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Hearing on Anti-Muslim Policies and Bias in Europe

Chairwoman Maenza,

Dear distinguished Commissioners,

Thank you for the opportunity to speak in today's hearing. My name is Christie Edwards, and I am the Deputy Head of the Tolerance and Non-Discrimination Department in the Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-Operation in Europe (OSCE). ODIHR provides support, assistance and expertise to participating States and civil society to promote democracy, rule of law, human rights and tolerance and non-discrimination.

OSCE participating States recognize that manifestations of **discrimination** and **intolerance** such as **anti-Muslim hatred**, racism, xenophobia and hate crime threaten the security of individuals, communities and societies and may give rise to **wider scale conflict and violence that undermine international stability and security**.

For this reason, OSCE participating States strongly **condemn** racial and ethnic hatred, anti-Muslim hatred, anti-Semitism, xenophobia, and discrimination, as well as persecution on religious or belief grounds, and have committed to combat these phenomena in all their forms.¹

The past years have evidenced a trend away from a global culture for the respect of human rights. Anti-Muslim hatred, racism and xenophobia continue to be **a concern across the OSCE region**. Some minority communities – including people of African descent, Arab, Asian, Roma

¹ Copenhagen Document 1990. Since 2003, OSCE participating States have established a normative framework of legislation and Ministerial Council decisions to reflect their commitments to address these phenomena and to promote mutual understanding (e.g. Ministerial Council Decision 4/03 on Tolerance and Non-Discrimination, and subsequent Ministerial Council Decisions 12/04, 10/05, 13/06, 10/07 and 9/09).

and Sinti, and persons with a migrant background (including refugees and asylum seekers) – are disproportionately **targeted by security policies** that include **racial and ethnic profiling**. In particular, a survey data released by the EU Agency For Fundamental Rights (FRA) in 2020 shows that **22 percent** of the general population in the EU would not feel comfortable having a Muslim **as a neighbor**; **31 percent** would not feel comfortable with a member of their family **marrying a Muslim**; and **21 percent** feel that it would be acceptable **not to hire a Muslim woman** because she wears a **headscarf**.

There is also a trend of **merging anti-migrant feelings with racism**, directed at a range of minority groups (including Muslim communities), **accompanied the intersectional nature of many hate crimes**. We also note that increasingly **technically sophisticated tools** are needed to understand, analyze and help combat hate crimes, anti-Muslim hatred, racism, xenophobia and discrimination.

There are also other laws that **do not explicitly focus on Islam and Muslims** but can potentially affect them as they intersect with how Muslims are positioned, including in the **counter-terrorism context**. Civil society organizations working to address intolerance against Muslims, racism and xenophobia, especially organizations led by activists from the affected communities, report **need for further support, including capacity building**. ODIHR builds the capacity of civil society organizations to monitor hate crimes, including specialized training.²

Additionally, numerous hate crimes against members of these and other minority communities can be seen across the OSCE region, as contributions to **ODIHR's annual hate crime** report show.

While this has resulted in a **broader and more visible dialogue on the existence and impact of hate crimes throughout the OSCE region**, it also threatens to reorient the focus of ODIHR's work from **proactive to reactive**.

Occupying the vast area in fulfilling human rights left open by governments, civil society has globally been put on the defensive in this work. The OSCE region has unfortunately not been spared this challenge, as groups active in the promotion of tolerance and non-discrimination and the identification of hate crimes are often branded as **agitators and accused of destabilizing societies**. The subsequent withdrawal of many groups from the regional discourse has resulted in a lack of transparency and given license to the persecution of vulnerable groups, including Muslim communities.

Additionally, **civil society organizations addressing anti-Muslim hatred**, racism and xenophobia are also often themselves **victims of hate crime by association**. In some participating States, they also report that intolerance and discrimination has led to an

² Raising awareness of intolerance and discrimination is also necessary. ODIHR produced a series of factsheets on hate crime against different groups, available in print and on our website in English, Russian and Spanish.

increasingly hostile environment for their work, cuts in government funding, and other ways of impeding their work.

ODIHR convenes **OSCE human dimension meetings**, including those that focus, *inter alia*, on combatting racism and xenophobia and promotion of tolerance and mutual understanding. Addressing racism and xenophobia frequently features on the agenda of OSCE's annual Human Dimension Implementation Meetings, **Europe's largest annual human rights conference**.

There is a need tap further into **the potential of dialogue and coalition-building between governments, faith groups and civil society**, and in this light ODIHR convenes regular international **events** to address hate crimes, intolerance, and discrimination.

In all of these activities, ODIHR takes **a comprehensive approach**, and brings stakeholders from different sectors, and different communities, to work together on a wide range of tolerance and non-discrimination issues. OSCE participating States have committed to take steps to prevent and address intolerance and discrimination, while applying a "common approach" to address all acts and manifestations of hate, while acknowledging the "uniqueness of the manifestations and historical background of each form."³ Different types of intolerance have their own unambiguous etymologies and rationale, yet in order to address the underlying biases and "othering" that underpins many forms of discrimination, we need to be **aware of their similarities, their interconnected developments**, and their **constant intersection**. To give you an example, the "International Jewish conspiracy" has joined the "Muslim conspiracy" in the minds of many followers of the far right. Both forms of racism go hand-in-hand today and need to be acknowledged and addressed.

To address this, ODIHR has developed **a collection of resources and programmes** to raise awareness about discrimination, hate crimes, intolerance against Muslims and other forms of intolerance. Through advising on policy and the training of law enforcement personnel and educators, ODIHR works to build the capacity of governments in preventing and responding to this problem. ODIHR remains at the disposal of OSCE participating States, civil society and other actors in supporting the implementation of their commitments to counter intolerance and discrimination.

I would now like to give the floor to my colleague, Sabrina Saoudi, Adviser on Combating Intolerance Against Muslims, to give you an overview of ODIHR's tools and resources to address intolerance against Muslims. Thank you.

³ Ministerial Council Decision 13/06.

Thank you, Christie.

Chairwoman Maenza,

Dear distinguished Commissioners,

Thank you for inviting ODIHR to speak with you today. ODIHR's annual hate crime report shows that Muslims and their property are often targeted and that they can be the victims of a racial/ethnic/religious profiling.

In particular, **the COVID-19 pandemic** has added new layers of complexity to the already difficult task of addressing discrimination and hate crime, exacerbating it by **introducing new forms of intolerant discourse and the scapegoating of minorities**. Toxic narratives espoused by state and non-state actors in certain participating States have emerged, **blaming Muslims for spreading the virus**. Such negative stereotyping, stigmatization, discrimination, incitement to violence, and violence based on religion or belief **combined with its intersectional reach** including across gender, race, ethnicity and nationality, have affected the ability of individuals and communities to manifest their freedom of religion or belief, particularly in public. Women are also victims of pandemic-related gender-based hate crimes, with single and multiple bias motivations in which gender intersects with race/ethnicity and religion.

OSCE commitments address intolerance against Muslims and OSCE participating States have pledged to take concrete action to respond to it. Ministerial Council Decisions have called on the OSCE governments to aim to prevent intolerance, violence and discrimination **on the basis of religion or belief**, condemn violence and discrimination on religious grounds, as well as to adopt policies to promote the protection for places of worship and religious sites against vandalism and destruction.⁴ They also **firmly reject the identification of terrorism and extremism with a particular religion or culture**.⁵ In Sofia, the Ministerial Council called upon ODIHR to make use of reliable information and closely follow, in full co-operation with other OSCE institutions as well as relevant international institutions and CSOs, incidents motivated by racism, xenophobia or related intolerance, including against Muslims.⁶ Finally, participating States have underscored the fact that **the primary responsibility for addressing acts of intolerance and discrimination rests with participating States**, including their political representatives.⁷

Stereotypes against Muslims have evolved and gained momentum under the conditions of the 'war on terror', the global health and economic crisis and challenged related to the management of religious and cultural diversity. Anti-Muslim rhetoric often associated Muslims with terrorism and extremism, or portrays the presence of Muslim communities as a threat to national identity. Muslims are often portrayed as a monolithic group, whose culture is incompatible with Human rights and democracy. ODIHR's reporting suggests anti-Muslim

⁴ Kyiv (MC.DEC/3/13)

⁵ Porto (MC.DEC/6/02).

⁶ Sofia (MC.DEC/12/04)

⁷ Madrid Decision (MC.DEC/10/07)

hate crimes and incidents increases following terrorist attacks, and on the anniversaries of such attacks. Attacks against mosques – particularly on Fridays and religious holidays – including leaving the remains of pugs outside mosques, community centres and Muslim families’ homes, as well as attacks against women wearing headscarves, are among the anti-Muslim hate incidents commonly reported.

The safety of Muslim communities is the **responsibility of governments** and ODIHR can help governments confront the **specific challenges posed by intolerance against Muslims** as well as to build **robust partnerships** with Muslim communities on matters of security.

To address this issue, ODIHR has published a **practical guide** on “*Understanding Anti-Muslim Hate Crime and Addressing the Security Needs of Muslim Communities.*” The Guide offers **practical steps** that governments, in co-operation with Muslims communities, can take to prevent and respond to anti-Muslim hate crimes and better address the security needs of these communities, as well as to discuss the security challenges that Muslims and Muslim communities face.

ODIHR’s Tolerance and Non-Discrimination Department has been actively working on combatting intolerance against Muslims, focusing on **awareness-raising, networking and training** for and among state and non-state actors.⁸ The Security Guide is designed to aid governments in their actions on preventing and addressing hate crimes, including by an **analysis of security risks** and the necessary actions required, with the aim of **improving the capacity of the police** and other institutions to meet the security needs of Muslim communities and individuals. The Security Guide consists of **three parts** dedicated to: **understanding hate crimes against Muslims in the OSCE region; international standards on addressing intolerance against Muslims; and, describing responses to anti-Muslim hate crimes and the security challenges of Muslim communities.** The Security Guide also contains **annexes** with **case studies, suggested actions for key stakeholders** and an **introduction to Islam and Muslims for police officers.**

The Security Guide lists a number of recommendations for Governments, civil society organisations and the Muslim communities and officials such as (i) the need to acknowledge the problem – acknowledging the anti-Muslim hatred can serve as the basis for critical review and assessment of existing prevention and response mechanism ; (ii) the need to hate crime data collection – policymakers can then rely on this information to make sound decisions and to communicate with affected communities about the scale of the hate crimes and the response; (iii) the imperative to “affirm the relevant international human rights framework”; and last but not least (iv) the proposal of “recommendations to address and mitigate the impacts of Islamophobia consistent with international law.”

⁸ In 2014, ODIHR together with the Swiss Chair-in-Office organized a conference on “Enhancing Community - Law Enforcement Relations in Combating Hate Crimes against Muslims” and in 2016 together with the German Chair-in-Office organized a conference on “Holistic Approach to Addressing Intolerance and Discrimination against Muslims in the OSCE region”. In 2011, the OSCE, UNESCO and the Council of Europe published joint Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education, for both primary and secondary schools. In 2018, ODIHR published a factsheet on anti-Muslim hate crimes and is currently also working on a set of teaching materials on intolerance against Muslims.

In addition to the Security Guide, ODIHR reports on hate crimes annually in line with its mandate and official reporting by the OSCE's 57 participating States. The report shows that anti-Muslim rhetoric often associates Muslims with terrorism and extremism, or portrays the presence of Muslim communities as a threat to national identity. Muslims are often portrayed as a monolithic group, whose culture is incompatible with human rights and democracy.

I would also like to mention that ODIHR is in the process of updating the 2011 *Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education*, which were developed to support educators in countering intolerance and discrimination against Muslims. They are intended for a wide audience, including education policymakers and officials, teacher trainers, teachers, principals and head teachers, staff in teacher unions and professional associations, and members of NGOs.

Finally, I would like to make a few recommendations on how the US and other OSCE participating States can support ODIHR's work:

- First, by promoting and encouraging dialogue through **coalition-building activities in Europe and in the US**. Indeed, ODIHR offers **regular trainings and capacity building to law enforcement, prosecutors and civil society on hate crimes, including against Muslims**.
- Next, since ODIHR only received 2020 official data specifically on hate crimes against Muslims from 14 OSCE participating States, the US could also encourage other participating States to systematically report on hate crimes, including hate crimes against Muslims.
- The US also regularly reports hate crime data to ODIHR. ODIHR recognizes the US' efforts in reviewing governmental strategies to address hate crime and appreciates the information on police records. However, based on the available information, we observe that since 2018, the US has not reported data on hate crimes recorded by prosecutors and the judiciary to ODIHR.
- In addition, ODIHR observes that the United States would benefit from ensuring that hate crimes are addressed in a comprehensive manner, including by introducing a coordination mechanism. Key observations for other OSCE participating States on their hate crime data is also available online at <https://hatecrime.osce.org/>.

A longer version of our remarks has been submitted for the written record. Thank you for your time and we look forward to your questions.