

Report on Anti-Muslim Hatred and Discrimination

Prepared and submitted to the Special Rapporteur on freedom of religion or belief
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Islamic Human Rights Commission ([IHRC](#)) is a not-for-profit campaign, research and advocacy organisation founded and based in the United Kingdom. It was set up in 1997 and works for redress of human rights violations and a better understanding of rights and norms across confessional, ethnic, national, political and other boundaries.

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Introduction:

Islamic Human Rights Commission (IHRC) has worked on issues surrounding Islamophobia / anti-Muslim hatred since its inception in 1997. In addition to its campaign, research, advocacy and legal work, IHRC has undertaken substantial research work and inter-departmental work on Islamophobia, including work on China, India and Myanmar, as well as its flagship projects: British Muslims Expectations of the Government project (BMEG) (2004-7) and its Muslim Experiences of Hostility & Discrimination project (DHMIR) (2009 – current). Its work led it to become part of the Counter-Islamophobia Toolkit (CIK) project funded in part by the European Commission (2017-18), a selection of publications are included in the bibliography.

Please note that the terms of this submission necessitate simplification where on occasion more nuance or explanation would suit the conversation better.

1. Defining the term Islamophobia

While Islamophobia is indeed a relatively new term it bespeaks a phenomenon that is centuries old and has its roots in racial discourse. As victims of racialisation and racialised discourse Muslims are thus victims of institutional racism in the same manner as Jews (Merali, 2018b).

IHRC employs the Domination Hate Model of Intercultural Relations (Ameli, 2010) which sees Islamophobia as the outcome of overlapping and mutually reinforcing layers of political, social, media, educational and legal functions, which in extremis, create an 'environment of hate' against Muslims and or other subalternised groups. It is our contention that rather than fixate on specific definitions, certain understandings of how Islamophobia operates, is operationalised and how it impacts Muslims, those perceived to be Muslims and wider society must be the departure points through which policies are developed at the national, regional and international levels.

We cite Sian (2013 cited in Ameli & Merali, 2015) who critiques definitions of Islamophobia that focus on it being a set of beliefs or bias based on an unfounded hostility, she describes it instead, as the 'maintenance of the violent hierarchy between the idea of the west and Islam' (Sayyid 2010). This shifts of focus from daily incidents of name calling and harassment to a wider critique of structural operations of power which govern and regulate Muslim bodies, is crucial to a full understanding of what Islamophobia across different contexts. This includes national settings where Muslims are minoritized (e.g. the UK, Myanmar), where they form significant minoritized national groups (e.g. China, India) or where they are the majority population (e.g. Saudi Arabia, Bahrain).

Further Grosfoguel's work has identified the origins of anti-Muslim racism in the transatlantic slave trade which brought the nascent imperial power into direct colonial contact with Muslim subjects. Skepticism with respect to the humanity of the indigenous would be transposed and readapted to the African slave (Maldanao-Torres, 2014). This fundamental questioning of the humanity of those enslaved forms a basis for discourses of 'subalternisation' in the modern era (Grosfoguel and Mielants, 2006) that finds expression in narratives of 'otherness'.

The collapsing of the idea of Muslimness and Blackness, and Muslimness and barbarity, viewed through the European conceptualization of 'Saracen' in the context of the Crusades and the rise of the Ottoman caliphate provide a context for a sustained narrative of the Muslim as subaltern. The colonization of India by the British gave rise to another set of interactions where political expediency demanded another set of justifications for control and subjugation. Indeed, the term 'mussulmanophobic' was coined by one official to explain the Indian Civil Service mindset in 1857 at the time of the Indian Mutiny (Padamsee - undated), which seen by the imperial power as a conspiracy by Muslims to whose 'treachery' it also ascribed fanaticism, bloodthirstiness and the idea of wider Muslim complicity based on bonds of faith.

Thus, Islamophobia as a form of racialization that not only discriminates against Muslims but negates Muslim agency and aspiration, forms the crux of an understanding of how Islamophobia functions. Islamophobia as a form of racism against Muslim people is not only manifested in the labour market, education, public sphere, global war against terrorism, the global economy, but also at the epistemological level where Muslims are denied their own agency, negated as legitimate actors with legitimate concerns because 'the thinking that comes from non-Western locations [that] is not considered worthy of attention except to represent it as "uncivilised," "primitive," "barbarian," and "backward".' (Grosfoguel and Mileants, 2006).

This 'Western' genesis of Islamophobia does not simply lie geographically or politically 'West'. As Hoskote (2008) notes in the Asian context:

"the strategies and area studies specialists of the 1950s live on, for instance live, in the persistence of the MacArthur write cultural cartography of the "Pacific Rim" and a reflex usage of "South-East Asia", a term invented by the State Department. In this schema, Islam belongs by default to another bloc or sphere of influence: the Middle East or West Asia...

"This habit of thinking in blocs or spheres of influence is an occupational hazard. It could deliver its practitioners, even against their protestations, to the champions of the "clash of civilisations" model of intercultural encounter...

"This limited and dangerously limiting vision must be rebutted. Indeed, it can be demonstrated that culture has always achieved its highest moments of fulfilment

through dialogue between heterogenous impulses – through the play of mutable and versatile identities temporarily established in the space between the familiar and the strange...

“... we can draw on a large body of evidence to show that a mixed society loses its cultural dynamism when it renounces cosmopolitanism and commit itself to hard-edged identities that are exclusive of, and even annihilatory towards, that which is different, foreign, strange.”

Discrimination in law and practice

Cross-fertilization of concepts (Galewicz & Narcowicz, 2015) is particularly pervasive in understanding the spread of Islamophobia across different national and even cultural contexts. Thus narratives e.g. used to justify **securitisation of national landscapes** (whether in terms of *anti-terrorism laws or policies, immigration controls, militarisation of police forces and society or surveillance programs*) can find themselves transposed into multiple settings. Anti-terrorism law and praxes in particular, that target primarily Muslims, effectively expel the Muslim subject, as Razack argues (2008) from the law and society. Once expelled, the Muslim subject can be tortured and denied in ways that citizenship does not allow. This is literally done through laws e.g. that strip nationals of their citizenship, but is also done by the creation of differential laws themselves (Ameli & Merali, 2014, Aiena, 2014).

Examples include (but are not limited to):

- The entire gamut of **anti-terrorism laws** enacted in the UK since 1997, but in particular the *Antiterrorism, Crime and Security Act 2015* which made the *Prevent duty statutory* in the public sector. This has seen doctors, nurses, teachers, social workers and other types of public sector professionals forced to surveil those Muslims in their care and report them to the authorities if they see signs of ‘radicalisation’. This has resulted in children as young as 4 years old being reported to the authorities mainly on the basis of misunderstood religious terms, the adoption of religious dress, activism for Palestine and so on (see Merali, 2017, 2016 and Kundnani 2015, 2013). Similar laws and policies can be found in France and other national settings.
- **Immigration and citizenship laws** which overtly or indirectly target Muslims. In the UK, the financial threshold regarding bringing spouses or family members to the UK means that Muslims, who hail from a largely working-class background, are disproportionately affected in being unable to meet the threshold, whilst also being disproportionately likely to want to bring family or spouses to the settle in the UK (Ahmed, 2017, Ansari, 2017). In Germany, the legal changes in

determining the basis for citizenship in 1999 from jus sanguinis to jus soli were an overdue and welcome development. However, those children of 'guest-workers' from Muslim majority countries who sought citizenship had to give up the citizenship of their parents' originating country. This demand was not made of other new citizens (Özyürek, 2015). Subsequently citizenship tests in various German states have sought to exclude potential applicants by virtue of questions that clearly target real and supposed Muslim beliefs around dress, gender relations and sexuality (IHRC, 2006).

- Additional discriminatory laws and policies include, anecdotal evidence presented regarding determinations of visas and citizenship by UK authorities; removal of legal aid in the UK impacting the pursuing of immigration, discrimination cases but also criminal defence; religious dress bans in e.g. France, Denmark, Netherlands, Belgium, Germany; the undermining of existing equalities legislation in the UK with regard to discrimination by the development of common law and also by the collapsing of issue specific bodies into one equalities body with no specific duty to investigate racism i.e. the Equalities and Human Rights Commission (EHRC); the targeting of pro-Palestinian activism using anti-Muslim narratives resulting in anti-BDS laws (Germany) and policies (UK), delegitimization of anti-racist and anti-Islamophobia activism including and especially pro-Palestinian activism using demonised tropes of Muslim anti-Semitism (e.g. Humbolt 3 case in Germany); unfair or insufficient evidentiary burdens in discrimination cases and in the prosecution of hate crimes in the UK (Ahmed, 2017); the push into homelessness and destitution of those appealing visa or citizenship denials (UK); the arbitrary power to strip citizenship invested in the Home Secretary (UK); etc. (Ameli & Merali, 2015, Kundnani 2015, 2013)

The further specific impact of discrete laws and policies in the UK, France, Germany, Austria, USA, India, China, Myanmar and Canada can be found in the reports listed in the bibliography.

The above provide some indication of the depth and scale of state and institutional Islamophobia. The day to day experiences of Muslims of hate attacks, abuse and discrimination cannot begin to be mitigated when the state itself is a perpetrator of industrial scale Islamophobia, and in fact is a (re)producer of the tropes that provoke the day to day discrimination and hatred experienced at the inter-personal level.

2. Social attitude, hate speech, attacks and violence against Muslims

We refer to the publications marked * in the bibliography for survey based investigations into these issues in the UK, France, Germany, Austria, Canada and the USA. This survey used 17 key questions to ascertain Muslims' experiences of Islamophobia in the media, political narratives, the law, day to day settings and street abuse and violence.

We further refer to the publications marked ** for evidence of mass internments, state violence including genocidal acts etc. in particular in China, India and Myanmar.

3. Recommendations and best practice

We refer to the publications marked * for specific recommendations, precedents and good practice. The following recommendations are adapted from Merali (2018b) which documents in detail as well as (Merali, 2018a) specific existing examples, or demands for good practice from relevant stakeholders:

- (i) Decentring conversations on Islam and Muslims from current institutionalised narratives;
- (ii) Diversifying the understanding of what, who and how is a Muslim, and the acceptance of this plurality within a plural understanding of the nation and the international;
- (iii) Contextualising the nature and level of 'threat' posed by political violence per se (not just from Muslims and non-state actors) by reviewing the epistemology of current security policies;
- (iv) Acknowledging structural issues and racism(s);
- (v) Acknowledging Islamophobia as a form of violence that is relational to both recent and colonial history and current events in various Westernised settings that refer to each other in order to perpetuate each other;
- (vi) Removing hierarchies of racism and acknowledging Islamophobia as a form of racism;
- (vii) A refocus on equalities, or ideas of injustice as the normative focus of the state;
- (viii) Accuracy in, agitation for and sanction for failure in delivering accurate representation in particular but not solely media representation;
- (ix) A cultural shift in understanding who is part of the national, and how national histories have been intimately intertwined with Muslims and Muslim cultures and nations over centuries;
- (x) Recapturing and creating further space for Muslim narratives of being.

We further refer to the documents marked ** for recommendations regarding immediate action to stem systemic and actual or potentially genocidal acts against Muslims. This includes key normative praxes (Shadjareh & Choudhury, 2020) in particular:

States should allow the expression of dual and even multiple identities for its citizens. For example:

- a.** Introduce the office of an independent Mufti or council of ulema, which would have symbolic resonance with Muslim communities, but also facilitate the teaching of traditional Islamic values practiced for many centuries;
- b.** Introduce an Islamic curriculum that will teach traditional Islamic norms, which will be taught alongside the mainstream curriculum as part of allowing dual space for citizens, to realise their rights to religious and cultural expression, thus strengthening societies as political spaces.

The above examples are illustrative and not prescriptive. Drawing on the experiences of other multicultural countries including and especially from the non-aligned world, which though imperfect, manage the relationship between state power and the religious needs of minoritized groups without coercive and assimilatory tactics, policies and ideologies is key. Various countries have policies and constitutional practices that allow religious, cultural and even some political autonomy for minoritized groups, which in turn fosters social and political cohesion.

Further reading and bibliography

Access to the British Muslims' Expectations of the Government Project (2004-7) can be [found here](#).

Access to the Muslim Experiences of Hostility & Discrimination Project (2009- current) can be [found here](#).

Access to the IHRC reports on Narratives of Islamophobia, Counter Narratives to Islamophobia and Key National Messages for UK, France and Germany for the CIK Project can be [found here](#).

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