what is hidden of women; and let them not strike their feet so that what they hide of their ornaments may be known; and turn to Allah all of you, O believers! so that you may be successful.

"The first verse explains that the whole chapter 24 is obligatory, and the verse concerning hijab is included in this chapter, and is thus also obligatory. I cannot be seen without hijab by anyone other than those mentioned in the list of verse 31.

"On my British passport, my identity photo conforms with the conditions of the Quran. As I have informed the French authorities, my passport allows me to freely enter the majority of countries in the world, including France, and I do not see why, in that case, I cannot include a similar photo on my French residence permit.

"In addition, on 4 February 1981, France ratified the European Human Rights Convention, which stipulates:

Freedom of thought, conscience and religion

1 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change one's religion or belief and freedom, either alone or in community with

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others and in public or private, to manifest one's religion or belief, in worship, teaching, practice and observance.

2 Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Despite the fact that France ratified the Convention mentioned above, they have informed me that if I do not supply a photo under their conditions (which would be limiting my right to practice and manifest my beliefs), they will not renew my residence permit. This despite the fact that I have supplied all the necessary documents and my situation is perfectly regular.

“For these reasons, I would be grateful if you could write in support of my situation to the French authorities, requesting them to instruct the local prefecture to renew my residence permit, using the photos which I supplied with my initial request of 9th October. You may also recall the fact that I am obliged to wear hijab on my identity photos in accordance with the Quran, that on the photos I am completely recognisable, that they ratified the above convention which allows me to practice my religion without constraint, and that in Great Britain and other countries, Muslim women can wear hijab on identity photographs, for religious reasons.

“You may also draw the attention of the French authorities to the fact that forbidding renewal of my residence permit for a simple question of a photo would be highly irregular and contrary to human rights, and would be equivalent to banishing from France all women who wish to carry out the instructions of the Quran, but who nevertheless comply to the conditions concerning residence permits which allow them to stay in the country.

“As I have informed the French authorities, I am prepared, if necessary, to take this case to the French and European courts in order to obtain my rights without hindrance. I have addressed letters to the French President, Jacques Chirac, the French Prime Minister and the Interior Minister.

“I received a reply to this letter from the Foreign Office, in which they state that:

"France ratified the European Human Rights Convention on Freedom of thought, conscience and religion which provides the freedom to manifest one's religion or beliefs subject only to such limitations as are prescribed by law. Failure to comply with the regulations could result in your being refused a residence permit...", and "The decision on whether to grant residency permits is a matter for the French authorities, who have absolute right within their laws to request that certain conditions are met. We cannot intervene in the judicial process of another country, just as we would not permit interference in ours."

“They advised me to make a claim through the French courts, who are "the guardians of human rights in France". However, telephone calls to a couple of specialised solicitors have met with a negative response.

My letters to the French President, Prime Minister and local Prefect also received a negative response. The French Interior Minister did not respond.”

APPENDIX E MISREPRESENTATION OF MUSLIMS IN THE MEDIA

Representations of Islam in the British Media -A Case Study of the Oklahoma City Bombing.

From 'Media Representation and Public Perception' by Sameera Tahira Mian, 1996

Although reporting of the 1995 Oklahoma City bombing, which took place on 19 April 1995 and was reported extensively in the following days, may be regarded as an extreme case of how Islam was given a 'bad press', it never-the-less highlights a number of notions which characterise the attitudes of some, indeed, most journalists and newspapers.

The results from the quantitative analysis are presented in Appendix VI. To appreciate the nature of the coverage to a greater extent, a more qualitative approach was also applied. The language used to report the event is important as mass media images contribute to our acceptance or rejection of minority subcultures (Priest, 1996). To be able to place media terminology into the wider discourses relating to race, in general and Muslims in particular, allows us to gain an understanding of it's origins and contributions to the way we perceive certain groups of people.

Statistical Summary

In order to gain an idea of space dedicated to the Oklahoma bombing story by each newspaper, an approximation of the proportions of text to pictures was made. This is Recorded as a ratio (text:pictures). The images consisted mainly of the fireman carrying an injured baby in his arms (50% in all papers and 66% in the tabloids) and photos of the Alfred Murrah Building (Appendix VII). Broadsheets concentrated more on the textual representation which allowed them to examine the political points in greater depth. Tabloids usually had less text than photos (apart from *The Express*). As the quality papers devoted more space to an analysis of the event and were concerned with implications for international relations and foreign policy issues, the opportunity for them to expand on the 'Islamic threat' scenario was greater. This is illustrated by the concentration in *The Independent's* articles on Middle Eastern terrorism and Islamic jihad. Of all the occurrences tallied on the chart for *The Independent* (21.4.95), 35 out of 43 were referring to Middle East, extremism or terrorism, jihad, Arabs, Muslims or Islam.

A summary of the occurrence of certain words or phrases shows the emphasis on terms such as 'Islamic fundamentalists' (8 times), Islamic/Muslim fanatics (8) and references to the 'Middle Eastern' 36 times. Each paper tended to have it's own terminology, for example, *The Daily Mail* preferred to use 'Islamic militants' (4), including once in the headline and *The Guardian* liked to refer to 'Muslim fundamentalists' (2).

The Oklahoma City Bomb

In assessing the reporting in the aftermath of the bombing, Dalrymple (1996) writes, “When,...the Oklahoma City bomb exploded, the immediate response of both the police and the media was that the blast was the work of Islamic terrorists...Men of ‘Middle Eastern’ complexion” (p 15)

This is seen clearly in all the newspapers to a greater- or lesser degree. After initially ‘breaking the story’ and giving brief details of the occurrence all the newspapers went on to provide us with ‘theories’, ‘suggestions’, or ‘suspicions as to who could have been or was most probably responsible. These were often cited in the opening, or even in the headlines “In the name of Islam” ran the banner headline of the *Today* (20.4.1995) newspaper, with, a photograph of a fireman carrying an injured baby from the disaster spot; or *The Times* headline “Terrorists from Middle East head FBI’s list of suspects” (20.4.1995).

The two main suspects, despite FBI officials stating they had no evidence were Branch Davidian Cult (BDC) members and ‘Islamic fundamentalists’. It is true to say whoever did or does carry out such acts could be called extreme but unfortunately linking the word ‘extremist’ with ‘Islamic’ has major repercussions on the perceptions of the ‘Islamic’ people as a whole. As this has become a frequent favourite amongst newspaper reporters, the view of Muslims becomes more and more polarised into the stereotypical fanatic, militant or fundamentalist who, we are led to believe, is preoccupied with bombing. The backlash that was predicted against Arabs in the United States of America (Evans, 1995 and Doyle, 1995) reinforces the dangers of stereotyping the whole community by the actions of a minority.

The language used is grounded in, and at the same time perpetuates, the prevailing ideas of Muslims and their aspirations; anti-western, anti-democratic, violent and backward, amongst others (Van Bruinessen, 1995; 157-171). *The Daily Mail* (20.4. 1995) reported the tragedy bore “all the hallmarks of the work of Islamic fundamentalists with a fanatical hatred of America”. Once again this idea of Islam versus, the West (or in this case America), are brought to attention. Research has shown that the anti-Arab sentiment runs high in America. “Many Americans still reserve a special animosity for Muslims, Arabs and Iranians since the humiliation of the episode in Iran in. 1979” (Doyle, 1995).

Much attention was also given to the BDC who were involved in the Waco siege exactly two years from the date of the Oklahoma bombing. One of the most important features of every article (except *The Sun’s*) was the linking of the Oklahoma bombing to the World Trade Center bomb in New York (see Appendix VIII).

The reader was then informed of the ‘network’ of Islamic activities, regardless of what purpose they served (Youth Groups, attending mosques, an Islamic Center for cultural education) which had sprung up in the USA. Seven papers told of the recent meetings that had taken place in Oklahoma or simply that Oklahoma had a substantial Arab population. The broader, and quite unrelated, issue of immigration was touched upon by all the broadsheet papers, “An influx of Arab immigrants in the past decade has ensured that Muslim extremists... have been able to develop networks of sympathisers covering much of the country. Federal investigators claimed that Sheikh Rahman built a

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“Jihad” organisation spanning the country...including Texas, which borders Oklahoma” (*The Guardian*, 20.4.1995: 2).

The idea that discourses of race, and racism, are constructed with immigration as a central theme, takes shape in these arguments (Solomos, 1993). A theoretical ‘upper limit’ or ceiling, after which further immigration will lead to conflict is emphasised here. In fact, the writers appear to be indicating that this limit may already have been exceeded if there are existing tensions.

The ‘foreignness’ of this bombing was stressed by people’s comments; this ‘only happens in Beirut’ or ‘it was like Beirut.’ However, the fact that it can be transported, easily, to American soil is posing a big security threat to the American Government and its citizens alike. The spectre of ‘urban terrorism’, especially an imported one, looms over every place in America, be it New York or Oklahoma, no place is safe. The fear of terrorist activities, constantly portrayed as the work of Islamic activists, seems to have translated into a fear of all Muslim people.

We, and the American citizens more so, are altered to the growing threat of the ‘jihad’, always translated as ‘holy war’, that is taking place against our way of life. ‘There have been repeated calls from the extremists for a holy war to be waged inside the US. Two years ago they struck on American soil for the first time with a car bomb at the World Trade Center in New York.’ (*Daily Mail*, 20.4.1995: 4). Does this imply that they have now struck for a second time? The constant referral to the ‘Islamic link’ or the ‘Islamic connection’, made by the *Today* newspaper, though this was not substantiated, would have created a framework from which to assess the whole situation. Not only did *Today* manage to do this, but most articles, within their opening paragraphs had ‘set the scene’ by stating their suspicions “Moslems and Waco maniacs suspected over one-ton car bomb” (*Daily Express*, 20.4.1995:1).

Seemingly irrelevant articles, such as a preview of the Nation of Islam’s activities by the *Today* newspaper and a photograph of “Six Muslims suspected of involvement in the World Trade Center bombing’ appear on firearm charges...” in *The Times*, were printed next to the Oklahoma bombing reports. The connection the readers could have made was not only textual but visual too. Physical features, such as clothing and particularly beards, were illustrated by various articles, mostly in relation to the fact that “although the FBI said...it had no idea who was responsible for the explosion, it is believed to be concentrating its enquiries on the Middle East...”. It was looking for the passengers of a hired pick-up truck “described as Middle Eastern with dark hair and beards” (*The Times*, 20.4.1995:1), or according to *The Daily Star*, a “truckload of Arabs” (20.4.1995:2). It was as if, according to some commentators, keeping a beard had suddenly become a crime! Once again the stereotypical image of an Arab with his head covered and a beard was reinforced by this type of reporting.

[As a result of Mian’s research through survey, part of her conclusion indicates as has already been established the link between media portrayal and the formation of long-term public perceptions.

APPENDIX F

SURVEY OF ANTI-MUSLIM DISCRIMINATION

F1. SCOPE OF THE SURVEY

	1999 C.E. / 1419 A.H.	2000 C.E. / 1420 A.H.
Questionnaires Distributed	Approx. 7,000	Approx. 12,000
Completed Questionnaires	98	200
Fully Completed	62	141
Half Completed	4	7

Unsolicited questionnaires formed part of the Islamic Human Rights Commission's (IHRC's) fund-raising leaflet, which were distributed in Ramadaan 1419 A.H. (Dec1998-Jan1999 C.E.) and 1420 A.H. (Dec1999-Jan2000 C.E.). As well as the questions dealt with in this report, and prior to them on the questionnaire, there were sections relating to the work of the IHRC and to its priorities. Those other questions served as the main motivators for completing the questionnaire.

In 1998/99, about half the leaflets were distributed at mosques (to overwhelmingly male congregations) and about half were sent through the post. In 1999/2000, the vast majority was sent through the post using a number of Muslim mailing lists, with a much smaller number distributed through student and youth groups.

In 1999, 98 completed questionnaires were returned. Of these, 62 had answers to all 7 questions. Of the 36 that had one or more questions unanswered, only 4 had three or more unanswered.

In 2000, 200 completed questionnaires were returned. Of these, 141 had answers to all 7 questions. Of the 59 that had one or more questions unanswered, only 7 had three or more unanswered.

F2. PROFILE OF RESPONDENTS

F2.1 Discrimination Experience

	1999 C.E. / 1419 A.H.	2000 C.E. / 1420 A.H.
Yes	35%	45%
No	65%	55%

Respondents were asked "Have you or a member of your immediate family experienced discrimination or hostility just for being a Muslim".

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In 1999, 35% answered yes to this question. A year later, this had increased to 45%. Changes in the composition of the sample from 1999 to 2000 account for some of this increase (especially the marked shift towards younger and female respondents, both of which are shown below to experience more discrimination). However, the level of respondents who answered yes is undoubtedly significant, and, notwithstanding the dangers of extrapolation, indicates tens of thousands - or even hundreds of thousands - of cases of discrimination and/or hostility against Muslims each year.

F2.2 Age and Year of Birth

	1999 C.E. / 1419 A.H.	2000 C.E. / 1420 A.H.
Mean	34 years	31 years
Standard Deviation	14 years	15 years
Median	29 years	24 years
Mode	25 years	19 years
Minimum	16 years	12 years
Maximum	66 years	78 years
1980-1989	7%	17%
1970-1979	30%	35%
1960-1969	17%	10%
1950-1959	11%	7%
1940-1949	9%	7%
1930-1939	5%	2%
1920-1929	0%	2%
Not Specified	21%	20%

In 1999, the respondents averaged about 34 years old, with a standard deviation of 14 years. Most respondents were in their 20's, 30's and 40's. In 2000, the respondents averaged about 31 years old, with a standard deviation of 15 years. Most respondents were in their teens, 20's and 30's.

The downward shift in the age of respondents is probably due to the shift in distribution towards using student and youth groups.

F2.3 Gender

	1999 C.E. / 1419 A.H.	2000 C.E. / 1420 A.H.
Male	59%	46%
Female	40%	53%
Not Specified	1%	1%

In 1999, 59% of respondents were male and 40% female (1% didn't specify). In 2000, the male respondents had dropped to 46% with the females increasing to 53% (again, 1% didn't specify).

The increase in (young) female respondents may be due to the fact, shown below, that they are the ones bearing the brunt of the anti-Muslim discrimination.

F2.4 Marital Status

	1999 C.E. / 1419 A.H.	2000 C.E. / 1420 A.H.
Married	53%	35%
Single	34%	60%
Not Specified	13%	5%

In 1999, 53% of respondents were married, 34% unmarried, and 13% declined to indicate their marital status. In 2000, only 35% of respondents were married, 60% unmarried, and only 5% declined to indicate their marital status.

The large increase in unmarried respondents is undoubtedly due to the much higher proportion of younger people in the 2000 sample.

F2.5 Children

	1999 C.E. / 1419 A.H.	2000 C.E. / 1420 A.H.
Children	52%	30%
No Children	38%	64%
Not Specified	10%	6%

In 1999, 52% of respondents had children, 38% did not, and the remaining 10% declined to indicate. In 2000, only 30% of respondents had children, 64% did not, and the remaining 6% declined to indicate.

The large increase in respondents without children is undoubtedly due to the much higher proportion of younger people in the 2000 sample.

F2.6 Education

	1999 C.E. / 1419 A.H.	2000 C.E. / 1420 A.H.
Primary	1%	1%
Secondary	3%	2%
GCSE or Equivalent	11%	5%
A-Level or Equivalent	21%	17%
Bachelor Degree	46%	50%
Master Degree	8%	14%
Doctorate	5%	5%
Not Specified	5%	6%

In 1999, about 60% of respondents had been educated to degree level or higher. A further 20% had been educated to A-Level. In 2000, about 70% had been educated to degree level or higher, with a further 17% educated to A-Level.

F2.7 Occupation

	1999 C.E. / 1419 A.H.	2000 C.E. / 1420 A.H.
Artisan	2%	2%
Business Professional	11%	13%
Clerical / Retail Worker	7%	5%
Education Professional	12%	4%
Engineer / Researcher	2%	5%
Entrepreneur	3%	1%
Health Professional	13%	9%
Home Maker	7%	7%
Legal Professional	5%	3%
Media Professional	1%	3%
Member of Security Forces	1%	1%
Retired	4%	4%

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Social Worker	4%	1%
Student	25%	41%
Other	1%	0%
Not Specified	2%	1%

In 1999, about 50% of respondents indicated that they were professionals (in business, education, health, the law, the media, etc.). A further 25% indicated that they are studying for a degree or for a professional qualification. The remaining 25% had lesser qualifications. In 2000, the proportion of professionals had fallen to about 40%, with students increasing to 41%. The remaining 19% had lesser qualifications.

The changes in proportions are undoubtedly due to the much greater response in 2000 from students.

F3. ANALYSIS OF RESPONSES

Analysis of the responses reveals the following:

- In 1999, 35% of respondents reported that either they have personal experience of discrimination or hostility specifically for being a Muslim, or they have a member of their immediate family who has had such an experience. In 2000, this had risen to 45%;
- When marital status is taken into account, the proportions change slightly. In 1999, 33% of married respondents and 36% of single respondents reported discrimination or hostility. In 2000, 37% of married respondents and 49% of single respondents reported discrimination or hostility. This suggests that being single is a factor in experiencing discrimination;
- Similarly, when children are taken into account instead of marital status, the proportions change slightly. In 1999, 27% of respondents with children and 43% of respondents without children reported discrimination or hostility. In 2000, 40% of respondents with children and 48% of respondents without children reported discrimination or hostility. This suggests strongly that the absence of children is a factor in experiencing discrimination. However, given that the question asked about family members, and that having children tends to increase the size of the immediate family, the effect is the opposite of what might be expected, so *further research is required to clarify this finding*;
- When gender is taken into account instead of marital status and children, the proportions change significantly. In 1999, only 25% of males, but 49% of females, reported discrimination or hostility. In 2000, 36% of males, but 51% of females, reported discrimination or hostility. This suggests strongly that gender is a significant factor in experiencing discrimination or hostility just for being a Muslim, and that Muslim women and girls are bearing the brunt of it, but that the situation is worsening for the males also;
- When age is taken into account instead of marital status, children or gender, a pattern emerges.
 In 1999, 43% of respondents born in the 1980's reported discrimination or hostility; in 2000, it was 55%;
 In 1999, 41% of respondents born in the 1970's reported discrimination or hostility; in

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2000, it was 46%;

In 1999, 59% of respondents born in the 1960's reported discrimination or hostility; in 2000, it was 45%;

In 1999, 9% of respondents born in the 1950's reported discrimination or hostility; in 2000, it was 53%;

In 1999, 22% of respondents born in the 1940's reported discrimination or hostility; in 2000, it was 14%;

In 1999, 20% of respondents born in the 1930's reported discrimination or hostility; in 2000, it was 25%;

In 2000, 20% of respondents born in the 1920's reported discrimination or hostility (there were no such respondents in 1999);

The age-related results suggest strongly that age is a significant factor in experiencing discrimination or hostility just for being a Muslim, and that up to the age of about 50, the probability is about 45%, but thereafter it reduces to about 20%;

- When gender is taken into account as well as age, the pattern becomes clear:
 - 1n 1999, 37% of males and 47% of females born in the 1970's or 1980's reported discrimination or hostility; in 2000, it was 40% of males and 56% of females;
 - 1n 1999, 29% of males and 55% of females born in the 1950's or 1960's reported discrimination or hostility; in 2000, it was 46% of males and 55% of females;
 - 1n 1999, 15% of males and 100% of females born in the 1930's or 1940's reported discrimination or hostility; in 2000, it was 10% of males and 25% of females;This again suggests strongly that Muslim women and girls are indeed experiencing significantly more discrimination or hostility just for being Muslim than their male counterparts, and that – at least for the younger generations – the situation is deteriorating rapidly.

APPENDIX G

INSTITUTIONAL ISLAMOPHOBIA IN THE LEGAL SYSTEM

The most disturbing area where Islamophobia has consistently reared its ugly head is the Legal system. In matters concerning criminal law and procedure, further studies need to be done into the perception at a grassroots level amongst the Muslim community, that the police, Crown Prosecution Service and the judiciary are institutionally Islamophobic.

The biggest area of concern that the IHRC has faced in the Judicial process is the Family Division Proceedings. All other areas of the Law are open to Public scrutiny. In Family Law however all proceedings are held behind closed doors and this has given the participants a free hand to use the powers of the court in an oppressive manner.

Cases justified as in the paramount interest of the child have removed parental power e.g. refusing a male child to be circumcised. Other cases have seen the prevention of children from being taken out of the jurisdiction ‘for fear of an early marriage,’ and applications in such circumstances by care workers or others involved to have under-age girls put on the pill – regardless of medical advice. The justification in these cases have been in disregard of medical advice, but based upon clear prejudice against Muslims.

Re: K (a Ward) provides a shocking example of institutional prejudice against Muslims. The child is a Bosnian Muslim illegally adopted in the UK. Justifications for refusing to return the child to her natural family revolve almost entirely on Islamophobic assertions by the Official Solicitor’s representative in the case, and the court appointed psychologist (see Child E’s story below) The Lord Chancellor has classified the concerns raised as those of a disappointed litigant. A disappointed party may have a reason to complain, but why would an interpreter (see Child E’s story) appointed by the Court and approved by the official Solicitor resign to absolve her conscience?

The Family Court has been able to pursue an Islamophobic course safe in the knowledge that there will be no challenge, as no member of the public can scrutinise the decision.

Child “E”

Account of Translator in the Case of Child E, a Bosnian child illegally adopted in the UK, whose natural family traced her and now have contact rights.

“I am a qualified teacher and I would like to give this evidence in reference to the case of the minor E. I feel now that I have to step in and in doing so hope to be able to absolve myself from the pressure of my conscience and to cast some light on the case, thus helping the Court in decisions making.

“In September 1997 I was asked to act as interpreter in the case, which I accepted, and that was how I got involved in it. After a couple of phone conversations with Mrs C. acting on behalf of the Official Solicitor for Supreme Court, Mrs C visited me at my home and introduced me to the case...

“According to Mrs C., although I was paid by Mrs F. the foster mother, I was hired by the Official Solicitor and was advised to act on their behalf. I would like to stress that I have been sticking to that however, when I have felt uncomfortable, about things I have become

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cautious, which has eventually led to this statement.

“The first contact during which I acted as interpreter..I was introduced to E. and Mrs F. at the airport. During the flight Mrs C. and I were discussing the case more in detail. At the time I did not consider anything wrong in my knowing the background of the case and discussing it with Mrs C., however, when I now look back at that I feel that I somehow was tried to be influenced in looking at the case from the Official Solicitor’s point of view. I was told that the E’s natural family were uneducated, orthodox rural people, that Mrs K. E’s aunt, did not have a say in family’s matters and that E’s grandfather considered the case as a ‘jihad’. I was also warned that the whole family liked to lie about what was said and interpreted by the interpreter.

“After my meeting the family, I have learned that, although they are originally from Bosnian countryside, they have been living in Switzerland for a long time, much before the war in Bosnia started, thus gaining an approachable and tolerant mentality. As for the aunt, she does have a say and her opinion is welcome within the family. The previous interpreter, according to Mrs C, explained to Mrs C that the family occasionally ate pork meat and that the male members drank alcoholic drinks. My understanding in that they do not consume these articles prohibited by the Islamic faith. I also understand that their interest in the minor E. is completely genuine and far from having any religious roots in ‘jihad’ On our journey to London I was able to convey my impressions about the family to Mrs C, however, I am not sure whether I managed to dispel, at least to some extent, her impressions about the family, Although these issues were rarely brought up again in front of me, comments of the similar nature were put forward later as my involvement in the case progressed and I will mention some of them...

“On one contact visit to the foster mother and the representative of the Official Solicitor Mrs. C. brought a puzzle with them, and encouraged Child E. to play with them rather than interact with her natural family. I mentioned later, on the plane, to Mrs. C. that I did not like how they behaved and that I felt very awkward, Mrs. C. told me that she wanted to set an example to the natural family, who needed to learn how to bring up and play with the children...”
On another visit a pattern emerged regarding farewells.

“The farewell at the airport was rather friendly. However as soon as we walked through the passport control and round the corner, no longer in the natural family’s sight, Mrs. C. and Mrs. F. burst out laughing hysterically and with relief. No longer was attention paid to Child E. and her wellbeing...

“On the plane I sat next to Mrs. C. and we discussed the contact...She pointed out how the natural family were reluctant to accept the fact that Child E. was handicapped and how they did not pay any attention to the psychologist’s reports. I wondered why the natural family did not seek for a second opinion from another psychiatrist or psychologist if they did not believe this one. Mrs. C. explained that they had sought for a new one...she added that the present psychiatrist wrote anyway what she asked him to write. I could not believe my ears and remained silent.”

On a subsequent visit to the natural family, the issue of religious observance was once more brought up, when the translator decided to watch TV.

“There was a programme involving some well-known models in outfits that showed the models’ busts. Mrs. C. asked me how it was possible for such a devoted Muslim family to watch that kind of programme. I explained to her that they were not devoted in terms of covering their females and that it was my choice to watch that kind of programme...I felt a bit of malice in that question...It was not the first time that Mrs. C. had asked me, in the same manner, similar questions regarding a particular Muslim habit (taking off the shoes being one of them)...

“When we parted from the natural family the same laughter with relief occurred.”

The court appointed psychiatrist referred to above, wrote in his report of last year that the natural family’s British legal team, of mixed race and religion (mainly Muslim), represented ‘a third cultural / language gap.’ He continues:

“The importance of the third cultural difference is that it is difficult for the natural grandfather to learn from his present legal team, an understanding of the nuances of lifestyle of the foster family’s form of child rearing...’ he added that any transfer of the child to her natural family would lead to her English culture being buried.

Mrs. C has admitted in writing that she has tampered with evidence in the case – removing names from an X-ray of the child. No action has been taken against her, despite this being a criminal offence.

Anwar’s Story

“I am a Muslim of Palestinian origin, and an Israeli citizen, I have been involved in matrimonial disputes since 1993 concerning financial matters and contact with my only child.

“I first appeared before Judge X. in 1995, in order to deal with personal property issues...he showed a great deal of hostility towards me...and reserved the case to himself. A few weeks later my application for contact with my daughter was heard by Judge X. My former wife is British born of an English descent, our daughter is easily recognised as a mixed race child...during the course of the hearing I stated “I wish to have the opportunity to introduce my daughter to my culture and as part of that introduction I would teach her Arabic...” Judge X. immediately reacted stating “...Spending time with a child is all about fun...McDonalds etc...not jamming her throat with the Qur’an.”

“Judge X’s comments defy logic. Although I am a Muslim I was not a practising Muslim, that fact that I was married to an English woman who was not a Muslim speaks for itself. Furthermore there was nothing in any of the statements or at any moment in time was I presented to Judge X. as a Muslim.”

In their response to Anwar’s complaint, the Lord Chancellor’s Office cites Judge X’s account as to why he used that phraseology, “On the specific allegation that he was a racist, Judge X. recalls that...you wished to take your daughter to the Mosque for religious education...The judge tells me that he pointed out to you that the purpose of the contact he had in mind was so that you could re-introduce yourself to your daughter...He assures me his remarks were in no way racist.”

The intentions of either judge or respondent are not germane to the issue. Although discriminatory in principle, the comments by the judge are not racist or discriminatory under the law.