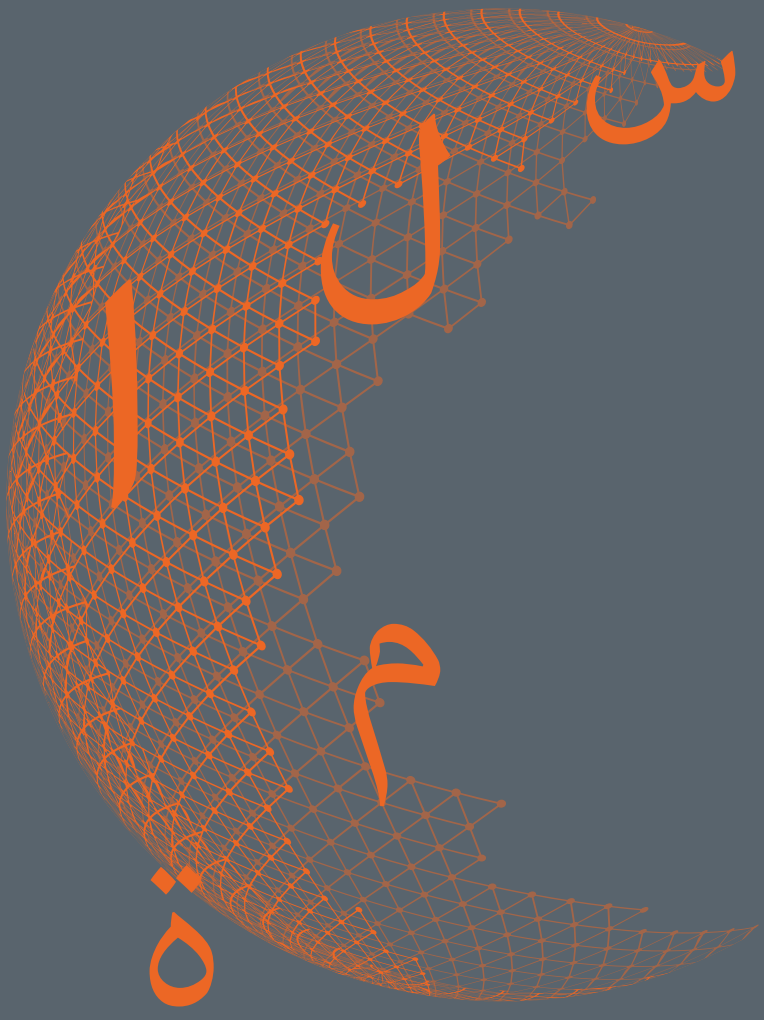
Understanding Anti-Muslim Hate Crimes

Addressing the Security Needs of Muslim Communities



A Practical Guide

OSCE ODIHR

Understanding Anti-Muslim Hate Crimes

Addressing the Security Needs of Muslim Communities

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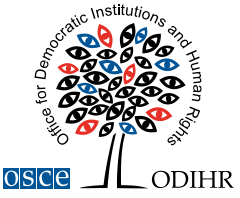

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FOREWORD

Crimes motivated by bias, also known as hate crimes, are message crimes: they send a message to a community and its members that they are neither wanted nor welcome, and that threats and violence will never be far away.

Anti-Muslim hate crimes are an everyday occurrence in many countries across the OSCE region. Such attacks and discrimination stop Muslims from being able to express their identity freely, and lead to a prevalent sense of fear and insecurity among Muslim communities. They target Muslim individuals and property, or simply people perceived to be Muslims. Hate crimes include attacks on Muslim people, mosques, Islamic centres and educational facilities, throughout the OSCE region, as well as sites of historical and religious significance.

Support for participating States in their efforts to counter intolerance against Muslims is a key element of our mandate at the OSCE Office for Democratic Institutions and Human Rights (ODIHR). With this Guide, ODIHR offers recommendations to help participating States turn the commitments they have made into practical action. We would like to thank the community members, officers, experts, consultants and activists who have worked with us, not only for their co-operation but also for their active engagement.

We encourage participating States to use this practical Guide as a starting point for an open and thoughtful assessment of the issues surrounding intolerance against Muslims and consideration of policies and measures to address it. This publication acknowledges the need to respond to the specific challenges posed by intolerance against Muslims, through an approach firmly anchored in the international human rights framework and OSCE commitments.

Together with our previously published Guide *Understanding Anti-Semitic Hate Crimes and Addressing the Security Needs of Jewish Communities,* we hope that this publication will be used and adapted to address the security needs and experiences of other communities targeted by hate crimes.

It would not be possible to mention all those who contributed to the drafting of this Guide. We would like to thank everyone who in any way contributed to its development and helped us bring it to its final form. This includes public officials, police representatives, community leaders, human rights defenders and activists, and many others, many of whom have also been victims of hate crimes themselves.

The prejudices and hatred that can lead to hate crime are rarely directed at just one group, and that is why it is so important to work towards greater tolerance overall. Security is only possible in societies that are based on mutual respect and equality.

Ingibjörg Sólrún Gísladóttir
ODIHR Director

EXECUTIVE SUMMARY

What are the challenges ahead?

Anti-Muslim violence, hatred and discrimination target Muslim women, men, boys and girls, communities, or simply people perceived to be Muslim or associated with Muslims and Islam, across the Organization for Security and Co-operation in Europe (OSCE) region. Muslim and Islamic institutions, including mosques, praying spaces (masjids), schools and cemeteries are also targeted by violence and vandalism.

Hate crimes, incidents and threats motivated by intolerance against Muslims profoundly impact not just the victims of specific attacks, but also the daily lives of Muslim individuals and communities in a range of ways. The physical, emotional and psychological effects can include:

- Fear of attending worship services, entering mosques or wearing distinguishing religious or traditional attire or symbols negatively affects the right of individuals and communities to manifest their religion or beliefs;

- A sense of needing to abstain from identifying publicly as Muslim, expressing their cultural and religious identity or attending religious, cultural or other events, which can exclude them from public life. For example, individuals may not put themselves forward for public office due to fear of being targeted because of their name or other features that might be associated with being Muslim; and

- A feeling that in school, the workplace, social settings or on social media, it is necessary to self-censor, which could cause Muslims to be reticent to express empathy or support for countries that have a Muslim majority in order to avoid being stigmatized; even young children may grow up with a sense of fear and consciousness of their vulnerability.

Intolerance against Muslims has increased the fears of Muslim communities within the OSCE region.[1] Muslim institutions, like mosques and community centres, are increasingly likely to securitize due to a rising sense of fear and perceptions of being targeted by anti-Muslim groups — either far-right, aggressively nationalistic or other groups. However, the need to adopt security measures is a financial burden on Muslim institutions, diverting funds from religious, cultural and educational activities.

As a result, anti-Muslim violence and threats of violence endanger the physical security of Muslim communities, instil a sense of fear and insecurity in these communities, and

1 See ODIHR's Hate Crime Reporting website, "Bias against Muslims", <http://hatecrime.osce.org/what-hate-crime/bias-against-muslims>; and "European Islamophobia Report 2016", Enes Bayrakli and Farid Hafez for SETA Foundation for Political, Economic and Social Research, 2017, <http://www.islamophobiaeurope.com/wp-content/uploads/2017/05/EIR_2016.pdf>.

at the same time prevent them from carrying out activities that further the religious and cultural life of the community.

Why should this be of concern to participating States?

OSCE participating States have committed to recognize, record and report the anti-Muslim bias motivation of hate crimes and have supported efforts by OSCE institutions to develop effective and comprehensive responses to hate crimes.

States have an obligation under international human rights law to prohibit, by law, any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence.[2] The Kyiv Ministerial Council Decision on Freedom of Thought, Conscience, Religion or Belief called on OSCE governments to, "take effective measures to prevent and eliminate discrimination against individuals or religious or belief communities on the basis of religion or belief, including against non-believers, by public officials in the conduct of their public duties" as well as to "adopt policies to promote respect and protection for places of worship and religious sites, religious monuments, cemeteries and shrines against vandalism and destruction."[3] Several Ministerial Council decisions have repeatedly reaffirmed the threat hate crimes pose to the security of individuals and to social cohesion, as well as the potential to lead to conflict and violence on a wider scale.[4]

What can governments do?

Governments can take a range of measures to address the problem of intolerance against Muslims. They can:

- **Acknowledge** that intolerance against Muslims and prejudice poses a threat to security and stability and needs to be addressed institutionally and systemically by governments; that it should be seen as an ongoing threat to social cohesion in communities and as a barrier to inclusion within the wider society;

- **Assess risk and prevent attacks** by enhancing co-operation between police agencies and Muslim communities through formal communication, transparency and joint planning and action, including regular meetings with mosques and Islamic institutions. This ensures that various levels of police are engaging with and prioritizing the security of communities;

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2 United Nations General Assembly, Resolution 2200A (XXI), "International Covenant on Civil and Political Rights", 16 December 1966, entry into force 23 March 1976, Article 20.2, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

3 OSCE Ministerial Council, Decision No. 3/13, "Freedom of Thought, Conscience, Religion or Belief", 6 December 2013, Kyiv, <https://www.osce.org/mc/109339?download=true>.

4 See, for example: Ministerial Council decisions from Porto 2002 "6/02 on Tolerance and Non-Discrimination"; Sofia 2004 "12/04 on Tolerance and Non-discrimination"; Ljubljana 2005 "10/05 on Tolerance and Non-Discrimination: Promoting Mutual Respect and Under-standing"; Brussels 2006 "13/06 on Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding"; Madrid 2007 "10/07 on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding".

- **Raise awareness** of the phenomenon of anti-Muslim hatred and its adverse and systematic impact, challenging it through capacity-building measures with political leaders, civil servants, criminal justice officials, equality bodies, police, civil society and the wider public to enhance social cohesion in the long-term and reinforce values based on the protection of human rights for all;

- **Build trust** by developing and institutionalizing working partnerships with Muslim communities, civil society organizations, and individuals. This could include an agreement whereby police share information with civil society or community partners to ensure a broader understanding of the frequency and types of cases, as well as issues related to anti-Muslim hate crimes and incidents;

- **Improve protection** for Muslim communities, institutions and sites, including enhanced police patrols and financial assistance to improve security measures. Enhanced police patrols may be considered at religious holidays — such as on Eid-ul-Fitr and Eid-ul-Adha, during Jum'ah Friday prayer and the month of Ramadan, and in some Muslim communities on Milad-un-Nabi, the birthdate of the prophet Muhammad — where there is an increased concentration of Muslims attending mosques and Islamic centres.[5] Attention should also be given during occasions that might be celebrated or marked by hate groups or perpetrators;

- **Consider and incorporate expertise within Muslim communities when conducting threat assessment, security planning and/or development of crisis management systems** to ensure the best possible joint planning and response to emergencies. When looking at expertise, the diversity of the Muslim community, including ensuring that both women and men's voices are heard, should be considered in order to have an authentic needs-based approach;

- **Recognize and record** any anti-Muslim bias motivation when investigating and prosecuting criminal acts or sensitizing police agencies to the specific features of hate crimes against Muslims, including situations with local, national or international triggers. For example, aggressive nationalistic rallies or terrorist incidents have been repeatedly shown to trigger anti-Muslim hate incidents and crimes.[6] Notably, the intersection of ethnicity, gender, origin and religion (among other factors) can mean that anti-Muslim bias motivation is not recorded as such, especially where the recording system does not recognize the possibility of multiple biases nor allow for adequate data disaggregation;

- **Provide evidence of the security needs** of Muslim communities by working with those communities, as well as grass root civil society organizations, to exchange disaggregated data on hate incidents, including by sex and gender, and share information

5 For information about significant holidays and other important dates, please refer to Annex 3 of this Guide.

6 *Tell MAMA 2016 Annual Report: A Constructed Threat: Identity, Intolerance and the Impact of Anti-Muslim Hatred*, (London: 2017, Faith Matters) <https://tellmamauk.org/wp-content/uploads/2017/11/A-Constructed-Threat-Identity-Intolerance-and-the-Impact-of-Anti-Muslim-Hatred-Web.pdf>, pg. 56.

on anti-Muslim hate crimes and threats through regular engagement and the establishment of clear and transparent data-sharing agreements;

- **Reassure** Muslim communities of the state's commitment to protect all communities by demonstrating solidarity and bringing various communities together in case of an attack and/or a threat;

- **Provide support to victims and assist communities in returning to their daily lives after an attack.** This includes providing physical, psychological and emotional support to victims of anti-Muslim attacks and their wider communities. While the primary responsibility for reassurance and trust in public services lies with the state, private organizations or civil society can also offer support. Advocacy work with bodies such as local government authorities, police agencies, or private businesses, can help achieve meaningful outcomes for victims of intolerance against Muslims and work to improve minority communities' trust in government services and agencies;

- **Support research by academics and civil society groups** on the narratives and ideology of hate groups and individuals promoting intolerant rhetoric, which targets Muslim and other communities within respective countries or regions. Research can also help support and identify trends for police and government organizations, which can support efforts to better address anti-Muslim hate crimes; and

- **Ensure that public messaging** recognizes hate crime as not only a threat to the dignity and integrity of an individual, but also to entire communities. A message to the broader public should indicate that hate crimes, intolerance and discrimination against any group or individual. States may want to consider whether public messaging should include challenging any violent rhetoric that may have led to an increase in anti-Muslim hate incidents at a specific juncture in time. Messages can also be delivered jointly with community organizations, groups and representatives to condemn hate and advocate tolerance.

INTRODUCTION

Background

OSCE Ministerial Council decisions have addressed intolerance against Muslims as key to combatting all forms of discrimination, and have pledged to take concrete action to respond to it.

In 2002 in Porto, the OSCE Ministerial Council condemned the increase in acts of discrimination and violence against Muslims in the OSCE area and firmly rejected the identification of terrorism and extremism with a particular religion or culture.[7] Then in 2004 in Sofia, participating States 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, and anti-Semitism in the OSCE area. This decision also called for civil society support and the development of partnerships to address these issues.[8]

In 2007, the Ministerial Council in Madrid underscored the fact that the primary responsibility for addressing acts of intolerance and discrimination rests with participating States, including their political representatives.[9] This decision also recognized that manifestations of intolerance and discrimination can undermine efforts to protect the rights of individuals, including migrants, refugees, people belonging to national minorities and stateless people. This decision acknowledged the different forms of intolerance while at the same time recognizing the importance of taking a comprehensive approach and addressing cross-cutting issues in order to effectively address all forms of hate and discrimination.

In 2011, the OSCE, UNESCO and the Council of Europe published their joint *Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education*.[10] This Guide for both primary and secondary schools is available in six languages, and targets policymakers and officials working in education, as well as teachers, school administrators and relevant civil society. Intolerance against Muslims, just like other forms of intolerance and prejudice, impacts communities, including within schools and educational establishments. Working to reduce intolerance against Muslims by children and young people within learning establishments is key to challenging and countering such behaviour by the adults of the future.

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7 OSCE Ministerial Council, Decision No. 6/02, "Tolerance and Non-discrimination", Porto, 7 December 2002, < https://www.osce.org/mc/40521>.

8 OSCE Ministerial Council, Decision No. 12/04, "Tolerance and Non-discrimination", Sofia, 7 December 2004, <https://www.osce.org/mc/23133?download=true>. Also see, Permanent Council, Decision No. 621, "Tolerance and the Fight against Racism, Xenophobia and Discrimination", Sofia, 29 July 2004, <https://www.osce.org/pc/35610?download=true>.

9 OSCE Ministerial Council, Decision No. 10/07, "Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding", Madrid, 30 November 2007, <https://www.osce.org/mc/29452?download=true>.

10 *Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education*, (Warsaw: ODIHR, Council of Europe, UNESCO, 2011), <https://www.osce.org/odihr/84495>.

In Kyiv in 2013 the Ministerial Council called on OSCE governments to work to eliminate discrimination against people based on their religion or belief. Participating States are also urged to adopt policies to protect places of worship and religious sites, religious monuments, cemeteries and shrines.[11]

Distinguishing hate incidents

During the recent annual OSCE Human Dimension Implementation Meeting, civil society organizations highlighted the importance of intolerance against Muslims and the urgent need to protect communities from abuse and discrimination.[12] In 2018, the Personal Representative of the OSCE Chair-in-Office Professor Bülent Şenay emphasized the worrying trend towards anti-Muslim rhetoric, stressed the urgent need to address the demonization of Muslims and rising anti-Muslim trends in Europe in the aftermath of the humanitarian crisis in 2015, and underlined the problem of underreporting and under-recording of anti-Muslim hate crimes.[13]

Why is this Guide necessary?

Intolerance against Muslims in any form — be it violence, discrimination, harassment or online abuse — has a detrimental effect on the lives of Muslim individuals and communities. This Guide is designed to aid governments in their actions on preventing and combating 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. It also touches on select topics, such as the underreporting and under-recording of hate crimes against Muslims. In addition, we set out practical steps that governments can take to address issues of security for Muslim communities, which work in tandem with the efforts within these same communities.

Governments have the primary responsibility to provide security to communities and individuals, especially as minority communities often lack the resources to ensure the level of security required. Law enforcement agencies, such as the police, bear the responsibility for addressing criminal manifestations of intolerance against any individual or community, including anti-Muslim hate crimes. Failure to act, and particularly engaging in complicity, impacts social cohesion and can in some rare cases lead to violent extremism, violence and polarized views within sections of the targeted community.[14]

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11 OSCE MC Decision No. 3/13, Kyiv, *op. cit.,* note 3.

12 2016 Human Dimension Implementation Meeting, Consolidated Summary, Warsaw, September 2016, <https://www.osce.org/odihr/274416?download=true>; 2017 Human Dimension Implementation Meeting, Consolidated Summary, Warsaw, September 2017, <https://www.osce.org/odihr/365486>; 2018 Human Dimension Implementation Meeting, Consolidated Summary, Warsaw, September 2018, <https://www.osce.org/odihr/398840?download=true>.

13 2018 Human Dimension Implementation Meeting; *Ibid.*

14 Joel Busher and Graham Macklin, *Interpreting "Cumulative Extremism": A framework for enhanced conceptual clarity,"* Society for Terrorism Research 7th Annual Conference", 27-28 June 2013, London, <http://eprints.hud.ac.uk/id/eprint/19406/>.

This Guide also recognizes that some groups may be targeted due to intolerance and prejudice within Muslim communities.

> "Now, there is a worrying shift of anti-Muslim hatred — individual and institutional — from the margins to the mainstream. There is a worrying lack of political courage and leadership on these issues. Together, we need to tackle this threat to our peaceful co-existence." – *Bülent Şenay, 2016 Personal Representative of the OSCE Chair-in-Office on Combatting Intolerance and Discrimination Against Muslims*[15]

This Guide also aims to elicit and encourage wider analysis and research, as well as governmental and civil society engagement to reduce and counter anti-Muslim sentiment and hatred, which is a continued challenge across participating States in the OSCE region.

What is the scope and purpose of this Guide?

This publication focuses, in particular, on what can be done by those responsible for addressing hate crimes against Muslims and the security needs of Muslim communities. ODIHR's ongoing work to address anti-Muslim hatred and prejudice by countering hate crime and intolerance, and through support for educators in countering intolerance against Muslims, complements this guidance document.[16]

This Guide centres on the practical measures that can be taken by those responsible for dealing with and addressing hate crimes and incidents against Muslims, as well as protecting Muslim communities. These are primarily government officials and political representatives, but it is also hoped they are of use to civil society and the broader public as well. It aims to:

- **Raise awareness** about the security challenges Muslim communities face and intolerance against Muslims both online and offline, as well as the attendant gender implications;

- **Build government officials' capacity** (both policymakers and front-line civil servants, like police or judicial officials) to understand the specific features of hate crimes against Muslims and identify practical steps to address the security needs of Muslim communities. In particular, religious holidays, significant dates or events, and communal prayers pose opportunities and security issues for governments and police;

- **Support police officials** in their efforts to adequately recognize, record and respond to hate crimes against Muslims;

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15 2016 Human Dimension Implementation Meeting, Consolidated Summary, op. cit.17.

16 See both the ODIHR Hate Crime Reporting website <http://hatecrime.osce.org/> and *Guidelines for Educators on Countering Intolerance and Discrimination against Muslims*, *op. cit.*, note 14.

- **Facilitate the sharing of best practices** from various OSCE participating States, focusing on models for better police and community responses to hate crimes against Muslims;

- **Promote communication** and collaboration between local police officials and members of Muslim communities, including Muslim community activists, security professionals and volunteers, while presenting practical suggestions for co-operation in the fight against intolerance against Muslims; and

- **Support civil society advocacy** efforts by providing both guidance and an overview of relevant government obligations as resources when dealing with government accountability regarding security concerns related to intolerance against Muslims.

How was this Guide developed?

This Guide is based on an analogous publication previously developed by ODIHR to address anti-Semitism, entitled *Understanding Anti-Semitic Hate Crimes and Addressing the Security Needs of Jewish Communities*.[17] The draft of this guide was consulted extensively with members of Muslim communities, civil society, police agencies, equality bodies, academics and other interested parties. Two large-scale consultative events were also organized, one in North Macedonia with the support of the OSCE Mission to Skopje, and one in Frankfurt, Germany in co-operation with Goethe University's Academy for Islam in Science and Society.[18] A final consultative expert meeting was organised in Oslo in co-operation with Muslim Dialogue Network. Examples throughout the guide were gathered from representatives of participating States and civil society partners in response to a questionnaire disseminated by ODIHR about the security needs of Muslim communities and examples of good practices.

How is this Guide structured?

Part One provides an overview of the contexts of criminal acts motivated by intolerance against Muslims in the OSCE region, as well as key features of these hate crimes. It also describes the impact of these hate crimes and corresponding security challenges on the everyday lives of Muslim individuals, communities and institutions.

Part Two explains how governments should respond to hate crimes against Muslims and effectively address the security challenges Muslim communities face. Drawing on OSCE commitments and other international human rights standards, it lists key government obligations and presents principles that should underpin governmental policies and initiatives in this area.

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17 *Understanding Anti-Semitic Hate Crimes and Addressing the Security Needs of Jewish Communities*, (Warsaw: OSCE/ODIHR, 2017), <https://www.osce.org/odihr/317166?download=true>.

18 "Strategies to improve security of Muslim communities and reduce hate crime the focus of ODIHR-organized consultations in Frankfurt", ODIHR news item, 26 June 2018, <https://www.osce.org/odihr/385875>.

Part Three lists ten practical steps governments can take to respond to hate crimes against Muslims and the security needs of Muslim communities.

The annexes provide supplementary information to assist government officials and others dealing with anti-Muslim attacks. **Annex 1** provides case studies that can be used to build the capacity of government officials and others to recognize hate crimes against Muslims, maintain co-operation with Muslim communities on security issues, and develop responses based on respect for human rights standards and commitments for all. **Annex 2** provides a table with suggested activities for key stakeholders. This table may be a useful tool for raising awareness among key target groups such as parliamentarians, religious leaders and civil servants about the security concerns Muslim communities face. **Annex 3** is a short guide to Islam suitable for police officers. **Annex 4** provides some background to the terminology.

PART ONE:
Understanding the challenge

I. HATE CRIMES AGAINST MUSLIMS IN THE OSCE REGION: CONTEXT

Hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people or individuals. All hate crimes have two distinct elements: (1) they are acts that constitute an offence under the criminal law and (2) in committing the crime, the perpetrator acts on the basis of prejudice or bias.[19]

Distinguishing hate incidents and hate crimes is important. Hate crimes are *criminal offences* committed with a *bias motivation*.[20] This means that a perpetrator selected the victim or target of the attack because of one or more protected characteristics — such as their specific religion, faith, "race", sexual orientation or disability, or their affiliation with these characteristics. Hate incidents, while committed because of a specific protected characteristic, either do not reach the level of criminal conduct or are not reported as crimes.

Anti-Muslim prejudice is one of the bias motivations that turns a crime (i.e., a criminal offence under criminal law) into a hate crime. An anti-Muslim hate crime is established if it can be shown that the perpetrator selected the victim or target because of their Islamic faith or their association with Islam. Such crimes are also committed against people perceived to be Muslim or against people associated with Muslims (such as allies or non-Muslim spouses) as well as people who are non-Muslim but are often targeted in anti-Muslim hate crimes, including, for example, members of Sikh communities.[21]

Hate crimes against Muslims may not only be committed against a person but can also target an Islamic centre, a mosque, or civil society organizations that provide support or training to Muslim women or youth, for example.

However, it is also important to note that the bias motivation of a perpetrator of an anti-Muslim hate crime often intersects with other biases, notably sexism, anti-migrant xenophobic bias, or bias against someone because of their skin colour or their perceived ethnicity or ethnic background. One study of hate crime victimization found that 50 per cent of hate crime victims were targeted because of more than one of their identity characteristics.[22]

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19 For a more complete discussion of the nature of hate crimes, see: "*Preventing and responding to hate crimes*" (Warsaw: ODIHR, 2009), <http://www.osce.org/odihr/39821?download=true>.

20 OSCE Ministerial Council, Decision No. 9/09, "Combating Hate Crimes", Athens, 2 December 2009, <https://www.osce.org/cio/40695?download=true>

21 "Polish police tell British Sikh man 'what do you expect after Paris attacks' after nightclub beating", *The Telegraph*, Matthew Day, Warsaw, 2 Dec 2015, <https://www.telegraph.co.uk/news/worldnews/europe/poland/12029627/Polish-police-tell-British-Sikh-man-what-do-you-expect-after-Paris-attacks-after-nightclub-beating.html>

22 N. Chakraborti, "Reconceptualising hate crime victimization through the lens of vulnerability and Difference", *Theoretical Criminology* Vol. 16, No. 4, 2012. pp.499-514.

Indicators of anti-Muslim bias (bias indicators) are the main tool to help identify cases of anti-Muslim hate crime. In some instances, the indicators — and, therefore, the anti-Muslim motivation of the perpetrator — may be very evident (e.g., when anti-Muslim slurs are used). Other cases may require a nuanced understanding of anti-Muslim stereotypes and codes (e.g., significant messages, places, or dates), which may not be obvious immediately.

Anti-Muslim prejudice and narratives

Anti-Muslim sentiment has existed in the area that now comprises the OSCE region for many centuries. Academics and researchers often point to a tangible rise in intolerance against Muslims internationally following the 9/11 attacks in the United States.[23] Terrorist attacks, other geopolitical developments, a rise in far-right and aggressive nationalist and nativist movements, and migration flows are often catalysts for anti-Muslim sentiments across the OSCE region.

Anti-Muslim "umbrella narratives" have been mostly categorized as follows: Muslims as a threat to security, unassimilable, demographic threat and proselytization, theocracy, threat to identity, gender inequality, ontological diversity, innate violence, incomplete citizenship and homophobia.[24]

This range of narratives perpetuates the perception that "Muslim values" are so alien from dominant "national values" that Muslims cannot or will not integrate. According to Pew Research on attitudes toward Muslims, in nine of the ten European countries surveyed, at least 50 per cent per cent of the participants in each country believed that Muslims preferred their religious distinction, and by implication, did not want to integrate. This view was most prevalent in Greece (78 per cent), Hungary (76 per cent), Spain (68 per cent), Italy (61 per cent) and Germany (61 per cent). Only in Poland it was below 50 per cent, with 45 per cent of respondents expressing this belief.[25]

Furthermore, rhetoric around security and terrorism and the so-called "War on Terror" can contribute to abuse or attacks against Muslims and spark discrimination — even from institutions and authorities — through inappropriate or disproportionate application of "counter terrorism procedures."[26]

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23 Amnesty International, "Choice and Prejudice: Discrimination against Muslims in Europe" (London: Amnesty International, 2012).

24 "Counter Islamophobia Kit, Dominant Islamophobic Narratives – Comparative Report", Center for Racism and Ethnicity Studies, University of Leeds, July 2017, <https://cik.leeds.ac.uk/wp-content/uploads/sites/36/2017/07/2017.07.26-WS1-Comparative-Final.pdf>.

25 Europeans Fear Wave of Refugees Will Mean More Terrorism, Fewer Jobs, 2016, <https://www.pewresearch.org/global/2016/07/11/europeans-fear-wave-of-refugees-will-mean-more-terrorism-fewer-jobs/>.

26 Patel, Tina. G. *It's not about security, it's about racism: counter-terror strategies, civilizing processes and the post-race fiction*. *Palgrave Communications,* Volume 3 (2017).

The European Union Agency for Fundamental Rights "Second European Union Minorities and Discrimination Survey" finds that nearly one in three Muslim respondents indicated that they suffered discrimination when looking for a job. The study also found that harassment due to ethnic or immigrant background was common for one in four Muslim respondents. Visible religious symbols, such as traditional or religious clothing, resulted in one in three Muslim respondents experiencing discrimination, harassment or police stops. About half stated that their names, skin colour or physical appearance prompted discrimination when looking for housing, work or receiving healthcare.[27]

Despite the fact that Muslims residing in OSCE participating States are not monolithic, having different backgrounds and identities, a reductionist approach is sometimes taken to Muslim individuals and communities. For example, the ODIHR report "Hate-Motivated Incidents Targeting Migrants, Refugees and Asylum-Seekers in the OSCE Region" published in December 2015 highlighted ongoing concerns around the conflation of anti-refugee and anti-Muslim sentiment.[28] As the situation for Muslims differs depending on the country, complex and diverse factors must be considered, requiring a contextualised approach to understand the disparate climate for Muslims within different OSCE regions. These include areas where Islam is a minority religion, areas where ethnicity and religion are intertwined, or areas where a dominant interpretation of Islam exists alongside emerging or minority interpretations of Islam.

Intersectionality

Intersectionality is the study of overlapping or intersecting social identities and related systems of oppression, domination or discrimination. It examines how various categories, such as gender, "race", ethnicity, class, disability, sexual orientation, religion and age, interact on multiple and often simultaneous levels, proposing that each element or trait of a person is inextricably linked to all of the other elements.[29]

Research, including that by European Network against Racism (ENAR) Research, including that by ENAR, shows that the understanding of intersectionality and hate crimes is at the developmental stage in many national police authorities.[30] This also appears to be the case for researchers, workers in civil society organizations and those in the criminal justice institutions. A frequently cited reason for the under-recording of hate crimes is related to mixed

27 "Second European Union Minorities and Discrimination Survey Muslims – Selected findings", European Union Agency for Fundamental Rights, 2017, <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-eu-minorities-survey-muslims-selected-findings_en.pdf>.

28 "Fact-Finding Meeting: Hate-Motivated Incidents Targeting Migrants, Refugees and Asylum-Seekers in the OSCE Region", OSCE/ODIHR, 11 December 2015, <http://www.osce.org/odihr/235741?download=true>.

29 Intersectionality is a qualitative analytic framework that identifies how interlocking systems of power affect those who are most marginalized in society. The term was coined by black feminist scholar Kimberlé Williams Crenshaw in 1989. *Forgotten Women: The Impact of Islamophobia on Muslim Women*, (Brussels: ENAR – European Network Against Racism, 2016), <https://www.enar-eu.org/IMG/pdf/forgottenwomenpublication_lr_final_with_latest_corrections.pdf>.

30 *Racist Crime and Institutional Racism in Europe*, (Brussels: ENAR – European Network Against Racism, 2019), <https://www.enar-eu.org/IMG/pdf/shadowreport2018_final.pdf>; also see Mason-Bish, Hannah and Zempi, Irene, "Misogyny, racism and Islamophobia: street harassment at the intersections", 2018, Feminist Criminology, <http://sro.sussex.ac.uk/id/eprint/76134/>.

motive crimes, where victims were targeted due to more than one bias indicator or motive. Some law enforcement forms or systems for recording hate crimes allow for multiple flagging or checking of multiple boxes in reference to bias indicators. However, in order to categorize hate crimes using an intersectional approach, police and relevant authorities should ground their methods in an understanding that victims' identities are multifaceted and intersectional, and therefore need a multi-layered response. For example, an assault of a Muslim women may be a hate crime if her hijab is violently removed. The motive for such a hate crime may be due in part to her perceived religion but also because of her gender. "Race" may also play a role. Such hate crime would not generate the same consequences for a Muslim man or a black woman with no visible religious clothing. The concept of intersectionality can be useful in better understanding victimization and also to improve the police investigation of these crimes.

The European Court of Human Rights, in its judgement in Alković v. Montenegro, recognized that a Romani man and his family from Montenegro were harassed by neighbours for being both Roma and Muslim. The family won their case for being subjected to racial and religious slurs, death threats, graffiti painted on their door, attacks on their car, and gunfire aimed at their apartment before they turned to the law. The Court focused on two of the most threatening incidents. Carefully examining the conduct of the police, the Court found it wanting. In one of the incidents, bullets had been fired – those accused of firing them denied they did it, but admitted they heard gunfire and saw the shells. The Court criticized the police for not collecting the shells or investigating whether the alleged perpetrators had a gun. The Court found that "the applicant was not provided with the required protection of his right to psychological integrity". In its written submission to the Court as a third party, The European Roma Rights Centre (ERRC) pointed out the existence of endemic racism against Roma in Montenegrin society. The ERRC also pointed out the evidence of institutional racism within the Montenegrin police, who usually treated serious hate crimes as misdemeanours and seldom won convictions.[31]

Hate crimes following national or international events

Intolerance against Muslims can intensify after triggering events — like high profile national or international political events, aggressive nationalistic rallies or terrorist crimes and incidents. Hate crimes can be a micro-manifestation of national or international conflicts where individuals from minority groups are conceived of as in opposition to "dominant cultural norms" or "acting against national interests."[32] Rhetoric around terrorism and the war on terror are often used to abuse Muslims but can also spark discrimination from authorities through inappropriate use of counter-terrorism procedures.[33]

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31 See, CASE OF ALKOVIĆ v. MONTENEGRO, Judgement dated 5 December 2017, Strasbourg, <https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22alkovic%22],%22itemid%22:[%22001-179216%22]}> and "Muslim Roma Win Discrimination Case Against Montenegro", European Roma Rights Centre, <http://www.errc.org/press-releases/muslim-roma-win-discrimination-case-against-montenegro>.

32 C. E. Mills, J.D. Freilch, and S.M. Chermak, "*Extreme Hatred: Revisiting the Hate Crime and Terrorism Relationship to Determine Whether They are 'Close Cousins' or 'Distant Relatives'" Crime and Delinquency,* 2015.

33 *Ibid.*

II. HATE CRIMES AGAINST MUSLIMS IN THE OSCE REGION: KEY FEATURES

Threatening or assaulting a person because of their Muslim identity – or perceived Muslim identity — constitutes an anti-Muslim hate crime. Hate crimes against Muslims are crimes that either target an individual due to their actual or perceived Muslim identity or are motivated by hatred of Muslims or Islam more generally. The perpetrator of an anti-Muslim incident may target an individual who is not Muslim. Perpetrators may identify and target an individual due to their ethnicity, skin colour, religious clothing, language or name. Perpetrators will often make references to existing negative stereotypes about Muslims and Islam, often generally referencing terrorism or specifically referencing a high-profile historic event or incident that they attribute to Muslims.

Similarly, Muslims are often the target of abuse referring to other aspects of their identity — specifically xenophobic and racist language — which might be related to societal and historic tensions. These can draw on the victim's lack of belonging or entitlement to live in what the perpetrator perceives to be "their" territory. However, hate crimes motivated by intolerance against Muslims can also target a building or institution, which may include an Islamic institution, a business or residential dwelling that they associate with Muslims or Islam. Vandalism to property, anti-Muslim graffiti, or depositing of pork products on or outside a victim's property is also a common method used by perpetrators to abuse or intimidate Muslims.

ODIHR has published factsheet to assist stakeholders in understanding hate crimes against Muslims.[34]

1. Bias indicators

Bias indicators are one or more facts that suggest a crime may have been committed with a bias motivation. They provide objective criteria by which to judge the probable motive, but do not necessarily prove that an offender's actions were motivated by bias.

The bias indicators for an anti-Muslim hate crime include targeting the individual because of their actual or perceived identity as a Muslim, making explicit anti-Muslim comments, referencing terrorist activities or groups and/or terrorism. Police agencies should record and note these bias motivations and indicators when interviewing and engaging with victims of intolerance against Muslims.[35]

Bias indicators are a useful tool for police, prosecutors and NGOs to analyse whether a reported crime might be a hate crime. Their purpose is to trigger the process of finding

34 Hate Crime against Muslims factsheet, (Warsaw: ODIHR, 2018), <https://www.osce.org/odihr/373441>.

35 For more information, see: "Improving the Recording of Hate Crime by Law Enforcement Authorities: Key Guiding Principles", <https://fra.europa.eu/sites/default/files/fra_uploads/ec-2017-key-guiding-principles-recording-hate-crime_en.pdf>.

the evidence through skilful questioning or thorough investigation. A bias indicator could be, but does not necessarily have to be, evidence in a courtroom.

A non-exhaustive list of bias indicators for hate crimes against Muslims follows.

Victim, witness or expert perception

If a victim or witnesses perceives that a criminal was motivated by anti-Muslim prejudice, the incident should be investigated as a hate crime. A third party, such as a civil society or Muslim community organization, that records anti-Muslim incidents or an independent expert might also be able to identify a bias motivation that was not evident to the victim or witnesses. Where this is the case, the officer's own perception that the offence as a potential hate crime could be included as a bias indicator.[36]

Comments, written statements, gestures or graffiti

Perpetrators of hate crimes frequently make their prejudices clear before, during or after the act. The crucial evidence in most hate crimes consists of the words or symbols used by the perpetrators themselves. Those who commit hate crimes generally want to send a message to their victims, their victims' communities and to society at large. These messages, from shouted insults to graffiti, are powerful evidence of bias motivation. The following questions can help determine whether an anti-Muslim bias motivation was involved in a crime:

- Did the suspect make comments or written statements about Muslims, Islam and the victim's membership or perceived membership in the Muslim community or the victim's real or perceived ethnicity or nationality? In this regard, recall that anti-Muslim statements or slogans may wrongfully be presented as merely critical of cultural practices — such as Islamic clothing, the prevalence of mosques, halal meat or debates regarding immigration, terrorism or other social issues associated with Muslim communities. Furthermore, it is important to note that anti-Muslim abuse is often conflated with racist and xenophobic statements and bias sentiment, which may be expressed through racist and xenophobic language;

- Were drawings, graffiti, cartoons or works of art that depict and demonize Muslims, Islam or the Prophet Muhammad left at the scene of the incident? Were Nazi-era or far-right symbols or symbols that can be considered hate symbols in the context of the country concerned left at the scene? References to far-right slogans and symbols intended to promote hatred or intimidate Muslims and other groups may be obscured. However, far-right iconography is not included in every anti-Muslim hate

36 European Commission against Racism and Intolerance (ECRI) Standards, "General Policy Recommendation No.11 on combating racism and racial discrimination in policing, adopted on 29 June 2007, <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.11>.

crime and iconography — e.g., the swastika – is often used in hate crimes motivated by another type of bias; and

- If the target was a place with religious or cultural significance, was an object thought to be offensive to Muslims (e.g., pork flesh or blood) left at the scene? In addition to a mosque, Islamic cultural centre or school, items intended to intimidate Muslims may also be left outside a business or residential building perceived to be owned by Muslims.

The context of the crime

Religious or other differences between the perpetrator and victim are not, in themselves, a bias indicator. The questions below, however, can help shed light on the context of a crime and might provide hints as to whether anti-Muslim bias could have been a motive.

- Does the perpetrator support a group known to be hostile to Muslims? Does the available evidence suggest that the perpetrator supports far-right groups or expressed support for anti-Muslim, racist or xenophobic groups online?

- Was the victim visibly identifiable as Muslim? Individuals may be a target for anti-Muslim abuse if they are wearing Islamic clothing (including a *hijab* or *thobe*) or even other forms religious or cultural dress (e.g., the Sikh turban or *Shalwar kameez*). However, an individual may also be the target of anti-Muslim abuse due to their skin colour, perceived nationality, language perceived to be "associated with Muslims" and if they frequent faith institutions that are perceived to be associated with Muslims.

- Did the crime target a person who has visibly stood up to raise awareness for the rights of the Muslim community?

- Was the victim engaged in activities organized by the Muslim community, an organization affiliated with the Muslim community or an organization that could be perceived as linked to the Muslim community at the time of the incident?

Organized hate groups

While not all hate crimes are perpetrated by organized groups, members or associates of such groups are often involved in the commission of such crimes. Affirmative answers to the following questions would be bias indicators:

- Were objects or items left at the scene that suggest the crime was the work of neo-Nazis, other extremist nationalist organizations or an international terrorist organization?

- Has the offender demonstrated any support for or openly condoned the action or mission of a terrorist organization that has targeted Muslims?

- Did the actions of the perpetrator mirror the actions of terrorists targeting Muslim communities?

- Has the offender expressed support on social media for an anti-Muslim group?

- Is there evidence that such a group is active in the area (e.g., anti-Muslim posters, graffiti or leaflets)?

- Did the offender use behaviour associated with membership in a hate organization, such as using Nazi salutes or other gestures associated with right-wing anti-Muslim movements?

- Did the offender have clothing, tattoos or other insignia associating her or him with an extremist or hate group?

- Did a hate or neo-Nazi group recently make public threats towards the Muslim community, for example on social media or mainstream media?

- Did the offender use specific terms that may indicate a bias against Muslims and terminology that originates from far-right rhetoric or ideology?

Location and timing

The location and timing of a crime can also be an indicator of anti-Muslim bias. Answers to the following questions could reveal bias indicators:

- Did the incident occur following high-profile events that exacerbated public debates around Islam and the Muslim community (e.g., international terror events)?

- Did the incident occur on a date of particular significance? Such as:

    - Religious holidays (e.g., Eid Al-Fitr, Eid Al-Adha);
    - A day of significance to nationalists that extremists and right-wing groups may use to organize rallies and marches (e.g., historical dates associated with supremacist views);
    - During the month of Ramadan and within the bounds of mosques or Muslim institutions; or
    - Other dates of significance, (e.g., national days).

Patterns or frequency of previous crimes or incidents

Hate crimes sometimes are not single events but form part of a broader pattern. In seeking bias indicators, it is therefore relevant to ask:

- Have there been other anti-Muslim incidents in the same area?
- Has there been a recent escalation of anti-Muslim incidents, from low-level harassment and non-criminal activity to more serious criminal conduct, such as vandalism or assault?
- Has the victim or the Muslim community or the victim's organization recently received threats or other forms of intimidation, such as phone calls or mail?
- Has anti-Muslim or far-right literature been circulated in the local area?

Nature of the violence

As hate crimes tend to be message crimes, the degree of violence, damage and brutality tend to be serious. The following questions can reveal bias indicators:

- Did the attack show a *modus operandi* typical for an organized hate group or a terrorist organization?
- Could the action have been inspired by or seek to replicate a high-profile anti-Muslim offense?
- Did the incident involve unprovoked and extreme violence or degrading treatment?
- Was the incident carried out publicly or in a way to make it public, such as a recording and posting on the Internet?
- Was specific language used against Muslim communities that may show ideology promoted by far-right and other anti-Muslim groups?

2. Types of anti-Muslim hate crimes

The spectrum of criminal offences motivated by anti-Muslim hate is broad, ranging from high profile attacks to minor incidents, which — if not addressed properly — can escalate. These attacks can be executed by individuals acting alone or those who are members of an organized hate group.

Attacks against individuals

Individuals are attacked for many reasons. They may be particularly vulnerable as a result of societal, political, religious or other factors that make them identifiable, for example if they:

- Wear Islamic attire, such as a *hijab* or *thobe*;
- Publicly identify as representing a Muslim or Islamic organization;

- Are in the proximity of a mosque, an Islamic school, an Islamic cultural centre, or a halal shop/restaurant;
- Participate in a Muslim public event;
- Celebrate an Islamic holiday;
- Speak a language that, in a particular context, could potentially indicate a person is Muslim; and
- Are a minority or belong to an ethnic group assumed to be Muslim.

Criminal acts motivated by intolerance against Muslims also target people who are perceived to be Muslim or associated with Muslims/Islam, because they shop in a halal supermarket, visit a Muslim institution, or have friendships or social relationships with Muslims. Anti-Muslim attacks can target activists or experts, both offline and online, who fight against intolerance against Muslims or raise awareness of Islamic history and culture without actually being Muslim.

Based on ODIHR's hate crime reporting, the following sections provide some examples of anti-Muslim hate crimes and incidents against individuals observed in the OSCE region.[37]

a. Murder

In recent years, individuals have been killed in the OSCE region where the evidence suggests the attacks were motivated by anti-Muslim bias, for example:

Canada On 29 January 2017, a gunman opened fire at a Quebec City mosque, killing six and injuring 19, shortly after evening prayers. The perpetrator was charged with six counts of murder;

Germany In 2009 a Muslim woman wearing a hijab was attacked, stabbed and killed by a perpetrator during an appeal hearing in a courtroom in Dresden;

Sweden On 22 October 2015, a 21-year-old perpetrator entered a school wearing a mask and killed three people with a sword in the deadliest attack on a school in Swedish history. The perpetrator is alleged to have targeted the school due to its large immigrant population;

Switzerland On 19 December 2016, two people were killed when a man yelled "*Raus aus unserem land*" (Get out of our country) before opening fire on people in an Islamic Centre in central Zurich; and

United Kingdom On 29 April 2013, an 82-year-old grandfather was stabbed to death on his way home from a Birmingham mosque. The perpetrator later stated that he killed the man because the victim "was a Muslim and there were no witnesses."

37 All examples in this section are taken from the ODIHR Hate Crime Reporting website. For more information and examples, see: <http://hatecrime.osce.org/what-hate-crime/bias-against-muslims>.

b. Other violent attacks

Other violent anti-Muslim attacks occur frequently in OSCE participating States. Such physical assaults include:

- The use of weapons, such as firearms, explosive devices, knives and baseball bats;
- Attempting to run over victims with a vehicle;
- Beatings;
- Pulling at or attempting to remove a victim's clothing;
- Grabbing, pushing, slapping, spitting or similar assaults; and
- Attacking crowds at Muslim facilities, such as mosques, when people are inside or nearby.

Violent anti-Muslim assaults may cause serious physical and psychological injuries, with victims requiring hospitalization, medical treatment and counselling. The following examples are from the OSCE region:

Bosnia and Herzegovina In 2015 in the Entity of Republika Srpska, a Muslim Bosniak returnee was attacked when unknown attackers engraved "four Cyrillic S letters" (the Serbian cross) on his stomach;

Canada In 2017 a Muslim man and woman were physically assaulted after intervening when death threats were made toward a Muslim woman wearing a headscarf in a shopping mall;

France On September 11, 2019, a man stabbed a women and removed her veil in front of her two young daughters. After the event the attacker chanted "This is our home" and "It's not over";

Ireland In May 2016, two Afghan men and a teenager were insulted and physically assaulted by a group, two of the victims were left unconscious; and

Norway In August 2019, an armed man in a uniform and a helmet entered a mosque in a suburb of Oslo shooting his way through the locked door. He was carrying two shotguns and a pistol and opened fire in the main prayer room. He also started live streaming the attack, which was later taken down.

c. Threats

Anti-Muslim threats have been directed at individuals, community leaders, Muslim institutions and Muslim-owned businesses. Threats of violence can include various forms of threatening behaviour, death threats and bomb threats. These threats may be conveyed by mail, email or social media, over the phone, in person, through graffiti on Muslim institutions or by other means. Threats may contain anti-Muslim slogans and symbols as shorthand for anti-Muslim violence, murder and destruction.

- Anti-Muslim threats may also be communicated through objects, for example:
- A pig's head placed in front of the property of a Muslim person or institution;
- Bacon placed on the door handles of a Muslim institution, Islamic centre, or the home or car of a Muslim family;
- Far-right extremist material placed in letterboxes and mosques; and
- White powder sent to mosques.

The following are real examples from the OSCE region:

Austria In 2017 a Tunisian woman was repeatedly subjected to anti-Muslim insults and written threats left in her post box;

Canada In 2017 A Muslim lawyer and human rights advocate was insulted and subjected to a death threat via social media;

Czech Republic In June 2016, an Ambassador was threatened because of his Muslim faith;

France In February 2016, a Muslim woman wearing a headscarf was verbally abused and threatened with a knife outside her children's school;

Georgia In a small town in 2014, demonstrators protested outside of a planned local Islamic school. The demonstrators slaughtered a pig on the location and nailed its head to the front doors of the building;

Greece In March 2016, a pig's head was thrown at a bus carrying refugees;

Netherlands A pig's head was left in or close to a mosque, seven different times in 2018; also in February 2016, a mosque received threatening letters that contained burned pages of the Koran; and

United States of America In February 2016, a Muslim family was threatened at gun point while looking at a house for sale.

Attacks against property

Any case where an anti-Muslim slogan or symbol is used to damage and vandalize property may be considered an anti-Muslim incident, regardless of whether or not the property concerned is affiliated with the Muslim community, a Muslim institution or individual. For example, attacks have occurred against Sikh *gurdwaras* or other places of worship by people who thought these institutions were places of worship for Muslims.

Common targets of property attacks can include:

- Mosques;
- Islamic schools and nurseries;

- Muslim (welfare) organizations;
- Muslim cemeteries;
- Islamic cultural centres or research institutions;
- Halal food shops, halal restaurants and other businesses owned or visited by Muslims;
- Private homes and cars of Muslim individuals;
- Commemorative sites and activities (e.g., Srebrenica commemoration events or locations); and
- Muslim artefacts.

Anti-Muslim attacks against property can take the following forms:

- Arson;
- Throwing flammable and explosive devices, (e.g., Molotov cocktails);
- Throwing stones through windows;
- Drawing graffiti on walls, doors or graves;
- Damaging mosques, cemeteries or commemoration sites;
- Placing anti-Muslim posters and stickers on property perceived to be owned by a Muslim; and
- Overturning tombstones or otherwise damaging cemeteries.

The following are real examples of attacks against property from the OSCE region:

Bosnia and Herzegovina In September 2016, a mosque was vandalized with aggressive nationalistic graffiti;

Bulgaria In 2018, a Muslim cemetery in Dobrich was desecrated. The gravestones of nearly 40 graves were overturned and damaged;

Estonia In 2018, an anti-Islam slogan was written on the façade of an Islamic Centre in Tallinn. The slogan contained the message "Bomb it! Isolated Islam, don´t remember their sins? In God we trust. Why?";

Greece In 2017, the windows of a Muslim educational and cultural association were damaged with stones one day after the office was opened;

Poland In November 2017, a group of vandals attacked a Muslim cultural centre and mosque smashing a dozen windows;

Russia In September 2016, a Muslim cemetery was vandalized and 100 gravestones were damaged; and

United States In January 2016, a mosque was vandalized by a group that shouted racial slurs, throwing alcohol bottles and other debris in the parking lot.

III. HATE CRIMES AGAINST MUSLIMS IN THE OSCE REGION: IMPACT

Each anti-Muslim hate crime is a reminder of the prevalence and pervasiveness of anti-Muslim hatred and prejudice in a given society. Since every anti-Muslim hate crime is motivated by bias, each attack also challenges the human rights principles of non-discrimination and the dignity of all human beings. Endorsing, accepting or ignoring manifestations of intolerance against Muslims is, thus, incompatible with longstanding OSCE commitments on tolerance and non-discrimination.

Every anti-Muslim incident sends a message of hate and exclusion to Muslim individuals and communities. Anti-Muslim hate crimes also give rise to a sense of fear and insecurity at both the individual and community levels. Notably, anti-Muslim hate incidents against mosques and Islamic institutions send a broader message of intolerance and non-acceptance to all community members and members of other minority communities. Therefore, victims of hate incidents and crimes must be kept informed about investigations by police authorities since it is a way of re-assuring local communities.

Hate crimes against Muslims, in conjunction with other factors, such as the lack of support from the government or lack of adequate funds for security measures, can create wider security challenges for Muslim communities. Muslims who want to go about their daily lives — go to school, go to work, go on holiday — and worshippers who want to practice their religion freely — wear their Islamic attire, go to their mosque, celebrate Islamic holidays, worry about hate crimes against Muslims and the security challenges caused by intolerance against Muslims.

Such fears and insecurities may also lead to polarized views about non-Muslim communities, possibly creating divisive thinking, distorting social cohesion and isolating communities, at times triggering retaliation and further escalation.

The following case example highlights this point:

*"Following a visit to my local barber shop. I left the premises and encountered a group of teenage black boys surrounding a lone white man. There were heated arguments exchanged between them. I intervened and told the boys to leave him alone and motioned them to go one direction, while pulling the man in another direction. As I led the man away from the source of trouble, he began to curse at the boys and yell abusive remarks. I tried to calm him down, but he wouldn't listen and started to utter anti-religious remarks, e.g., 'F**k Allah'. At this point I told him I was a Muslim myself and he replied, 'Well I have the tools to wipe your kind off the face of the earth.' He then said, 'You want some', and punched me in the face. I informed bystanders to call the police and held onto his collar to prevent him from getting away. At this point he mentioned he had a bladed weapon and I was forced to let him go.*

This ordeal has left me frightened and depressed. Before, I had a similar situation happen, where a customer at McDonalds came outside with a group of friends and started a conversation. The topic of their conversation was about the level of hatred they had for Muslims and how they would kill a Muslim if they saw one. I was within earshot of this and felt very uncomfortable. I reported this to the police who, after investigating, told me that there wasn't CCTV footage or evidence. I found this very unusual as it happened outside a busy McDonalds in a busy high street surrounded by half-a-dozen cameras. I felt as if the police did not care and unfortunately, I lost my faith in the police that day.

I have not reported this latest incident to the police and I most probably will not. This latest ordeal has caused my depression to return and I have not been sleeping very well since. I have not been myself either as I feel as though I don't belong and am not wanted in this country, despite having lived here for almost 30 years, since I was a small child. I cannot understand how somebody could insult someone's faith. I could never in a million years ever insult someone's faith or belief or discriminate against them based on that, even if my faith disagreed with theirs completely."[38]

The impact of security challenges on religious and community life

Some hate crimes are an isolated problem, while others happen within the sphere of control of organized Muslim communities. Such incidents represent a security challenge to these communities that demands development of policies to prevent, prepare for and respond to incidents. These may affect Muslim religious and community life in many ways:

- Since Muslims have been also targeted when heading to or gathering at mosques, fear or the actual experience of hate crimes against Muslims impacts their sense of security when participating in religious practices or events;

- Fear may lead families to avoid their place of worship or refuse to attend gatherings, especially with children, due to high security risks;

- Fearing hatred and attack, community leaders may choose to hide or not publicly disclose the time and place of events for holidays or other occasions;

- Fearing an attack, Muslims may refrain from wearing Islamic attire, growing beards, or participating in other practices, impacting their right to manifest their religion. Some Muslim women, who wear different types of dress associated with Islam, engage in self-censoring by changing their appearance in different ways or wearing a hat to hide their visible Muslim identity;

38 Report to "Tell MAMA" a United Kingdom-based national anti-Muslim hate crime monitoring projectfrom a British Muslim of Somali descent in 2017.

- Fear of hate crimes can have significant mental health and psychological impacts on a person's identity and confidence, creating a sense of mental and physical isolation or leading them to limit the practice of their faith openly. It may cause Muslims to question their religious identity and their participation in Muslim religious life;

- Long term exposure to hate crimes and incidents without proper response from government authorities may lead individuals or whole communities to consider emigration or moving away from their current locations or countries; and

- Another potential reaction is the community deciding to consider some type of self-defence, such as procurement of weapons, in connection with the self-closure or self-isolation of the community.

The impact of security challenges on expressing Muslim identity

Muslims may refrain from exhibiting their religious identity in a number of ways in particular contexts. Some feel unable to:

- Acknowledge in conversations that they are Muslim or follow Islamic practices like fasting or praying;
- Wear Islamic attire, grow a beard, carry an object associated with Islam;
- Join a Muslim organization;
- Find a job or enrol in an educational facility with a name that indicates a Muslim identity;
- Participate in an Islamic public event; and
- Speak Arabic, Urdu or another language that could expose their Muslim background.

The fear of being identified as a Muslim and the potential repercussions conjured up in the mind of an individual means that they may undertake such avoidance behaviours.

According to the *Second European Union Minorities and Discrimination Survey on Muslims*, a 2017 report from the European Union Agency for Fundamental Rights (FRA):[39]

- "More second-generation respondents experienced hate-motivated harassment in the 12 months before the survey (36%) than first-generation respondents (22%)";

- "Some 39% of Muslim women who wear a headscarf or niqab in public say they experienced, in the 12 months before the survey, inappropriate staring or offensive gestures due to this religious symbol; 22% experienced verbal insults or offensive comments; and 2% were physically attacked."

39 "Second European Union Minorities and Discrimination Survey Muslims – Selected findings", European Union Agency for Fundamental Rights, 2017, <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-eu-minorities-survey-muslims-selected-findings_en.pdf>.

The report also highlighted the intersection between "race" and other bias motivations, stating that, "Overall, about one in four Muslim respondents (27%) reported experiencing harassment due to their ethnic or immigrant background at least once in the 12 months before the survey. This ranges from almost half of all Muslim respondents from Sub-Saharan Africa in Germany (48%) and Finland (45%), to 13%–14% of Muslim respondents from Sub-Saharan Africa in the United Kingdom and Malta, respectively."[40]

The impact of security challenges on Muslim religious and cultural institutions

Due to attacks, some Muslim support services and religious institutions have increasingly considered — and some have implemented — security measures. High profile attacks against mosques involving explosive devices have brought security concerns to the forefront of issues to consider.

After the attack in Christchurch, New Zealand, many Muslim communities across the OSCE region were afraid and some were also temporarily given protection by the police. For example, after the attack, a mosque in Hungary was given short-term protection by the police. The Hungarian Muslim community then decided to start hiring security guards to permanently protect the mosque.[41]

The impact of security challenges on young people

Younger Muslims feel intolerance against Muslims in their own way. Sometimes they are made to believe that they need to apologize for things that they have no influence over, and feel ostracized due to their religion or culture. They might feel that they need to remain silent in the face of anti-Muslim hatred and self-censor. This is emotionally traumatic and can have a significant impact on one's mental health.[42]

In a study on "Islamophobia in Dublin: Experiences and how to respond" young Muslims recalled their experiences of being excluded and abused through discriminatory practices by teachers, lecturers and classmates. These manifested as experiences of verbal abuse from classmates and staff; exclusionary practices in relation to the ability of female students to wear the hijab if they so choose; and a failure on the part of staff to address anti-Muslim racism in the classroom context.

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40 *Ibid.*

41 Response to ODIHR's questionnaire about the security needs of Muslim communities and examples of good practices, received on 23 September 2019 from Hungarian Muslim Defense League (Magyar Iszlám Jogvédő Egyesület)

42 "Helping students deal with trauma related to geopolitical violence and Islamophobia: A Guide for Educators", Islamic Social Services Association and National Council of Canadian Muslims, <https://www.toronto.ca/wp-content/uploads/2019/04/97e4-Geopolitical-Violence-and-Islamophopia.pdf>.

"I was in French class [the teacher's desk was close by]… so the girl [at my desk] goes to me: 'Is it true your Dad is a terrorist?' I go no he's not, what do you think? And the girl beside me starts to talk as well … 'yeah Muslim Arabs are terrorists' and all that… so after this… my French teacher is my year head teacher… so I go to her, this happened, this happened, this happened. [She replied] 'sorry can't do anything [??]' … What??!! So from that I left the school and I went to a private school… and I was treated so much better…"

"A kid in my son's class had a sound of an explosion [on phone/device]… and as [my son] came in to the class room [this other boy] he'd set off this bomb [sound] and when [my son] went to his year head and reported it as racist the [year head] said, 'That's not racist'… [parent]."[43]

The impact of intolerance or hate against Muslims may lead young Muslims to:

- Experience verbal abuse and anti-Muslim insults, bullying in schools, as well as in-person and online harassment and physical attacks;
- Witness anti-Muslim hate incidents and crimes, as well as experience online intolerance against Muslims in chat forums, social media platforms and on websites;
- Suffer racist and sexist comments, with perpetrators using such an approach as a means to humiliate and abuse young Muslim women or stereotype men as "terrorists", "sexual predators" or "oppressed";
- Reduce their physical mobility into certain areas and limit the times when they travel to and from work or shopping areas — particularly if female and/or alone (also it can reduce their economic or social mobility);
- Be more likely to suffer intolerance and prejudice on public transport, such as buses and trams, as well as in underground stations and on trains;
- Have more difficulty grappling with their Muslim identity than previous generations due to current the geopolitical climate; and
- Isolate themselves from wider society and integrate with other Muslims in order to have a sense of protection.

43 James Carr, "Islamophobia in Dublin: Experiences and how to respond", Immigrant Council of Ireland, Dublin, 2016.

This letter was found on a London bus describing how a teenage Muslim girl felt after the Westminster terror attack:

"Dear stranger
Please Read My Letter
From – a Muslim

Dear London I am a Londoner aged 14 years old I also happen to be a black Muslim. After the tragedies at the Westminster attack I came to the decision that I wanted to do something. A horrible, horrible thing happened right in the heart of London a place I love so very much. After hearing of the attack I was very agitated and scared for the people of London and the victims. The next day I woke up early and I was watching the news it dawned on me that I would go into school and people would expect answers. As I walked out the door at 8.15 as I usually do and as I saw the familiar faces of my everyday endeavours I wondered what they were thinking I tried my best and walked on smiling, hoping for smile back. Some were returned and some weren't. I went into form and as we spoke about the current affairs I felt all eyes on me. I felt flushed and hot suddenly – almost guilty? What do I have to be guilty for? I couldn't determine if I was being paranoid or eyes were darting to the corner of the room to where I was sitting. I walked into my first lesson and a girl had asked me where I was the night before, I laughed it off because I knew she was joking and that's what humans do when they don't know what to say. You don't have to do or say anything to your Muslim classmate or colleague. We may be Muslim but we don't want to hurt you. We aren't terrorists. Every Saturday I pass through Westminster and I had to think twice about it this time. I was scared that maybe I would be assaulted because of the many labels that come with wearing a hijab… I tend to digress a lot when I am writing so I will skip to the point. I am a hard worker there's nothing more that I want than to finish my education and become a lawyer but London is my home and I want that to happen here. Sometimes I wonder if that will happen and if I will be able to get a job 10 years down the line. I hope I can. It's scary being a Muslim as these horrible acts of terror are happening and I hope that I can still live here 50 years down the line and that my future children will get so see the beauty of London and the amazing people who live here. What I feel is too much for me to express on paper and I hope I have communicated my message well to whoever is reading this. My last hope like the hopes of many others is peace. Thank you for reading this. I have spent time writing this letter and you may decide to scrunch it up, keep it or leave it behind for the next person to read. All I ask is someone learns something from this letter even if all they learn is that I have terrible handwriting."[44]

44 "Dear stranger, please read my letter. From – a Muslim", 3 Apr 2017, reported in Metro.co.uk, <https://metro.co.uk/2017/04/03/dear-stranger-please-read-my-letter-from-a-muslim-6551982/?ito=cbshare>.

The increased vulnerability of Muslim women to hate crimes

According to the ENAR Forgotten Women project, in the majority of countries surveyed (Belgium, France, Germany, Italy, Netherlands, Sweden and the United Kingdom), Muslim women were more likely to suffer bias-motivated violence than Muslim men, typically occurring in public spaces. These attacks include verbal abuse, hate speech, threats and physical violence. For example, in the Netherlands, women were over 90 per cent of victims of anti-Muslim incidents reported to the civil society organization *Meld Islamophobie* in 2015.[45] Similarly, in 2014, 81.5 per cent of anti-Muslim violence recorded by the organization the Collective Against Islamophobia in France targeted women, most of whom were wearing visibly Muslim clothing.[46] Evidence suggests that perpetrators of anti-Muslim abuse target Muslim women due to the visibility of Islamic clothing but also due to women's perceived vulnerability, making them an "easy target" for abuse.

The type of abuse experienced by men and women may also be different. As previously mentioned regarding the impact of intolerance or hate on young Muslims, divisive rhetoric about Muslims is gendered, as well. For example, idea of Muslims has been constructed as "misogynistic", "susceptible to extremism" and "sexually deviant."[47]

These differing impacts make clear the reason that hate crime data should be disaggregated not only according to the anti-Muslim bias motivation, but also according to the sex and gender of the victim in order to have a better, more accurate picture of not only the prevalence, but also the trends in hate crimes. Unfortunately, this is still not a standard practice in many OSCE countries.

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45 Forgotten women: the impact of Islamophobia on Muslim women, ENAR, 2016, <http://www.enar-eu.org/IMG/pdf/factsheet9-european_lr_1_.pdf>

46 *Ibid.; also see also Abu-Lughod, Lila, Do Muslim Women Need Saving?, (Cambridge, Mass: Harvard University Press, 2013) pg. 336.*

47 A. Gil and K. Harrison, *Child Grooming and Sexual Exploitation: Are South Asian Men the United Kingdom Media's New Folk Devils?*', International Journal for Crime, Justice and Social, 2015.

PART TWO:
International standards on intolerance against Muslims

I. COMMITMENTS AND OTHER INTERNATIONAL OBLIGATIONS

OSCE human dimension commitments

OSCE participating States have repeatedly condemned and pledged to address "totalitarianism, racial and ethnic hatred, xenophobia and discrimination against anyone, as well as persecution on religious and ideological grounds" beginning with the Copenhagen Document of the Conference on Security and Co-operation Europe in 1990 — before the OSCE was even formally established as an organization.[48]

The OSCE has highlighted the importance of monitoring hate crimes, including crimes motivated by intolerance against Muslims:

- In Maastricht in 2003, the OSCE participating States were encouraged to: "collect and keep records on reliable information and statistics on hate crimes, including on forms of violent manifestations of racism, xenophobia, discrimination";[49] and

- In Ljubljana in 2005, the OSCE's Office for Democratic Institutions and Human rights was tasked with "assist[ing] participating States upon their request in developing appropriate methodologies and capacities for collecting and maintaining reliable information and statistics about hate crimes and violent manifestations of intolerance and discrimination, with a view to helping them to collect comparable data and statistics".[50]

These calls were led by a need to monitor and measure hate crimes in OSCE participating States.

Additional Ministerial Council Decisions were adopted in 2006 and 2007, relating to tolerance and non-discrimination, they:

- Reaffirmed "the need for determination by the participating States in combating all acts and manifestations of hate, including hate crimes, recognizing that the efforts required to address them often involve a common approach, while at the same time recognizing the uniqueness of the manifestations and historical background of each form";[51] and

48 "Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE", 29 June 1990, paragraph 40, <http://www.osce.org/odihr/elections/14304?download=true>.

49 OSCE Ministerial Council, Decision No. 4/03, "Tolerance and Non-discrimination", 2 December 2003, Maastricht, <https://www.osce.org/mc/19382?download=true>.

50 OSCE Ministerial Council, Decision No. 10/05, "Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding", 6 December 2005, Ljubljana, <https://www.osce.org/mc/17462?download=true>.

51 OSCE Ministerial Council, Decision No. 13/06, Brussels, op. cit., note 4.

- Acknowledged that, "the primary responsibility for addressing acts of intolerance and discrimination rests with participating States, including their political representatives."[52]

Various Ministerial Council Decisions have acknowledged the need to develop comprehensive responses to the broad range of hate crimes, including hate crimes against Muslims.

- Ministerial Council Decision No. 13/06 called upon "the participating States to address the root causes of intolerance and discrimination by encouraging the development of comprehensive domestic education policies and strategies, as well as through increased awareness-raising measures that […] aim to prevent intolerance and discrimination, including against Christians, Jews, Muslims and members of other religions".[53]

- Ministerial Council Decision Nr. 10/07 called for "continued efforts by political representatives, including parliamentarians, to strongly reject and condemn manifestations of racism, xenophobia, anti-Semitism, discrimination and intolerance, including against Christians, Jews, Muslims and members of other religions, as well as violent manifestations of extremism associated with aggressive nationalism and neo-Nazism, while continuing to respect freedom of expression".[54]

Also for example, in 2009, participating States committed themselves to:

- "Collect, maintain and make public reliable data and statistics in sufficient detail on hate crimes and violent manifestations of intolerance, including the numbers of cases reported to police personnel, the numbers prosecuted and the sentences imposed;

- Enact, where appropriate, specific, tailored legislation to combat hate crimes, providing for effective penalties that take into account the gravity of such crimes;

- Take appropriate measures to encourage victims to report hate crimes, recognizing that under-reporting of hate crimes prevents states from devising efficient policies. In this regard, explore, as complementary measures, methods for facilitating the contribution of civil society to combat hate crimes;

- Introduce or further develop professional training and capacity-building activities for police personnel, prosecution and judicial officials dealing with hate crimes;

52 OSCE Ministerial Council, Decision No. 10/07, Madrid, *op. cit.*, note 9.

53 OSCE Ministerial Council, Decision No. 13/06, Brussels, *op. cit.*, note 4.

54 OSCE Ministerial Council Decision No. 10/07 Madrid, *op. cit.*, note 9.

- In co-operation with relevant and trusted actors, explore ways to provide victims of hate crimes with access to counselling, legal and consular assistance, as well as effective access to justice;

- Promptly investigate hate crimes and ensure that the motives of those convicted of hate crimes are acknowledged and publicly condemned by the relevant authorities and by the political leadership;

- Ensure co-operation, where appropriate, at the national and international levels, including with relevant international bodies and between police, to combat violent organized hate crime; and

- Conduct awareness raising and education efforts, particularly with police authorities, directed towards communities and relevant civil society groups that assist victims of hate crimes."[55]

The 2011 OSCE, UNESCO and Council of Europe *Guidelines for Educators on Countering Intolerance and Discrimination Against Muslims* affirmed the need for those in educational establishments and positions of influence to work towards understanding manifestations of intolerance against Muslims in these institutions and use methods to reduce and counter intolerance so that active positive change could be implemented to challenge this phenomena.[56]

At the Kyiv Ministerial Council meeting in 2013, OSCE participating States emphasized "the link between security and full respect for the freedom of thought, conscience, religion or belief" and expressed their deep concern for "continuing acts of intolerance and violence against individuals and religious or belief communities on the basis of thought, conscience, religion or belief around the world." The Ministerial Council called on participating States to:

- "Aim to prevent intolerance, violence and discrimination on the basis of religion or belief, including against Christians, Jews, Muslims and members of other religions, condemn violence and discrimination on religious grounds and endeavour to prevent and protect against attacks directed at persons or groups based on thought, conscience, religion or belief;

- Promote dialogue between religious or belief communities and governmental bodies, including, where necessary, on issues related to the use of places of worship and religious property; and

55 OSCE Ministerial Council Decision 9/09, Athens, *op. cit.*, note 20.

56 *Guidelines for Educators on Countering Intolerance and Discrimination against Muslims*, *op. cit.*, note 14.

- Adopt policies to promote respect and protection for places of worship and religious sites, religious monuments, cemeteries and shrines against vandalism and destruction."[57]

The European Union

The European Union (EU) Framework Decision on Combating Racism and Xenophobia[58] binds all EU Member States to review their legislation and ensure compliance with the decision. It is intended to harmonize criminal law across the EU and to ensure that states respond with effective, proportionate and dissuasive penalties for racist and xenophobic crimes. Although much of the decision concerns speech crimes, Article 4 states that, in all other types of crimes, all states must "take the necessary measures to ensure that racist and xenophobic motivation is considered an aggravating circumstance, or, alternatively that such motivation may be taken into consideration by the courts in the determination of the penalties." Article 8 requires that the initiation of investigations or prosecutions of racist and xenophobic offences must not be dependent on a victim's report or accusation. Thus, while the decision does not require the enactment of any specific legislation, it does require criminal justice systems to recognize and appropriately sentence bias-motivated crimes, placing the responsibility on investigators and prosecutors to bring these cases before the courts.

With regard to the victims of hate crimes, the Victims Directive identifies hate crime victims as particularly at risk of secondary or repeat victimization.[59] "This risk needs to be assessed by law enforcement at the earliest possible stage of criminal proceedings as part of the individual assessment of the victim. Special protection measures provided for in the Victims Directive are to be applied where necessary, in addition to the protection accorded to a victim of any crime."[60]

International human rights law, Council of Europe and United Nations standards

The Universal Declaration of Human Rights sets out fundamental human rights for universal protection.[61] Various manifestations of intolerance against Muslims challenge, undermine or violate the fundamental human rights principles enshrined in the Declaration, such as the dignity of all human beings, freedom of religion or belief, and

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57 OSCE Ministerial Council Decision No. 3/13, Kyiv, *op. cit*., note 3.

58 Council Framework Decision, "Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law, 28 November 2008, 2008/913/JHA, <https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combatting-discrimination/racism-and-xenophobia/combating-racism-and-xenophobia_en>.

59 Directive 2012/29/EU of the European parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012L0029>.

60 *Prosecuting hate crimes: A Practical Guide*, (Warsaw: OSCE/ODIHR, 2014) <https://www.osce.org/odihr/prosecutorsguide?download=true>.

61 UN General Assembly, "Universal Declaration of Human Rights", 10 December 1948, 217 A (III), <http://www. ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf>.

non-discrimination. Under international human rights law, governments have an obligation to respect, protect and fulfil human rights. They have taken on these obligations through the ratification of international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR)[62] and the European Convention on Human Rights (ECHR).[63] The obligation to respect means that states themselves must not abridge human rights. The obligation to protect means that states have a positive duty to protect individuals and groups from human rights abuses. The obligation to fulfil means governments must take positive action to facilitate the assurance of human rights for all.[64] These obligations relate directly to state responsibilities in addressing intolerance against Muslims and anti-Semitism, as just two examples of hatred towards faith communities.

International human rights treaties contain a number of provisions that are especially relevant to addressing intolerance against Muslims. The preamble of the ICCPR, for example, highlights "the inherent dignity of the human person" and the right of "freedom from fear", both of which are violated by anti-Muslim attacks.[65] The ICCPR and the ECHR each incorporate the principle of non-discrimination, including specific recognition of discrimination on the basis of religion, which is a key precept in addressing hate against faith communities, such as intolerance against Muslims or anti-Semitism.

Both the ICCPR (Article 6) and the ECHR (Article 2) oblige states to protect the right to life. These provisions are especially relevant to the worst types of anti-Muslim attacks — those that take or threaten the lives of individuals.

States also have an obligation under the ICCPR (Articles 18 and 27) and the ECHR (Article 9) to respect, protect and fulfil the right to freedom of religion or belief for all. The United Nations Human Rights Committee, the supervisory body for the ICCPR, has clearly asserted that freedom of religion includes a broad range of acts, including the freedom to build places of worship, to use ritual formulae and objects, to display symbols, to observe holidays, and to wear distinctive clothing or head coverings.[66] States' obligations to fulfil these rights, of course, apply to Islam, as well as other religions.

The United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, stipulates that states should "take all

62 UN General Assembly, "International Covenant on Civil and Political Rights", 16 December 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

63 Council of Europe, "European Convention for the Protection of Human Rights and Fundamental Freedoms", 4 November 1950, <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680063765>.

64 Office of the United Nations High Commissioner for Human Rights, "International Human Rights Law", ohchr.org, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>.

65 UN General Assembly, "International Covenant on Civil and Political Rights", 16 December 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

66 UN Human Right Committee, "General Comment 22, Article 18 (Forty-eighth session, 1993)", umn.edu, <http://hrlibrary.umn.edu/gencomm/hrcom22.htm>.

appropriate measures to combat intolerance on the grounds of religion or other beliefs", which denotes a responsibility to combat intolerance against Muslims.[67]

Under international law, the rights to freedom of religion or belief and freedom of expression do not grant a right to advocate for beliefs that incite discrimination, hostility or violence towards others. Article 19(2) of ICCPR states that the exercise of the right to freedom of expression "carries with it special duties and responsibilities" and lists respect of the rights or reputations of others and the protection of national security, public order or public health and morals as legitimate grounds for restricting it. "Freedom of expression is also impacted by Article 20(2), which requires State Parties to prohibit advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence." International standards, then, do not prohibit all advocacy of hatred. Article 4(a) of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and Article 20(2) of the ICCPR put a requirement on states to curtail advocacy of hatred that incites discrimination, hostility or violence. Further, Article 4(a) of CERD also prohibits the mere "dissemination of ideas based on racial superiority or hatred" without reference to incitement.[68]

The Human Rights Committee, in its General Comment 22 on the ICCPR, stated that this provision 20(2) is an important safeguard against infringement of the rights of religious minorities, and against acts of violence or persecution directed towards those groups.[69] The United Nations Special Rapporteur on Freedom of Religion or Belief noted that "States have an obligation under international law and jurisprudence … to guarantee the right of minorities to freedom of religion and the practice of religion, within internationally agreed limits. The State remains responsible even when abuses are committed against minorities by non-State entities such as extremist groups. States are also required to create conditions for promoting the identity, including the religious identity, of minorities."[70]

"The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, is a non-binding text that has, nevertheless, received broad approval by the international community".[71] It lists six factors to determine whether speech amounts to "incitement to discrimination, hostility or violence" and is serious enough to warrant restrictive legal measures.

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67 UN General Assembly, Resolution 36/55, "UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief" paragraph 4, 25 November 1981, <http://www.un.org/docu- ments/ga/res/36/a36r055.htm>. As a General Assembly resolution, the declaration is not legally binding on States, although it does create an international standard for action.

68 *Freedom of Religion or Belief and Security: Policy Guidance*, (Warsaw: OSCE/ODIHR, 2019) <ttps://www.osce.org/odihr/429389?download=true>.

69 UN Human Right Committee, "General Comment 22, Article 18 (Forty-eighth session, 1993)", umn.edu, <http://hrlibrary.umn.edu/gencomm/hrcom22.htm>.

70 UN Special Rapporteur on Freedom of Religion or Belief, "Interim report by the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of intolerance and of discrimination based on religion or belief", 8 September 2000, paragraph 138, p.29, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/637/11/PDF/N0063711.pdf?OpenElement>.

71 *Freedom of Religion or Belief and Security: Policy Guidance*, op. cit., note 69.

These six criteria are: context, speaker (including the individual's or organization's standing), intent, content or form, extent of the speech, and likelihood of harm occurring (including imminence).[72]

While a right to hold an opinion and the freedom to have or adopt a religion or belief of one's choice must not be subject to any restrictions, manifestations of religious or other beliefs may be restricted by participating States but only so when these restrictions have a legitimate aim, e.g., the protection of public safety, order, health or morals, or the rights and freedoms of others. These restrictions, however, must not be directed against a particular religion.[73] "The 'legitimate aim' criterion means that limitations may be applied only for purposes for which they were prescribed in provisions with regard to freedom of religion or belief, and are not allowed on grounds that are not specified in international instruments, even if these grounds would be allowed as restrictions to other human rights and fundamental freedoms. In this regard, 'security' or 'national security' are not recognized by international law as permissible grounds for restricting the manifestation of freedom of religion or belief".[74]

Under Article 2.3 of the ICCPR and Article 13 of the ECHR, States also are obligated to ensure that effective remedies are available to people whose human rights are violated. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power states that victims of crimes, which would include victims of hate crimes against Muslims, should:

- Be treated with compassion and respect for their dignity;
- Be entitled to access the mechanisms of justice and receive prompt redress, as provided for by national legislation, for the harm they have suffered; and
- Be provided with proper assistance throughout the legal process.[75]

In addition, the Declaration stipulates that victims should receive compensation. When compensation is not fully available from the offender or other sources, states should endeavour to provide financial compensation to victims and their families. The Declaration includes other provisions relevant to addressing anti-Muslim attacks, noting that:

- Police, justice, health, social services and other personnel concerned should receive training to sensitize them to the needs of victims and guidelines to ensure proper and prompt aid; and
- In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted, particularly since a core part of the identity of a person is targeted in a hate crime.

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72 *Ibid.*

73 *Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Community-Policing Approach, (Warsaw: OSCE/ODIHR, 2014)* <https://www.osce.org/atu/111438>.

74 *Ibid.*

75 UN General Assembly, Resolution 40/34, "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power", 29 November 1985, <http://www.un.org/documents/ga/res/40/a40r034.htm>.

States also have certain responsibilities with regard to the prevention of crime, although most of these obligations are not enshrined in international human rights treaties. The United Nations Guidelines for the Prevention of Crime sets out recommendations for effective crime prevention:

- "It is the responsibility of all levels of government to create, maintain and promote a context within which relevant governmental institutions and all segments of civil society can better play their part in preventing crimes;
- 'Crime prevention' includes addressing fear of crimes;
- Community involvement, and co-operation/partnerships represent important elements of the concept of crime prevention;
- Crime prevention strategies should consider the special needs of vulnerable members of society;
- The active participation of communities and other segments of civil society is an essential part of effective crime prevention;
- Government structures should foster partnerships with non-governmental organizations for crime prevention; and
- Governments should promote the capacity of communities to respond to their needs."[76]

II. KEY PRINCIPLES

The following principles should underpin governmental responses to hate crimes against Muslims and address the growing security needs of Muslim communities. Participating States' approaches to hate crimes against Muslims and security challenges should be:

1. RIGHTS BASED

A human rights-based approach is a conceptual framework based on international human rights standards, directed at promoting and protecting human rights.[77]

With regard to intolerance against Muslims, a rights-based approach would acknowledge that manifestations of such intolerance challenge, undermine or violate fundamental human rights principles, such as the dignity of all human beings, freedom of religion or belief, non-discrimination and a right to an effective remedy. Addressing intolerance against Muslims is integral to promoting and protecting the human rights of affected individuals and communities.

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76 ECOSOC Resolution 2002/13, "The United Nations Guidelines for the Prevention of Crime, Economic and Social Council", 2002, annex, <https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/resolution_2002-13.pdf>.

77 Office of the United Nations High Commissioner for Human Rights, "Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation", New York and Geneva, 2006, p.15, <http://www.ohchr.org/Documents/Publications/FAQen.pdf>.

A rights-based approach is also a fundamental way to ensure social cohesion and the integration of all communities, some of whom happen to be Muslim. Additionally, links between continued victimization of Muslims and their marginalization and receptiveness to other groups may enhance further division. A recent study conducted in France shows that Muslims who have been subjected to discrimination are more likely to change their behaviour in response to counter-terrorism measures. Muslims' greater propensity to change their behaviour in response to counter-terrorism measures is therefore not due to their being Muslim, but to the fact that Muslims are over-represented among victims of discrimination.[78]

Reducing anti-Muslim hate crimes and supporting victims as soon as possible helps mitigate the impact on social cohesion and, in some instances, reduces receptiveness to extremist rhetoric that plays on "us versus them" thinking and feeds off the vulnerability of victims.

A human rights-based approach to addressing the security challenges faced by Muslim communities from anti-Muslim hate crimes should be based on the understanding that OSCE participating States are under an obligation to protect religious communities from attacks and subject to various international legal provisions, as outlined above. Such an approach ensures that all measures designed to address anti-Muslim attacks are fully aligned with international human rights standards and related norms.

It is important to note that governments and police agencies have a duty to protect human rights, whether through crime prevention or addressing crime. This fundamental duty must be explained to, and understood by, practitioners within key institutions.

2. VICTIM FOCUSED

Ministerial Council Decision No. 9/09 on Combating Hate Crimes acknowledged that victims of hate crimes may belong to both minority and majority communities and advises:

In co-operation with relevant actors, explore ways to provide victims of hate crimes with access to counselling, legal and consular assistance, as well as effective access to justice; and

Conduct awareness raising and education efforts, particularly with law enforcement authorities, directed towards communities and civil society groups that assist victims of hate crimes.

78 Francesco Ragazzi, Stephan Davidshofer, Sarah Perret and Amal Tawfik, *The Effects of Counter-Terrorism and Counter-Radicalisation Policies on Muslim Populations in France: A Quantitative Study*; (Paris: CCLS, 2019).

While OSCE participating States have formally embraced a victim-focused approach to addressing hate crime and discrimination,[79] much remains to be done to make this commitment a reality. A victim-focused approach puts the victim of an anti-Muslim hate crime in the centre, recognizing the victim's perception and experience, giving special importance to the victim's rights and needs. A victim-focused approach may:

- Help to support greater co-operation with the police through better engagement and building trust with Muslim communities and awareness raising of victim's rights;
- Improve relations with the Muslim community and community-based organizations to increase confidence in reporting attacks;
- Consider the feelings, emotions, thoughts and impact on the victim;
- Ensure that the "voices of victims" are heard at a time that can be daunting and confusing for many individuals who have been targeted and encourages them to report the crime;
- Give victims of hate crimes confidence to report incidents, while being adequately supported by agencies and civil society groups who work as third party hate crime reporting agencies;
- Facilitate participation of victims in criminal proceedings and ensure that victims are offered certain minimum information about rights and procedures from their first contact with a competent authority;
- Provide effective protection to victims of hate crimes by avoiding secondary victimisation and protecting victim's dignity and ensuring timely, individual assessment to identify specific protection; and
- Work with authorities to provide adequate support services, which target the victim's needs.

The Canadian Victims Bill of Rights defines a victim as "an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence".[80] It gives every victim the right to information, protection, participation and the right to seek restitution. Following a finding of guilt, victims have the right to present a victim impact statement for the court to consider in sentencing (section 722 of the Criminal Code). A victim impact statement is a written statement drafted by the victim that describes the physical or emotional harm, property damage or economic loss that he or she has suffered as a result of the offence. The Court must take the victim impact statement into account when sentencing an offender.[81]

79 OSCE Ministerial Council Decision 9/09, Athens, *op. cit*., note 20.

80 Canadian Victims Bill of Rights: https://laws-lois.justice.gc.ca/eng/acts/C-23.7/page-1.html

81 Government of Canadian, Criminal Code, see: <https://laws-lois.justice.gc.ca/eng/acts/c-46/section-722-20150723.html>.

The victim-focused approach emphasizes awareness of the impact that anti-Muslim hate crimes have on individuals and communities. Even if the target of an anti-Muslim hate crime is property, the message is sent to the entire community. Other pillars of victim-focused approach include considering each victim's needs throughout the criminal justice process or other proceedings, as well as authorities' acknowledgement of the bias motive (e.g., in recording hate crime, in pressing charges, in the judgment, in compensation).

A victim-centred approach should not only occur when taking the report or first speaking to the victim. The victim should be engaged throughout the investigation and should regularly be updated and supported, even after the case has been finalized or when evidence is not available, as the support provided throughout the process can help establish better relationships with the community and make the victim feel fully supported.

ODIHR's *Hate Crime Victims in the Criminal Justice System: A Practical Guide* seeks to support the victims of hate crime throughout the criminal justice process. The Guide addresses law enforcement and judicial authorities, as well as civil society organizations providing assistance to victims of crime. The Guide maps the needs of victims of hate crime, and introduces the main principles states should adhere to when dealing with such victims. The Guide seeks to empower victims of hate crime and make them a solid partner to the prosecuting authorities, while respecting and meeting their protection and support needs. ODIHR will work with participating States and civil society to see the Guide's recommendations implemented across the region for the benefit of victims of hate crime.[82]

The United Nations has also recognized the importance of a victim-centred approach to preventing human rights violations. The High Commissioner for Human Rights, for example, has recommended implementation of provisions to provide effective remedies for victims, underlining the importance of establishing effective monitoring mechanisms to check for actual and potential violations.[83]

Moreover, the 2012 European Union Directive established minimum standards for the rights, support and protection of victims of crime, including hate crime, and stipulates that victims of crime should be treated with respect and receive proper protection, support and access to justice.[84] At the heart of this Directive, is the well-being of the victim; it explicitly emphasizes victims of hate crimes as particularly vulnerable, stating that

82 *Hate Crime Victims in the Criminal Justice System: A Practical Guide,* will be published in early 2020 by OSCE/ODIHR, <https://www.osce.org/odihr>.

83 United Nations High Commissioner for Human Rights, "The Role of Prevention in the Promotion and Protection of Human Rights", A/HRC/30/20, 16 July 2015, < https://digitallibrary.un.org/record/801293?ln=en>.

84 "Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA", 25 October 2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX-%3A32012L0029>.

they should have their needs assessed on an individual basis and should be effectively referred to a specialist support provider.

3. NON-DISCRIMINATORY

Under international human rights treaties, states are obligated to ensure that all individuals within their territories and subject to their jurisdictions can enjoy their human rights without distinction or discrimination of any kind.[85] The State must, therefore, ensure that government officials do not engage in biased or discriminatory acts or omissions towards Muslim individuals or communities. The State must have checks in place to ensure that there are no systemic policies or practices that disproportionately target minorities within its structures and institutions. It is incompatible with the principle of non-discrimination to: deny protection to Muslim communities because of biased assumptions about Muslims; fail to recognize, record and report hate crimes against Muslims because of biased assumptions about Muslims; or question the credibility of a Muslim victim or witness because of biased assumptions about Muslims.[86]

ENAR Shadow Report 2014-2018 on Racist Crime and Institutional Racism in Europe suggests that there are multiple structural and institutional obstacles that prevent the police (and other professionals in the criminal justice system) from correctly recording, investigating and prosecuting hate crimes. The main areas that were consistently raised in the national research are: insufficient resources, definitions of hate crimes, lack of specialized units, racial bias and limited racial/ethnic diversity within the criminal justice system.[87]

4. PARTICIPATORY

Creating opportunities to hear the voices of victims of intolerance against Muslims is essential when developing a government response to anti-Muslim hate crime and when assessing the security needs of Muslim communities. Participation also ensures that Muslim communities and institutions have an integral stake in shaping the development of the work between governments and local Muslim communities.

The voices of those impacted by hate crimes and security threats against Muslims should actively help to develop and improve policies by documenting their experiences. Those invited to participate in such a process should reflect the diversity and plurality in Muslim communities — offering an equal voice for individuals irrespective of gender, affiliation, or age, where all points of view are considered. Participation is essential to reflect the

85 See, for example, ICCPR, Article 2.1 and ECHR, Article 14.

86 See for example, European Court of Human Rights judgement in ŠEČIĆ v. CROATIA, <https://hudoc.echr.coe.int/eng-press#{%22itemid%22:[%22003-2012842-2123404%22]}>.

87 Racist crime and institutional racism in Europe, ENAR Shadow Report 2014-2018, <https://www.enar-eu.org/IMG/pdf/shadowreport2018_final.pdf>.

diversity of Muslim communities in thought and practice of Islam within their unique heritage, backgrounds, nationalities and cultures, as well as ensuring that marginalised voices within the community are heard.

Consideration should be given to intersectionality. Therefore, effort should be made to reach out to both women and men in the community and Muslims who represent intersecting aspects of multiple communities — such as Muslims who identify as LGBTI or are living with a disability.

5. SHARED

The starting point for any governmental or civil society response to anti-Muslim hate crime is the recognition that this problem is a shared concern. While the largest impact is felt in Muslim communities, the problem needs to be recognized and addressed by societies as a whole, rather than simply by the targeted community. Addressing intolerance against Muslims also directly impacts social cohesion within states and reduces extremist narratives. Wider social impacts may occur if anti-Muslim hatred is not monitored, challenged and countered through education, police efforts, and other methods.

Addressing anti-Muslim hate incidents and crimes in all different manifestations is fundamentally a human rights issue. Coalition building across institutions and civil society groups can help combat anti-Muslim hate crime in tandem with other forms of racism, bigotry and prejudices. For example, organizations working to address intolerance against Muslims can consider partnerships and coalitions with women's organizations, groups countering racism, anti-Semitism and those working for LGBTI or disability rights.

One example is a project started in 2010 by the Interreligious Council in Bosnia and Herzegovina on "Monitoring attacks on religious sites and other places of importance to churches and religious communities in Bosnia and Herzegovina, or the Protection of Holy Sites". Developed within a larger project seeking a UN declaration or resolution to protect holy sites worldwide, the main objective is to improve protection of religious or holy sites and other places of interest to religious communities of all faiths in Bosnia and Herzegovina. The project records attacks on religious sites and analyses information about method of attacks, motive of attacks, identification of perpetrators, areas of attacks, etc. After analysis of the attacks on religious sites each reporting period, the project makes proposals to competent authorities to improve the protection of religious sites in particular areas. Additionally, after each attack, representatives of different local, religious communities come together, organize a press conference and jointly condemn the attack.[88]

88 Monitoring of attacks on religious sites and other places of importance to churches and religious communities in Bosnia and Herzegovina, <https://www.mrv.ba/lat/clanci/projekti/monitoring-napada-na-vjerske-objekte>.

6. COLLABORATIVE

A partnership principle is a vital tool in addressing bias and responses to hate crimes. Different stakeholders, notably government and Muslim community experts, can develop and offer complementary expertise to collectively address the problem from different perspectives, considering domestic, national and international factors. Establishing channels of communication, co-ordination and co-operation with civil society should be essential to any government policy designed to respond to hate crimes against Muslims and address the security needs and concerns of Muslim communities.

Both police and community organizations can establish key partnerships through improved understanding of each other's work. It is also important for key stakeholders to work together to create a comprehensive intelligence understanding on where, when and how crimes are taking place. This can only be done if all parties are working collaboratively to share information and help build an intelligence picture that can benefit all stakeholders.

7. EMPATHETIC

An empathetic response to anti-Muslim hate crimes recognizes the vulnerability of individuals and communities, validating their experience as victims. A street that seems safe to a non-Muslim person may pose a security challenge to a person perceived as Muslim.

Empathy requires the acknowledgement and desire to understand the sense of vulnerability Muslims feel following anti-Muslim attacks, particularly the feelings of Muslim women and young people. Such attacks have an emotional impact on victims, their families and their communities. Therefore, authorities and government officials should consider the perspectives of victims, and understand that an anti-Muslim hate crime may be one of several ways the victim has faced anti-Muslim intolerance and discrimination.

Training and awareness-raising measures for government officials are tools for learning about the individual and collective impacts that anti-Muslim hate crime has on the lives of those affected. It also enables increased collection of evidence regarding victim impact for use in any prosecution. Of course, the training should be delivered in a manner that captures, and is relevant to raising awareness of, anti-Muslim hate crime, equipping government officials with a better understanding of the diversity of the community to better support the officials in performing their duties.

8. GENDER SENSITIVE

Government measures to address hate crimes against Muslims and identify the security needs of Muslim communities must be gender aware and sensitive. All hate crime incidents should be dealt with in an equal and non-discriminatory manner, regardless of the victim's sex/gender. Weighing the implications of and appropriately tailoring government measures in a gender-sensitive fashion would strengthen victim-centered responses to hate crimes.

Victims of hate crimes, including from Muslim communities, face various forms of marginalization and count themselves as members of different groups. Because of this, governments should remember that identities are composed of different elements when considering measures and policies to address hate crime against a certain community and its members. While one measure might be beneficial to someone based on her/his religion, it might be detrimental on the basis of gender identity. This kind of dilemma demands a holistic, intersectional approach when one addresses hate crimes.

9. TRANSPARENT

Governments must be transparent about how they intend to address intolerance, discrimination and hate crimes against Muslims. Measures should consider the security needs of all communities, including those of Muslim communities who may be subject to anti-Muslim hate crimes over a sustained period of time.

For instance, a relevant incident in the United Kingdom saw cameras installed in a Muslim neighbourhood:

There was a case where 218 cameras were installed in April 2010 in largely Muslim areas of Birmingham. The cameras in Washwood Heath and Sparkbrook, some of which were hidden, were paid for with £3m of government funds earmarked for tackling terrorism. An independent report was highly critical of the Project Champion scheme and West Midlands Police.

Police sources said the initiative, code-named Project Champion, is the first of its kind in the United Kingdom that seeks to monitor a population seen as "at risk" of extremism.

The force agreed in December they should be removed and said none of the 218 cameras had ever been switched on.[89]

One good practice could be sharing relevant national, regional or local action plans and status reports with the affected communities and the wider public. Making hate crime data accessible to the public is another form of transparency.

Partnerships that include regular consultations between police, other agencies and Muslim communities (notably at the local level) keep relevant stakeholders and affected communities informed and ensure that activities are transparent. This can extend to the sharing of relevant threat assessments and even data sharing agreements.

89 "Birmingham Project Champion 'spy' cameras being removed", BBC news: <https://www.bbc.com/news/uk-england-birmingham-13331161>; for a more in depth analysis consult: 'A catastrophic lack of inquisitiveness': A critical study of the impact and narrative of the Project Champion surveillance project in Birmingham, http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.835.7387&rep=rep1&type=pdf

In Greece, with the support of ODIHR, the authorities drafted an agreement for improving interagency co-operation on recording and retaining data on racist crimes. Several institutions took part in this discussion including the Hellenic Police, the Ministry of Citizen Protection, the Ministry of Shipping and Island Policy, the Ministry of Justice, Transparency and Human Rights, and the Supreme Court Prosecutor. At the same time, the Agreement on Inter-Agency Co-Operation on Addressing Racist Crimes in Greece stipulates that the civil society coalition, Racist Violence Recording Network, share data on racist crimes with national authorities through its national reports and according to its rules of operation.[90]

Generally, consultations and co-operation offer stakeholders and the wider public a platform to offer feedback and improve responses to hate crimes. Transparency work can increase the reporting of hate crime, improve trust in public institutions and address or counter any misconceptions, as well.

10. HOLISTIC

OSCE participating States have recognized the importance of a comprehensive approach to addressing intolerance, including against Muslims.[91] In light of this, addressing the security needs of Muslim communities and addressing anti-Muslim hate crime is only part of the solution. Intolerance against Muslims is a complex problem requiring a holistic and comprehensive response that should be a model to address all forms of intolerance, prejudice and hatred. A focus on anti-Muslim hate crime is not abandoning or privileging one form of hatred; an effective policy towards this manifestation of hate can also be applied to other hate crimes. Only where overall government response to all hate crimes is strong can responses to different strands of hate crimes be strong. Such a holistic approach should address all the commonalities of hate crime and also acknowledge and address the specificities of different strands, including of anti-Muslim hate crime.

Having a community's diversity reflected in the police force is an important element in addressing anti-Muslim hate crime. Community intelligence and collaboration are important in not only addressing anti-Muslim hate crime, but crime overall. Therefore, a police force representative of the communities it serves helps support efforts for improving engagement and understanding between communities and the police.

90 Agreement on inter-agency co-operation on addressing racist crimes in Greece, <https://www.osce.org/odihr/402260?download=true>.

91 OSCE Ministerial Council, Decision No. 10/07, Madrid, *op. cit.*, note 9.

PART THREE:
Responding to anti-Muslim hate crimes and the security challenges of Muslim communities

This segment offers practical solutions relevant to several interconnected and overlapping, but distinct, sets of issues. Some of the practical steps below will help address any manifestation of intolerance against Muslims, others are specific to criminal justice responses to hate crimes and some address the security challenges as perceived and experienced by Muslim communities and organizations.

PRACTICAL STEPS

1. ACKNOWLEDGING THE PROBLEM

The starting point for addressing anti-Muslim hate crime is the acknowledgement that this issue poses a threat to the security and stability of victims and has broader impacts on cohesion, requiring a prompt response. Such acknowledgement is grounded in an understanding of the manifold ways in which anti-Muslim hate crime and security challenges appear. Academics and researchers have a role in providing their expertise and advice about the various manifestations of intolerance against Muslims and offering pathways for response. Official recognition of the problem allows governments to clarify that the responsibility to manage this issue does not fall solely on the shoulders of those most affected. This, in turn, will encourage Muslim communities to share their concerns.

Recommendation:

While governments may recognize the problem, they often lack data. The need to monitor and measure levels of intolerance against Muslims can provide an effective foundation upon which to develop structures to challenge hatred, bigotry and prejudice. Challenging intolerance against Muslims strengthens the wider national effort to address all forms of hate crime and to ensure an effective measuring and monitoring system while providing states with the ability to implement effective national monitoring systems. This further ensures that states can be pro-active and reactive in responding to hate crime and monitoring issues while police and police agencies can be mobilised at specific points when required.

Appropriate funding for a national monitoring system that supports victims of intolerance against Muslims is, therefore, an essential part of a strategy to support victims, measure hate crimes and reduce hate crimes over time. Without centralized support, an effective victim support and monitoring system cannot be sustained.

Good practice example:

The Swedish Government's *National Plan to Combat Racism, Similar Forms of Hostility and Hate Crimes* lists a number of activities to challenge intolerance against Muslims. These include an educational programme through the Living History Forum that engages young people, looking at historical issues of racism while opening dialogue

with young people to discuss their thoughts and beliefs. This aligns with the Swedish National Agency for Education awareness raising initiatives and helped young people reflect upon, talk about and engage with such issues.[92]

The Government has provided funding for projects that address these five strategic areas and the action plan also recognizes that Swedish Government support would encourage, *"[m]ore knowledge, education and research, better coordination and monitoring, civil society: increased support and dialogue, enhanced preventive work online, and a more active judiciary."*[93]

Acknowledging that anti-Muslim hate crime is a challenge can also serve as the basis for a critical review and assessment of existing prevention and response mechanisms. Measuring, monitoring and supporting victims to get access to justice or even acknowledge their experiences ensures that victims feel their voices have been heard and their experiences have been recognized. This only occurs when individuals who have been targeted due to intolerance against Muslims can receive support, advice and access to an advocacy service that can also record and monitor incidences of intolerance against Muslims. Since police agencies are ultimately the ones who investigate these issues, it is essential that victims of hate incidents and crimes receive a service that is supportive and that records and communicates regularly with victims. Even if the incident does not cross criminal thresholds within certain states, victims should be informed at the earliest possible moment about outcomes so that they can make informed decisions.

Therefore, it is important to stress that addressing intolerance against Muslims, just as managing anti-Semitism or any other similar problem, means acknowledging the issue, taking a victim-centred approach, demonstrating results (including at a political level) and providing the legal and societal frameworks for such hatred and intolerance to be challenged and countered where it is found. While the front-line police officer is likely to respond first to an anti-Muslim attack, an effective, holistic response will require action by senior officers, civil servants and political leaders to send a strong message that hate will not be tolerated.

In some OSCE participating States, parliamentarians have taken the lead in putting challenges related to intolerance against Muslims on the national agenda, including the related security concerns. A limited number of countries have made the issue a priority by setting up cross-governmental working groups to address different aspects of the issue, ensure co-ordination and build trust amongst diverse Muslim communities,

92 *A comprehensive approach to combat racism and hate crime: National plan to combat racism, similar forms of hostility and hate crime*, (Stockholm: Government Offices of Sweden, 2017), <http://www.regeringen.se/492382/contentassets/173251a50a5e4798bcafc15ba8711a411/a-comprehensive-approach-to-combat-racism-and-hate-crime>.

93 To learn more, see: National plan to counter racism, similar forms of hostility and hate crimes online, <http://www.regeringen.se/pressmeddelanden/2016/11/nationell-plan-for-att-motverka-rasism-liknande-former-av-fientlighet-och-hatbrott-pa-natet/>.

political representatives and civil servants. Some countries establish standing forums that include government officials, security services, as well as civil society and community leaders to identify concerns related to intolerance against Muslims. Each option has benefits, though it is important to stress that political will and commitment is essential at the national level to counter such hatred and intolerance.

Various methods exist for governments and parliamentarians to acknowledge challenges related to intolerance against Muslims. These include:

- Demonstrating awareness that intolerance against Muslims can be expressed in subtle and coded ways and ensuring that such manifestations are recognized, exposed and condemned;
- Commissioning expert opinions and recommendations from academics and researchers to improve the government's understanding of the problem, both online and offline;
- Acknowledging that Muslim communities are targeted by violent extremists or terrorists and including Muslim communities and institutions on lists of potential soft targets of violent extremist or terrorist attacks;
- Establishing a legal framework that enables the government, in co-operation with Muslim communities, to effectively address the security challenges faced by Muslim communities within a wider framework of issues that may impact these communities;
- Engaging with the media to counter bias narratives and to issue strong statements of condemnation of hate incidents and crimes; and
- Using social media to send clear messages of support to the Muslim community and address anti-Muslim sentiment online, using official channels.

The Council of Europe's European Commission against Racism and Intolerance recommends that the governments of member States:

- Ensure that Muslim communities are not discriminated against regarding how they organize and practice their religion;
- Pay particular attention to the situation of Muslim women, who may suffer both from discrimination against women in general and from discrimination against Muslims; and
- Encourage debate within the media and advertising professions on the image used to convey Islam and Muslim communities, and on their responsibility to avoid perpetuating prejudice and biased information.[94]

Engaging in dialogue with Muslim communities about the security threats and challenges they face is another way governments can signal acknowledgement that Muslim institutions and communities have been targeted in attacks and are in need of protection.

94 General policy recommendation No. 5: "Combating intolerance and discrimination against Muslims", European Commission against Racism and Intolerance (ECRI), <https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N5/Recommendation_5_en.asp>.

"I am concerned that hatred against Muslims is a global phenomenon including here in the European Union. The Fundamental Rights Agency knows this. (…) We know that one in three Muslims has recently faced an act of discrimination. We know that one in four Muslims has faced an act of harassment in recent times, be it online or be it in physical reality. We also know that Muslims invest more trust in the institutions of our states than the general population." – European Union Fundamental Rights Agency director Michael O'Flaherty, 2019[95]

2. RAISING AWARENESS

In the long term, hate crimes against Muslims and the security needs of Muslim communities will only be addressed effectively if the underlying racism and prejudices that drive attacks on Muslim communities and sites are dealt with holistically. This requires a focus not only on the effects of anti-Muslim bias, but also on awareness of how perpetrators are exposed to, and why they subscribe to intolerance against Muslims. Awareness-raising of the underlying hateful mechanisms and narratives that inspire such behaviour is, thus, a key element of addressing anti-Muslim attacks.

Awareness-raising can take many forms. Educational programmes can be aimed at youth, government officials and the wider public to help participants understand, deconstruct and reject anti-Muslim prejudices. Moreover, increasing social media engagement by younger groups within communities means that online campaigns to promote information can be widely disseminated through online networks and groups set up by young Muslims. Engaging with these groups is also essential to reduce social tensions and counter misinformation. At a higher level, parliamentary hearings on anti-Muslim bias can raise awareness by putting the problem on the national agenda.

Recommendation:

Develop programmes aimed at government officials, youth and the general public to raise awareness and understanding of intolerance against Muslims. These can be programmes that link up various community groups with Muslims to work on social projects to enhance human rights and collectively engage with wider audiences through the use of history, youth programmes and cultural engagement points.

Create an official police or government online presence that helps address anti-Muslim sentiment, to counter fake news that creates fear and bias towards the Muslim community by supporting and reassuring Muslims online.

95 EU Fundamental Rights Agency, Director Michael O'Flaherty, Director's video blog, <https://youtu.be/7zYMlyttjQo>.

Good Practice Example:

"New Neighbours" is a project that highlights the positive social and economic contributions that are made by migrants and refugees throughout communities across Europe. By promoting direct participation in media production and intercultural dynamics, it hopes to foster tolerance and acceptance for migrants and refugees in EU member states. The project is implemented by public service media, from nine different EU countries throughout Europe (Belgium, Croatia, Czech Republic, Germany, Italy, Portugal, The Netherlands, Slovenia, and Spain) together with community media and civil society organizations.[96]

The media can be key partners in raising awareness of anti-Muslim bias. Media outlets are uniquely placed to inform and mobilize the wider public on the prevalence of intolerance against Muslims and its impact on Muslim communities. Strategically partnering with the media in government efforts to counter and condemn intolerance against Muslims can yield substantial benefits in terms of public awareness of the problem.

Furthermore, targeted training and capacity-building programmes, as well as roundtables organized at the local, national and international levels, can contribute to awareness-raising.

Awareness-raising campaigns and measures could be aimed at:

- Providing an understanding of the specific features of contemporary manifestations of anti-Muslim bias. Whereas awareness-raising measures targeting police officers may focus on specific aspects of identifying and addressing hate crimes against Muslims, those targeting the wider public may focus on the broad spectrum of manifestations of anti-Muslim bias;

- Conveying that hate crimes against Muslims do not take place in a vacuum. Government officials should instead communicate that political and social tensions, as well as anti-Muslim sentiments (online and offline) in the public discourse of politicians and opinion makers, in the workplace and in daily situations form the backdrop for many attacks. A key message might be that everybody can contribute to building a climate to ensure that anti-Muslim expressions are challenged; this could occur through campaigns that encourage bystanders to support victims by challenging perpetrators (if bystanders feel comfortable doing so and if they are not in direct danger by doing so);

- Highlighting that manifestations of anti-Muslim bias challenge key values and human rights principles essential to free and democratic societies. A key message might be to call on societies at large to take ownership of the work to end anti-Muslim bias, rather

96 To learn more about the New Neighbors project, visit its dedicated website at: <https://newneighbours.eu/about-the-project/>.

than viewing it as a problem to be solved by Muslim communities alone. An important point would signal that anti-Muslim campaigns affect the safety and security of every citizen — focusing on personal stories to illustrate the impact anti-Muslim bias has on the everyday lives of Muslim youth, men, women and the elderly;

- Emphasizing little-known human stories that can serve as inspiring examples of how to take action against anti-Muslim incidents; and

- Drawing attention to the vibrant cultural, religious and educational life of the local Muslim community, as well as its positive contributions to society, highlighting the need for constant evolvement and co-operation.

3. RECOGNIZING AND RECORDING THE ANTI-MUSLIM BIAS MOTIVATION OF HATE CRIMES

As explained in Part One of this Guide, all hate crimes are motivated by bias. Recognizing and recording the specific bias motivation of a hate crime, including anti-Muslim bias, ensures that the crime is classified as a hate crime as well as a "common offence." Collecting accurate data is essential for effective action against hate crimes, enabling police authorities to understand the scope of the problem, discern patterns, allocate resources and investigate cases more effectively. Policymakers can also use data to make sound decisions and to keep communities informed about the threats and trends in hate crime occurrence.[97]

Hate Crime Data Collection

Hate crime victims from all backgrounds share the damaging emotional experience of being targeted for their membership or perceived membership, in a particular group. However, different groups are also likely to experience different crime patterns and varying levels of confidence in reporting offences. Therefore, it is useful to collect and analyse data on different bias motivations as separate categories so that each can be addressed most effectively in terms of police presence and allocation of resources for victim support and crime prevention. OSCE participating States have recognized a range of bias motivations that may form the basis of hate crimes, including hate crimes against Muslims.[98]

Recognizing and recording crimes on the basis of anti-Muslim motivation is one important way for governments to acknowledge the extent of the problem and validate the experiences of victims targeted because of their actual or perceived Muslim identity. Police, as

97 *Hate Crime Data Collection and Monitoring: A Practical Guide,* (Warsaw: OSCE/ODIHR, 2014), <https://www.osce.org/odihr/datacollectionguide>.

98 *Ibid.*

first responders to crimes, generally play the most important role in ensuring that hate crimes are classified and recorded as such, making the initial determination on how to record a crime and whether to include anti-Muslim bias as a possible bias motivation.

Recommendation:

In line with their OSCE commitments, governments should collect data on hate crimes, including those specifically motivated by anti-Muslim bias, and make the data available to the public. Police, as first responders to crimes, should ensure that hate crimes against Muslims are classified and recorded as such.

Training should be considered for police officers that can help them better understand how to classify hate crimes against Muslims, which can be done in partnerships with prosecuting agencies or lawyers.

Good practice example:

In the OSCE region in 2017, 16 states had a data collection mechanism for police to record anti-Muslim incidents and submitted that data to ODIHR: Austria, Canada, Czech Republic, Croatia, Denmark, Finland, France, Georgia, Germany, Greece, Iceland, Netherlands, Poland, Slovakia, the United Kingdom and the United States.

Since 2001, Germany records data on "Politically Motivated crimes" including a bias called xenophobic hate crimes. In 2017, Germany implemented the subcategory "Islamophobia" into its federal data record catalogue for a clearer understanding of hate crimes.[99]

The information police collect and characterise can be crucial to ensuring a crime is investigated and prosecuted as an anti-Muslim hate crime. How police react at the scene of a hate crime can affect the recovery of victims, the community's perception of governmental commitment to addressing hate crimes, and the outcome of the investigation.[100] The quality of information collected by the police is also critical in the development of long-term policies and government preventive action. Building the capacity of police agencies to recognize and record hate crimes is, therefore, of pivotal importance. ODIHR has an assistance programme aimed at improving systems for monitoring and collecting data on hate crimes — INFAHCT (The Information Against Hate Crimes Toolkit) — which helps build and strengthen the policies and capacities of national institutions and other structures to collect data on hate crimes.[101]

99 Response to ODIHR's questionnaire about the security needs of Muslim communities and examples of good practices, received on 26 September 2018 from a police officer in Germany.

100 *Preventing and Responding to Hate Crimes, op. cit.*, note 19.

101 Information Against Hate Crimes Toolkit (INFAHCT), Programme Description, <https://www.osce.org/odihr/INFAHCT>.

Anti-Muslim hate crime reporting in the OSCE region in 2018[102]

In 2018, the following participating States officially and specifically reported disaggregated data on hate crimes against Muslims:

Austria	France	Sweden
Canada	Germany	Ukraine
Croatia	Greece	United Kingdom
Czech Republic	Ireland	United States
Denmark	Netherlands	
Finland	Poland	

Total: 16 States

In 2018, anti-Muslim incidents were reported from the following states:

Albania	Finland	Poland
Austria	France	Romania
Belgium	Germany	Russian Federation
Bosnia and Herzegovina	Greece	Slovakia
Bulgaria	Hungary	Slovenia
Canada	Italy	Spain
Croatia	Moldova	Switzerland
Czech Republic	Netherlands	Turkey
Denmark	North Macedonia	Ukraine
Estonia	Norway	United Kingdom

Total: 30 States

102 The list includes all OSCE participating States that submitted information about hate crime to ODIHR in 2018, <https://hatecrime.osce.org/what-hate-crime/bias-against-muslims>.

Several practical steps can be undertaken to record an anti-Muslim bias motivation of hate crimes:

- Enact and enforce hate crime legislation and put systems, routines and training in place to ensure that relevant officials recognize and record hate crimes against Muslims;

- Set up a data-collection system to record hate crimes against Muslims on incident reporting forms and provide disaggregated data on each type of anti-Muslim hate crime, which may require making changes to current incident reporting forms and IT systems;

- Demonstrate political leadership at the highest level of government by adopting policies requiring police officers to recognize and record the anti-Muslim bias motivations of hate crimes;

- Make sure that police agencies are using a set of specific indicators (known as "bias indicators", see more under the heading "Hate crimes against Muslims in the OSCE region: key features") that can help identify the anti-Muslim bias motivation of hate crimes, while recognizing that the existence of such indicators does not, in itself, prove that an incident was a hate crime; and

- Organize training and awareness-raising events for police officers to build their capacity in understanding the specific features of hate crimes against Muslims by working with relevant case studies and scenarios.[103]

Recommendation:

Governments should provide training for police personnel to enhance their capacity and understanding of hate crimes against Muslims, how to record hate crimes and how to respond to hate crimes.

Good practice example:

ODIHR has implemented its Prosecutors and Hate Crimes Training (PAHCT) and the Training against Hate Crimes for Law Enforcement (TAHCLE) in many countries.[104]

PAHCT has been implemented in eight participating States: Bulgaria, Czech Republic, Georgia, Iceland, Malta, North Macedonia, Poland and Slovakia. TAHCLE has been implemented in 17 participating States: Bulgaria, Croatia, Estonia, Finland, Georgia,

103 *Hate Crime Data Collection and Monitoring, op. cit.*, note 97 and *Preventing and Responding to Hate Crimes*, *op. cit.*, note 19.

104 Find out more at: Prosecutors and Hate Crimes Training (PAHCT), programme description: <https://www.osce.org/odihr/pahct>; and Training Against Hate Crimes for Law Enforcement (TAHCLE), programme description: <https://www.osce.org/odihr/tahcle>.

Iceland, Italy, Latvia, Lithuania, Malta, Montenegro, North Macedonia, Poland, Romania, Slovakia, Spain and Turkey. In addition to that, TAHCLE was implemented in Kosovo* and in the municipality of Valencia, Spain.

PAHCT is designed to increase the skills of prosecutors in recognizing, investigating and prosecuting the full range of hate crimes, including those motivated by anti-Muslim bias. The training allows participants to increase their understanding of the concept, context and impact of hate crimes, to consolidate knowledge of international standards and domestic hate crime laws, and to improve their ability to prove hate crimes in court. TAHCLE is designed to improve police skills in recognizing, understanding and investigating hate crimes.

Data collection can always be improved and enhanced. As previously shown, there are still OSCE participating States that do not collect or report data. Ways to improve data collection include:

- Hosting meetings focused on data collection, gathering relevant government and non-governmental stakeholders, aimed at improving data collection and ensuring common understanding and categorization of the available data;

- Circulating and sharing reports developed by civil society organizations about hate crimes against Muslims to raise awareness among government officials on how contemporary anti-Muslim bias manifests;

- Without over analysing the validity of the data, using it as an insight into a potentially wider issues and under-reported crime;

- Based on collected data, commissioning studies that can provide insights into how anti-Muslim bias manifests;

- Encouraging police officers to take the victim's perception into account when recording and investigating hate crimes (i.e., if the victim perceives a crime to be motivated by anti-Muslim bias, the police automatically register it as a hate crime);[105]

- Facilitating reporting of hate crimes against Muslims through the provision of accessible and confidential reporting mechanisms;

- Raising awareness within the Muslim community as to where and how to report incidents; and

105 *Hate Crime Data-Collection and Monitoring, op. cit.,* note 97, page 15.

* There is no consensus among OSCE participating States on the status of Kosovo and, as such, the Organization does not have a position on this issue. All references to Kosovo, whether to the territory, institutions or population, in this text should be understood in full compliance with United Nations Security Council Resolution 1244.

Recommendation:

When recording crimes, police officials should take the victim's perception into account, recognizing that if the victim perceives a crime to be motivated by anti-Muslim bias, this perceived bias motivation should be on the record and should form part of the investigation.

- Setting up additional points of recording anti-Muslim hate crime by working with local community centres, religious institutions and other third-party reporting mechanisms to establish further reporting channels.

ODIHR's programme to support data collection

ODIHR also developed a programme entitled Information Against Hate Crimes Toolkit (INFAHCT) is an assistance programme aimed at improving systems for monitoring and collecting data on hate crimes. INFAHCT achieves this by helping to build and strengthen the policies and capacities of national institutions and other structures to collect data on hate crimes.[106]

4. PROVIDING EVIDENCE OF THE SECURITY NEEDS OF MUSLIM COMMUNITIES BY WORKING WITH THEM TO COLLECT HATE CRIME DATA

Evidence-based policy

Accurate and reliable data are essential for effective action against hate crimes. Well-designed mechanisms to record and compile data enable police agencies to gather intelligence about local hate crime patterns, assist in the allocation of resources and support more effective investigation of specific types of cases. Policymakers can then rely on this information to make sound decisions and to communicate with affected communities and the wider public about the scale of hate crimes and the response.[107]

Collecting data on hate crimes against Muslims is a crucial way for governments to assess challenges related to intolerance against Muslims and gather evidence of the security needs of Muslim communities. Not collecting such data may be perceived as minimizing the problem or denying its existence.

106 For more information on INFAHCT see, <https://www.osce.org/odihr/INFAHCT>.

107 *Hate Crime Data Collection and Monitoring Mechanisms, op. cit.*, note 97.

Recommendation:

Data on hate crimes against Muslims should be collected to enable governments to assess more accurately the security needs of Muslim communities and to allocate resources more effectively. Further channels of data collection should be explored and every effort should be taken to try to capture as much data as possible to offer an accurate evaluation and understanding of the issue.

Good practice example:

The United States Federal Bureau of Investigation has been collecting and publishing hate crime statistics since 1992. The Bureau investigates hundreds of cases every year and works to detect and deter further incidents through law enforcement training, public outreach, and partnerships with community groups. Traditionally, FBI investigations of hate crimes were limited to crimes in which the perpetrators acted based on a bias against the victim's race, colour, religion, or national origin. (…) With the passage of the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, the Bureau was authorized to also investigate crimes committed against those based on biases of actual or perceived sexual orientation, gender identity, disability, or gender.[108]

In many OSCE participating States, civil society organizations have developed significant expertise in the area of hate crime data collection. While official data in some countries may suggest that hate crimes against Muslims are not a problem, civil society data indicate that hate crimes against Muslims are a real and extremely dangerous phenomenon.[109]

In some countries, government agencies co-operate with Muslim communities in sharing, checking and collecting data on hate crimes against Muslims, based on a clear definition of what constitutes a hate crime. If police and community organizations exchange data, the data are usually anonymized to ensure the protection of personal information.

Sharing government and non-governmental data not only makes the data more accurate and allows for a more complete picture; it also addresses under-reporting and under-recording. Sharing data is even more effective if the co-operation between government and non-governmental actors is formalized through memoranda or protocols. Government and non-governmental experts working together can maximise effective use of the data collected to analyse trends and formulate policies. Sharing data also helps increase communities' trust in the authorities.

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108 United States Federal Bureau of Investigation, FBI website, <https://www.fbi.gov/investigate/civil-rights/hate-crimes>.

109 See, "New study reveals scale of underreporting of hate incidents in Poland", 13 May 2019 OSCE/ODIHR, <http://hatecrime.osce.org/infocus/new-study-reveals-scale-underreporting-hate-incidents-poland>.

Recommendation:

Government agencies can co-operate with civil society, including Muslim organizations, in sharing, checking and collecting data on hate crimes against Muslims, to develop more accurate statistics and avoid under-reporting and under-recording.

Working with Muslim community organizations to collect data can also help:

- Address under-reporting, as Muslim community representatives can encourage the community to use mechanisms such as reporting an incident online, over the phone or via a third party to the police. They can also work as intermediaries between victims and the authorities and government officials to better understand the context in which hate crimes occur and the impact they have on Muslim communities. Hearing first-hand accounts of the range of incidents that Muslim communities record can improve the understanding government officials have of the prevalence of anti-Muslim attacks, and contribute to improving government responses to the problem; and

- Where data is anonymised by community organizations before it is shared with government agencies, it can still be used to build an intelligence picture to support the implementation of preventative measures to address anti-Muslim hate crime.

5. BUILDING TRUST BETWEEN THE GOVERNMENT AND MUSLIM COMMUNITIES

Some of the steps emphasized in previous sections — acknowledging the problem of anti-Muslim bias, assessing security risks in co-operation with the Muslim community, and raising public awareness — are also important in building trust between Muslim communities and governments. Simultaneously, many other steps can contribute to building trust. Establishing channels of consultation and co-ordination can be especially important. Formally institutionalising such co-operation, e.g., through a Memorandum of Understanding, can be an effective way to build trust.

Being open and transparent while providing key information when necessary is an important element of building trust between the government and Muslim communities. Governments can divulge more information about perpetrators and organized groups than previously provided and admit previous mistakes and barriers to engagement.

Recommendation:

Build trust by establishing formal channels of co-operation between Muslim communities and governments. Be transparent and honest, engaging with Muslim communities more widely, ensuring the participation of both women and men, as opposed to engaging only with key contacts, community leaders or friends. Wider

engagement is critical to ensure trust is built with the whole community, not just a handful of people.

Good practice example:

In Berlin, contacts between the police and mosque associations have been taking place through the development of "co-operation agreements." The local police in the district of Neukölln, together with the local mosque association, started a programme called "TiK" (Transfer of Intercultural Competencies). Aimed at putting mosques and police officers from different districts in contact, TiK helped develop national guidelines for the police on how to interact with contacts, mosques and Muslims.[110]

One of the most important steps government officials can take to build trust is to visit Muslim institutions and liaise regularly with Muslim-community representatives and experts. Such contact will enable officials to find out more about challenges related to anti-Muslim hate crime and can verify that government policies and services are relevant to the community. Regular contacts build confidence in the government's willingness to address the most concerning problems in the communities. Visiting a Muslim community in the aftermath of a violent anti-Muslim attack or after the desecration of an Islamic site can be an important sign of solidarity, but it must not be the first time a politician or government official from the national or local level reaches out to the Muslim community.

Consultation, co-operation and co-ordination are particularly important when it comes to police agencies at both the national and local levels. Police officials, from senior leadership to frontline police officers, have a vital role in establishing lasting and collaborative relationships with Muslim communities, including leadership and security focal points. Establishing these channels of communication not only builds trust, but can also ensure that strategies and day-to-day operations are more effective and aligned with the needs of victims, especially at the local level. The frequency of such communication is crucial in building trust; sporadic contact will not suffice. Taking low-level offences seriously and working with the community on a day-to-day basis to ensure that hate crimes against Muslims are actually addressed can help create effective procedures and reinforce connections. Several other measures can be implemented to build trust between government bodies and Muslim communities:

- Criminal justice agencies can appoint a liaison officer to act as a special contact point for the community and follow up on concerns related to anti-Muslim hate crime. Such a liaison officer could have the objective of building trust incorporated into her/his job description and be responsible for developing strategies specifically for this purpose;

110 *Muslims in Europe: A Report on 11 EU Cities*, (New York, London, Budapest: Open Society Institute, 2010), <https://www.opensocietyfoundations.org/sites/default/files/a-muslims-europe-20110214_0.pdf>.

Recommendation:

Criminal justice agencies can appoint a liaison officer to the Muslim community as a contact point. The liaison officer can follow up on concerns related to anti-Muslim hate crime and be a point of contact for other criminal justice staff, when advice is needed.

- Mayors and police representatives can visit the local mosque or Islamic cultural centre to get to know members and representatives of the community, as well as key Islamic sites;

Recommendation:

Police representatives and political figures can build trust by visiting local Muslim institutions and meeting community members to discuss important issues. Community organizations that engage with Muslim communities should also be considered for visits in order to broaden the reach within the community.

Good practice example:

Police in both Amsterdam and Rotterdam, in the Netherlands, were active in reducing tensions in the weeks preceding the release of Geert Wilders' film "Fitna." In Amsterdam, the police organized a meeting before the release of the film to ensure that the local Muslim community understood its legal position, including the right to file a complaint.[111]

- Criminal justice agencies can invite Muslim communities to conduct workshops for police officers;

Recommendation:

Criminal justice agencies can participate in workshops developed by the Muslim community focused on the specific security needs of the community and improving knowledge and understanding about the communities' diversity and cultures.

Good practice example:

The Islamic Networks Group (ING) based in San Jose, California in the United States delivers specialist Law Enforcement Seminars designed for police chiefs, sheriffs

111 *Ibid.*

and other command-level personnel and senior administers. These sessions aim to increase awareness and enhance cultural competency skills, as well as build a positive relationship between law enforcement and American Muslim communities.[112]

- Criminal justice agencies can organize training and events that help introduce police officers to the community, its history and religious traditions, as well as to the challenges faced with regard to anti-Muslim bias;

- Government bodies, for example interior and justice ministries, can seek independent advice and feedback from Muslim communities on government responses to hate crimes, including with regard to national curricula on training to address hate crimes; and

- Governments can organize national hate crime task forces made up of civil society representatives, academics, police liaison officers and prosecutors that meet regularly to discuss bias-motivated incidents in the communities. Such task forces can also be set up at the local level.

6. ASSESSING SECURITY RISKS AND PREVENTING ATTACKS

Muslim communities should consider establishing security advisory groups and/or drafting community security plans which would allow for systematic evaluation of the situation. These could also be part of a collaborative process with state stakeholders as this can be the most effective approach to assessing the community's security risks and preventing attacks. Establishing open and consistent channels of communication not only ensures an effective exchange of information about potential threats, but also develops long-term strategies.

Such channels of communication are also essential during times of crises. They help to acknowledge and assess the levels of fear and tension within communities. These assessments can also help push for action at a political and practical level — for extra policing at key points in cities and regions and re-assurance measures to Muslim communities who may already have suffered hate incidents and crimes after major terrorist attacks.

Well-established channels of communication can also be vital when responding to emergencies. Transparency in sharing information can help build trust among officials and members of affected communities. Information from the community can help government security services improve risk assessments and focus on issues of particular concern. At the same time, information shared by the police and intelligence services can help the community take appropriate preventative steps.

112 ING website, educating for cultural literacy and mutual respect, Law Enforcement Seminar Overview, <https://ing.org/law-enforcement-overview/>.

Recommendation:

Governments should consider establishing a collaborative and ongoing process that includes Muslim communities to assess safety needs and formulate ways of preventing hate incidents and attacks but also reducing fear and insecurity that may rise after major national crimes, such as terrorist attacks.

Governments and police should work with Muslim communities to set up advisory groups that can be used when an attack occurs or when the police require support during an operation, event, or threat to the community. Advisory groups can support the government and police by providing real time community intelligence and can be used to communicate messages back to the communities.

Good practice example:

In Slovakia, the National Criminal Agency (NAKA) arranged an informal meeting with a representative of the Islamic Foundation in Slovakia, where it expressed its interest in cases of hate crimes against Muslims. It provided the representative with direct phone contact to the community officer who would deal with such cases, if they occurred. Unfortunately, no further co-operation has been established.[113]

Establishing formal or informal platforms for Muslim community representatives to articulate their security needs and concerns on a regular basis can both reassure the community and assist the security authorities. It can also be one step toward fulfilling governmental obligations to protect the human rights of individuals and communities. Working together, government officials and Muslim community representatives can better assess the security needs of the community and its institutions, such as schools and mosques, and take the necessary steps to provide adequate protection for potential targets.

Governments can undertake various practical steps to ensure a communication flow with Muslim communities on security issues:

- Use available hate crime data to identify crime patterns and "hotspots" for attacks, including both offline and online;
- Consult Muslim communities to monitor tensions with a view toward pre-empting anti-Muslim violence — in general, it is good practice for politicians and/or civil servants to call key leaders within faith communities, such as Muslim communities, when there are major national crises events;
- Establish a community liaison officer in all relevant police departments;

113 Response to ODIHRs questionnaire about the security needs of Muslim communities and examples of good practices, received on 20 September 2019 from Islamic Foundation in Slovakia.

- Inform Muslim communities whenever a specific threat has been identified and when the level of threat has changed; for example, produce a weekly bulletin to circulate to trusted partners around community tensions or provide a risk profile to communities with a colour coded scheme;

- Engage in dialogue with Muslim community organizations to ensure that security measures make sense to the community and are informed by their input;

- Conduct and update, as necessary, threat and risk analysis for facilities of Muslim communities, to use as a basis for policing;

- Support development of a Muslim community security plan, expertise, specialist(s) and systems. Responsibilities of such community security systems include: mapping and assessing the threat and risk, developing security plans, planning for emergencies (incident response), planning for crisis management, liaising and co-ordinating with external partners, including the police. At a minimum, a community security focal point should be identified; and

- Set up Muslim community advisory groups that can advise the police during a real-time issue or operation that impacts the community.

Police agencies, both at central and regional levels, should work with local Muslim communities and their designated security personnel and teams, where relevant, to recommend, assess and help implement preventive security measures appropriate to the assessed level of threat, such as ensuring:

- Community buildings (such as mosques, Islamic schools or offices) are searched prior to use; this includes within the bounds of the mosque and Islamic institution's building and within the wider bounds of the building;

- Islamic faith schools and Islamic institutions have an external and visible security presence when in use;

- Community security personnel and police remain alert for suspicious individuals, objects and activities in the vicinity of community buildings;

- Access to car parks is controlled and restricted to known vehicles only, which remain locked when not in use;

- All external doors are closed and secured from unauthorized access, while ensuring easy access in case of an emergency evacuation;

- Internal doors are closed and secured when not in use, while ensuring easy exit in case of an emergency evacuation;

- Staff and visitors are guided to not congregate outside community buildings;
- Lock up procedures ensure that all windows and doors are securely locked;
- Security equipment — alarms, exterior lighting and closed circuit television (CCTV) — are regularly checked, CCTV lenses are clean and video equipment is recording;
- CCTV is monitored when buildings are in use;
- Post and deliveries are carefully checked before opening, including the use of x-ray and other metal-detection devices; and
- Support is provided during religious events or times of increased activity.

Such activities should become routine within the daily and weekly life of staff at mosques and Islamic institutions. A fine line exists between ensuring the safety of those using the institution for prayer and enhancing their community life, while ensuring that these facilities remain open and welcoming places for all communities. In 2015, a United States nationwide national study of religious congregations' and their experiences related to crime. The survey found that synagogues and mosques were much more likely than other religious congregations to have security cameras, restricted entry points, security guards and other security measures. The survey also consistently found that places of worship view security measures as a potential threat to their mission of creating a sacred space that is open to their communities.[114]

Basic security procedures ensure the safety and well-being of all who use and engage with mosques and Islamic institutions, but closed and guarded institutions are not beneficial or a good solution.

An example of a general framework in which to think about institutional security adapted from "Best Practices for Mosque and Community Safety" a resource kit, Council on American-Islamic Relations:

Be Aware: One way to increase security awareness at your mosque is to develop, as part of your security plan, a security awareness programme to enlists all members of the mosque to help the management team and to report suspicious or unusual activities, people or items near the mosque or community centre.

Assess Your Vulnerability: Awareness begins to become concrete with a security plan for the facility – even if it is a small facility and the plan is only a page or two long (e.g.,

114 Christopher P. Scheitle, "Religious Congregations' Experiences with, Fears of, and Preparations for Crime: Results from a National Survey", Review of Religious Research, March 2018, Volume 60, Issue 1, pp 95–113, <https://doi.org/10.1007/s13644-017-0316-3>.

who locks up at night and sets the alarm). It is important that management performs a vulnerability risk assessment before beginning a security programme

Prevent: In order to manage crimes against mosques, it is most important to try to not have them happen at all. Thus, prevention and deterrence in political, cultural and social methods is just as important as security methods.

Respond and Mitigate: Evaluate your current security plan: Does your centre even have a plan? Most places don't have a written security plan. Who knows about it? Ideally, a security plan for a mosque or other institution should be written, defining broad procedures that are sensible and doableand it is strongly recommended that there be one person, overall, in charge in any security chain of command.

Recover: It is fervently hoped that "recovery" never has to be deployed for a critical crisis. However, the factors developed and involved in recovery can be useful for many sorts of events, from small-scale incidents to grave crises.[115]

7. PROVIDING PROTECTION TO MUSLIM COMMUNITIES AND ISLAMIC SITES, INCLUDING DURING SPECIAL EVENTS

Several practical steps can be taken by participating States to protect mosques, Islamic cultural centres, Islamic schools and other sites potentially at risk from anti-Muslim attacks:

- Police protection should be provided to sites that may be the target for anti-Muslim attacks, including mosques and Islamic schools but also businesses owned by Muslims, such as halal supermarkets and restaurants;

- Available hate crime data should be used to identify particular "hot spots" where anti-Muslim incidents frequently occur. This may include specific areas or streets but also specific types of public space, such as public transport networks or shopping centres. These areas should be priorities for police patrols or other preventative initiatives, such as poster campaigns or focused staff training;

- Spikes in reported hate crimes can occur following specific events, such as terrorist attacks or aggressive nationalist gatherings. In addition to locations where anti-Muslim incidents are likely to occur, it is also important to invest in increased security and police presence during times when more anti-Muslim hate crime is likely to be experienced, such as immediately following terror attacks or during high-profile political or media events associated with public debates and conflated with anti-Muslim

115 Adapted from "Best Practices for Mosque and Community Safety" a resource kit, Council on American-Islamic Relations, <https://nj.cair.com/images/Mosque_Safety_Guide.pdf>.

rhetoric. Particular attention should be paid during such times and police should be ordered to regularly patrol such sites;

- It can also be beneficial to provide financial resources that can help address the security needs of Muslim communities, for example, funding a security guard or installing security equipment in mosques;

- Extra protection and other adequate security and safety measures (e.g., traffic and crowd management) can be provided at key moments, such as during Islamic holidays. For example, members of the Muslim community may be more at risk during Ramadan due to increased time traveling to mosques for prayer, including in the early evening; and

- Conducting a security assessment to help institutions better protect themselves can help not only prevent attacks but also ensure evidence is available and captured if an attack takes place.

Recommendation:

Governments should consider undertaking increased security and safety measures to protect Islamic institutions at key moments when communities are more at risk, such as during Islamic holidays and following high profile events, at home and abroad.

Good practice example:

Armed police were deployed amid heightened security at Scotland's mosques after a terror attack on worshippers in London. A man was been arrested on suspicion of murder and attempted murder after a van was driven into pedestrians near Finsbury Park Mosque in the early hours of Monday morning. Police in Scotland said it would have an increased presence at the country's 84 mosques to provide reassurance to local communities.[116]

8. WORKING WITH MUSLIM COMMUNITIES TO SET UP CRISIS MANAGEMENT SYSTEMS

Muslim communities in the OSCE region do not typically have a dedicated security officer, an established security strategy protocol and/or a crisis management plan. Development of such security structures should, however, be encouraged and supported. Security officers can be community volunteers, hired professionals or community representatives can assume responsibility for security affairs. Their responsibilities will depend on the

116 "Police Scotland steps up security at mosques after terror attack", The Scotsman, 19 June 2017, <https://www.scotsman.com/news/police-scotland-steps-up-security-at-mosques-after-terror-attack-1-4480308>.

available resources but should include threat and risk assessment and security planning, as well as co-ordination and liaison with the authorities.

Specialized structures within Muslim communities could also undertake measures to raise awareness among their members about security issues, including thorough training, publications and emergency exercises. Such measures should not duplicate efforts undertaken by governments or lessen the responsibility of governments, nor should they be interpreted as a sign of distrust. Rather, such measures should complement the efforts undertaken by governments, requiring close co-operation between partners.

To address their security needs and adequately prepare for crisis scenarios, Muslim communities need strong government partners, especially at the local level. Measures undertaken by communities and those undertaken by the government should work hand in hand, rather than against each other or in contradictory directions. Also, Muslim communities should co-operate with other communities facing similar challenges and having already established response mechanisms, for example Jewish communities.

Government agencies should provide support to Muslim communities in setting up strategies and mechanisms to respond to an attack and to develop emergency plans and crisis management systems:

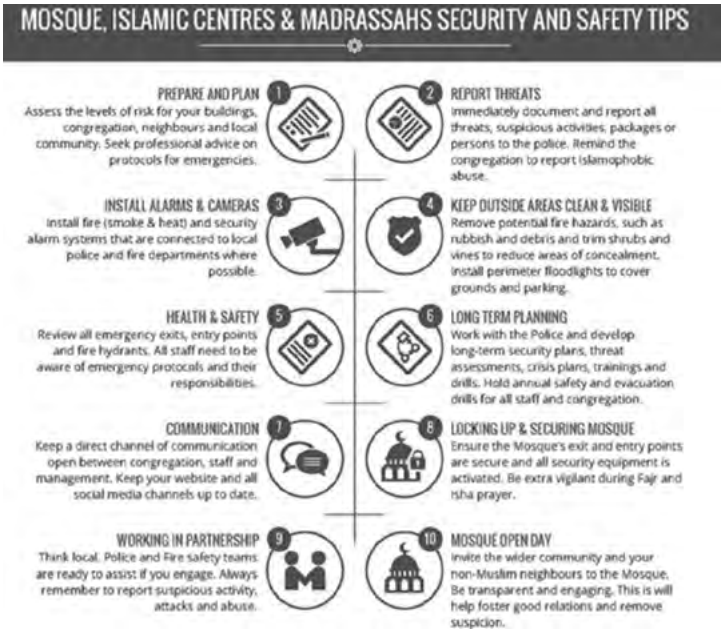
- Government agencies can provide security and emergency planning assistance to Muslim communities by conducting assessments and security surveys, and by aiding in developing or offering feedback on the community's existing security plans;

- Government representatives can actively take part in workshops and awareness raising events designed to increase the capacity of Muslim communities to respond to attacks;

- Government agencies can share experiences and insights with regard to procedures and routines; and

- Government agencies can organize joint drills for Muslim community focal points and first responders to ensure the best possible response to various emergency scenarios.

Security and safety tips for mosques, Islamic centres, and madrassahs[117]



9. REASSURING THE COMMUNITY IN CASE OF AN ATTACK

Every anti-Muslim attack needs to be acknowledged and condemned by government officials and civil society, regardless of the nature or gravity of the crime. Even low-level offences can escalate quickly if ignored. Expressions of anti-Muslim hate in public discourse can also cause anxiety in Muslim communities if they are not condemned and promptly addressed.

The impact of an anti-Muslim attack is even stronger if there is an inappropriate response by the government. In contrast, statements by public officials can have a strong influence on community confidence. To ensure that the longer-term response is appropriate, government officials should co-ordinate with and consult community leadership.

To reassure the Muslim community after an attack, government officials and political representatives might:

117 Graphic reproduced with permission from Faith Associates, <http://www.faithassociates.co.uk/2013/06/28/mosque-security-safety-tips/>.

Condemn the anti-Muslim attack in a press or social media statement;

- Participate in a commemorative event or vigil with the Muslim community;
- Order increased police protection and patrols to send a message of reassurance to the community;
- Consult with the Muslim community, including community representatives that equally represent women and youth, on what kinds of initiatives could be taken to prevent future attacks; and
- Condemn the attacks to show leadership understanding and support, particularly senior government leaders and/or police officers.

Civil society also plays a role in managing the impact of major incidents, including in co-operation with parliamentarians and government officials. Publicly and openly demonstrating solidarity with Muslim communities, acknowledging the impact anti-Muslim attacks have on Muslim communities and signalling a zero-tolerance policy towards all manifestations of anti-Muslim bias have proven to be effective strategies in several countries.

Recommendation:

Civil society can play an important role in reassuring the Muslim community after an attack, including in co-operation with parliamentarian and government officials and other communities, by publicly demonstrating solidarity and signalling a zero-tolerance policy towards anti-Muslim hate crime.

Good practice example:

In 2011 before the Friday Jum'ah prayer in Bulgaria, approximately 150 supporters of a political party organized protests against a mosque. They chanted offensive words against the worshippers and threw eggs, stones and other hard objects. Some tried to jump over the fence of the mosque and to place their loud-speakers inside. This caused fighting between the protesters and worshippers. Five worshippers were seriously injured with one of them having severe head trauma. The party leader has called for religious and ethnic hatred before. Some national media recorded the whole event. Many institutions, civil society and non-governmental organizations and religious communities and denominations condemned the attack. A campaign was organized on Facebook entitled "A Flower for the Liberation of Bulgaria" which attracted thousands of followers. A day after this bloody attack, citizens put flowers in front of the mosque as a sign of solidarity and support. The Grand Mufti expressed his gratitude officially to all Bulgarian citizens who supported the initiative and showed sympathy.[118]

118 Response to ODIHR's request about the security needs and examples of good practices, received on 9 October 2019 from Muslim Denomination, Grand Mufti's Office.

The wider public might help reassure the Muslim community following an attack by acknowledging the anti-Muslim nature of the incident and sending a strong signal in support of religious and cultural diversity. Members of the public can demonstrate commitment to work towards a society where Muslim people feel safe to publicly express their religion and identity.

10. PROVIDING SUPPORT TO THE VICTIMS OF ANTI-MUSLIM ATTACKS

European Union minimum standards on the rights, support and protection of victims of crime

"Victims of crime should be recognized and treated in a respectful, sensitive and professional manner without discrimination of any kind based on any ground such as race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health. In all contacts with a competent authority operating within the context of criminal proceedings, and any service coming into contact with victims, such as victim support or restorative justice services, the personal situation and immediate needs, age, gender, possible disability and maturity of victims of crime should be taken into account while fully respecting their physical, mental and moral integrity. Victims of crime should be protected from secondary and repeat victimization, from intimidation and from retaliation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice"[119]

To enhance the implementation of the Directive, in 2017 the European Commission issued a guidance note.[120]

Government agencies can provide valuable assistance to Muslim communities in minimising damage after a traumatic event and assisting communities in returning to their daily lives after an attack.

119 Directive 2012/29/eu of the European Parliament and of the Council, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012L0029&from=EN>.

120 Conclusions papers of the European Commission lead-High Level Group on combatting racism, xenophobia and other forms of intolerance –"Ensuring justice, protection and support for victims of hate crime and hate speech: "10 key guiding principles", <http://ec.europa.eu/newsroom/just/document.cfm?doc_id=48874>. Information on the specific resources available to victims of hate crime is also available at: <http://ec.europa.eu/newsroom/just/document.cfm?doc_id=48875>.

To improve their support for the victims of anti-Muslim attacks, governments can:

- Work with national human rights institutions, academics, NGOs and international organizations to conduct surveys that help clarify the needs of victims of anti-Muslim attacks;

- Consult Muslim communities and relevant victim support organizations to develop effective strategies in support of victims;

- Ensure that police agencies are equipped to understand the structure of Muslim communities and the responsibilities of their members;

- Adopt nuanced approaches following each incident, based on individualized assessment of the needs of each victim (sometimes psychological support social services may be sufficient and police involvement may not be needed);

- Ensure that those who provide support to victims are trained on specific characteristics of the Muslim community;

- Be mindful of the victim's religious practice and needs, but first and foremost of the need to respect their dignity. Being aware and mindful of Muslim religious and cultural practices and of Muslim holidays and traditions might be relevant when interviewing victims and witnesses, recording evidence and conducting other police duties;

- Engage in frequent contact and support during an investigation to reassure the community and take steps to establish a clear victim contact charter; and

- Give consideration to supporting the wider Muslim community that might have been impacted by an attack and make efforts to reassure the community and create support mechanisms.

ANNEXES

ANNEX 1: Case studies

The following case studies can be used in capacity-building contexts to practice working with bias indicators.

The following questions should be asked when discussing the case studies:

- What would you ask if you were to investigate this incident?
- What enquiries would you make?

Case study 1: Murder

A man of North African descent left his home at 6:40 am on a drive. On his way, he was chased and hit by another car. In the other car a 31 year old man, an off-duty law enforcement officer who was on sick leave due to back pain, was driving with his service weapon and a 46 cm machete. He shot first through the window and then hit the immigrant's car making him stop and get out of the car with his firearm. He beat the driver who was running away and shot him 11 times in his back, legs and feet. Finally, as he was lying on the ground, the officer shot the driver in the head. According to his confession, the officer shot him thinking that he was going to commit a terrorist attack. He was obsessed with the idea of a terrorist attack in his home country and he thought that he would be rewarded. "I thought he had Muslim features and my head wouldn´t stop." He was sentenced to 14 years in prison. The sentence does not recognize an aggravation that would amount to a hate crime. It speaks of a "sudden mental illness" of the perpetrator.

Case study 2: Arson

In an OSCE participating State, the offices of the Afghan community in the capital city were targeted and burned down. A nationalist group claimed the attack. After the attack, the Muslim Community highlighted that they had notified the police about a threatening phone calling to them before, but the police did not seem to have taken serious measures to investigate or apprehend the group. In 2017, the same group had claimed an attack on the house of an Afghan boy who has been on the news for not being allowed to hold the flag during a national holiday.

Case study 3: Messages and graffiti

Graffiti was sprayed on a building of a university and on different mosques throughout the city. The messages stated, "There will be no mosque in [our neighborhood]" and "Death to the Grand Mufti".

Case study 4: Trespassing

Following a politician's statement barring construction of new mosques, members of a nationalist group trespassed on the territory of a mosque and placed a billboard on it, reading "Islamization kills." They posted it on YouTube and the police were informed, but no one was ever charged with an offence although their faces were visible during the event.

Case study 5: Physical assault

A Sikh man was attacked by a bouncer along with his colleagues outside a nightclub in a tourist destination, because he looked like a "terrorist". We was told by police "what do you expect after the Paris attacks," and that "white people are different from brown people". These comments by the police came after he was attacked and stopped from entering the club by aggressive bouncers who spat at him despite him offering to shake hands and walk away. "The bouncers then surrounded me and one punched [me] in the face with so much force my turban was knocked to the ground," he added. "I was shocked but I was really shocked by the attitude of the police," he said adding that the officers witnessed the bouncer spitting and trying to hit him again after he had been identified. He added that the police refused to arrest his assailant, and instead warned him that he could face retribution from the bouncer's friends. Referring to the incident the spokesperson for the regional police, denied there had been any problems with the behaviour of the officers. The nightclub's manager said he condemned all racist behaviour and that the bouncer in question had been suspended pending an investigation, but he denied any assault had taken place and claimed that the Sikh man had been refused entry because the club was full.

ANNEX 2: Suggested actions for key stakeholders

Summary Table

I am a	What can I do to help address the problem?	With whom can I work to address the problem?	How can I use this publication?
Member of Parliament	Enact specific, tailored legislation to address hate crimes, providing effective penalties that consider the gravity of crimes motivated by bias. Request a legal review from ODIHR on legislation or laws related to hate crimes. Initiate a parliamentary enquiry and look into whether more needs to be done to address the security needs of Muslim communities. Reach out to the Muslim community in your constituency to find out about their concerns. Ensure that your political party has measures to challenge racism and intolerance. Use every opportunity to condemn and reject expressions of anti-Muslim prejudice: online and offline, violent and non-violent, and seek expert advice on identifying coded expressions of anti-Muslim prejudice.	Join forces with other parliamentarians from your own and different parties. Find out more about the work of international parliamentary bodies with regard to anti-Muslim prejudice. Work closely with civil society activists and religious leaders in your community to build a coalition against anti-Muslim prejudice.	Become familiar with applicable international obligations addressing the problem. Check for ways to initiate, support and get involved in one of the concrete practical initiatives listed. Learn about the specific features of anti-Muslim hate crimes to strengthen your own response to anti-Muslim prejudice.

I am a	What can I do to help address the problem?	With whom can I work to address the problem?	How can I use this publication?
Civil servant	Initiate the development of training on hate crimes against Muslims for civil servants, especially those supervising and shaping training for criminal justice personnel. Ensure that anti-harassment and bullying policies in the work place include challenging intolerance against Muslims. Depending on your role and mandate, initiate an awareness raising campaign about the need to counter anti-Muslim issues. Interior/Justice: find out how your country is doing in the area of collecting data on anti-Muslim hate crimes and address data gaps if they exist. Interior/Justice: assess and review whether mechanisms, policies and measures are in place to address the security needs of Muslim communities and provide protection to Muslim sites.	Inquire with academic experts or research institutes, as well as with civil society organizations experienced in delivering such training. Work with local authorities, civil society organizations and media partners. Get in touch with Muslim communities and civil society organizations to find out more about their reports on hate crimes against Muslims. Contact the Muslim community and connect with its representatives and or security coordinators.	Familiarise yourself with the spectrum of anti-Muslim attacks in the OSCE region and with the key contexts that form the backdrop to these attacks. Understand why raising awareness about this issue is so important. Access relevant resources and ideas with regard to the significance of hate crime data collection. Review the practical suggestions on why and how government officials can cooperate with Muslim communities on security issues.

I am a	What can I do to help address the problem?	With whom can I work to address the problem?	How can I use this publication?
Law-enforcement officer	Assess whether a criminal offense you are recording and investigating might have been motivated by bias. Make an appointment with your local Muslim community to establish contacts, identify their security concerns and note how the community works. Build your capacity in understanding and responding to hate crimes against Muslims. Assess how you can co-operate with the Muslim community to collect data on anti-Muslim hate crimes and address underreporting. Ensure that anti-harassment and anti-bullying policies in the work place include challenging intolerance against Muslims. Co-ordinate emergency communication procedures with the Muslim community.	Ask the victim and any witnesses for their perception of any anti-Muslim bias in an incident or crime. Join forces with some of your colleagues to make these appointments. Ask your supervisor to take part in a training programme, such as TAHCLE and PAHCT. Liaise with your supervisors about whether this would be something that could be taken up at the national level. Ask for a contact person at the Muslim community security service.	Check the overview of bias indicators listed under "II. Hate crimes against Muslims in the OSCE region: key features" and see if it helps you establish a bias motivation. Learn more about how law-enforcement agencies can work with Muslim communities on security issues. Consult the list of resources and training programmes offered, such as the ODIHR's TAHCLE programme and *Data Collection Guide*. Look at good practices from different OSCE participating States.

I am a	What can I do to help address the problem?	With whom can I work to address the problem?	How can I use this publication?
Muslim religious community representative	Start monitoring anti-Muslim hate crimes and encourage the members of your community to report incidents and crimes. Make sure your methodology to record and interpret information is clear and transparent. Form broad-based coalitions with organizations working on human rights issues to address anti-Muslim and broader tolerance and non-discrimination issues. Organize an open-door day with the Muslim community and invite relevant government officials and civil society activists to get to know the community. Advocate for your government to follow up on and implement its international obligations Reach out to cultural and educational institutions, as well as the media, to share your reports and concerns about anti-Muslim bias.	Reach out to relevant international civil society networks. Contact other religious communities, cultural organizations and civil society groups to win their support for broad-based coalitions. Join forces with other civil society organizations to organize an open-door day. Contact relevant community members, as well as other civil society organizations with experience in this area. Talk to your local police agencies about opportunities for potential collaboration and events to promote community safety and hate crime reporting in your local community.	Find out more about training programmes and resources offered by civil society and inter-governmental organizations, such as the ODIHR's training for civil society on hate crimes and its resource guide for civil society. Find out more about the international standards that apply to your government and what may be relevant for you.

I am a	What can I do to help address the problem?	With whom can I work to address the problem?	How can I use this publication?
Muslim-led human rights organization representative	Start monitoring anti-Muslim hate crimes and encourage the members of your community to report them. Form broad-based coalitions with organizations working on human rights issues to address anti-Muslim and broader tolerance and non-discrimination issues. Organize events with the Muslim community, relevant government officials, police and civil society activists to raise awareness for anti-Muslim security challenges and promote alliances to tackle the issue. Advocate for your government to follow up on and implement its international obligations. Reach out to cultural and educational institutions, as well as to the media, to share your reports and concerns about anti-Muslim bias.	Reach out to relevant international civil society networks. Contact other religious communities, cultural organizations and civil society groups to win support for broad-based coalitions. Join forces with other civil society organizations to organize an open-door day. Contact relevant community members, as well as other civil society organizations with experience in this area.	Find out more about training programmes and resources offered by civil society and inter-governmental organizations, such as ODIHR's training for civil society on hate crimes and its resource guide for civil society. Find out more about the international standards that apply to your government.
Non-Muslim civil society activist	Check if there is anything your organization can do to show solidarity with the Muslim community in light of anti-Muslim attacks. Plan a joint cultural event with the Muslim community to foster tolerance and build coalitions against anti-Muslim bias. Identify shared goals with Muslim communities to jointly advocate for better hate crime data collection and, thus, build coalitions. Organize training on anti-Muslim bias within your own organization.	Reach out to the Muslim community or to a Muslim community organization to find out more about its concerns. Contact the Muslim community and other civil society and community organizations working on hate crimes. Inquire with academic experts or research institutes, as well as with civil society organizations experienced in delivering such training.	Learn about the impact anti-Muslim attacks have on the everyday lives of Muslim people. Find out more about the international standards that apply to your government. Familiarize yourself with the spectrum of anti-Muslim attacks in the OSCE region and with the key contexts that form the backdrop to these attacks.

I am a	What can I do to help address the problem?	With whom can I work to address the problem?	How can I use this publication?
Non-Muslim religious leader	Start an interfaith initiative that brings together members of different communities, including from the Muslim community. Organize an awareness-raising event about anti-Muslim hate incidents and crimes in your community and invite a guest to present an inspiring project about civil society coalition-building. Start collecting data on hate crimes targeting your community.	Seek advice and support from organizations experienced in interfaith work and invite some other members of your community to join. Reach out to the Muslim community's security professionals and see if there is a way for you to co-operate with them in the area of hate crime data collection.	Learn about some interfaith events and initiatives that have taken place across the OSCE region in response to anti-Muslim attacks. Familiarize yourself with contemporary manifestations of anti-Muslim hate incidents and crimes and learn why it is so important to overcome them through collaborative and human rights-based approach. Learn more about existing good practices.
Ombuds-institution / Equality body	Initiate a victimization survey to find out more about the security needs of Muslim communities and their experience with hate crimes against Muslims.	Consult victim support organizations, the Muslim community and international bodies.	Learn more about some of the features of contemporary anti-Muslim bias and how it impacts Muslim communities.
Teacher	Check whether the Muslim students in your school experience any harassment, threats or violence on the way to and from school, as well as in school. Create opportunities for students to learn about Islam and in particular about intolerance against Muslims, racism and xenophobia. Make sure your curriculum and teaching materials are inclusive and non-biased. Support and get involved in training about contemporary forms of anti-Muslim bias.	Consult your colleagues, reach out to Muslim community organizations and connect with Muslim youth organizations. Seek support from the school leadership.	Learn more about some of the features of contemporary anti-Muslim bias and how it impacts Muslim communities.

ANNEX 3: Islam and Muslims: What police officers need to know

This annex has been adapted and abridged by ODIHR with permission from the publication *Islam and Muslims: What Police Officers Need to Know* published by Islamic Social Services Association, Canada.

This annex is designed to aid police officers in better understanding the Muslim community, their faith and culture. It is not meant as an explanation of the behaviour of every Muslim that a police officer may encounter.[121]

Who is a Muslim?

A Muslim is someone who believes in the religion of Islam. Muslims believe that there is only one God (Allah) and that the Prophet Muhammad is the final prophet of Allah. Sunni and Shia Muslims represent two major denominations in Islam. These represent two different sides that split after the death of the prophet Muhammad over his succession. The great majority of the world's Muslims are Sunnis. Estimates suggest the figure is somewhere between 85% and 90%.[122]

What is Islam?

Islam is more than a religion; it is a way of life. It means peaceful submission to the will of the One God (Allah in Arabic). Muslims believe in all the prophets including Jesus and Moses. Muslims are commanded to follow the example of Prophet Muhammad, who was known for his honesty and mercy.

Pillars of Islam

As is the case with all religions, there is a core set of beliefs and practices that define the religion of Islam. These are some common denominators that distinguish and define the Islamic faith. At a minimum, this core would include what are known as the five pillars of Islam. The five pillars of the faith are the following:

1. The testament of faith (shahada): To believe and profess that there is no god, but God and that Muhammad is the messenger of God
The testament of faith is the most fundamental and critical pillar of Islam. Muslim theologians agree that believing in and pronouncing the testament of faith is the defining conviction and act that makes one a Muslim. The converse is also true: denying the

121 *Islam and Muslims: What Police Officers Need to Know*, Islamic Social Services Association, Canada, <http://www.issacanada.com/islam-and-muslims-what-police-officers-need-to-know/>.

122 Sunnis and Shia: Islam's ancient schism: https://www.bbc.com/news/world-middle-east-16047709

testament of faith means that one is not a Muslim. At the most basic level, the testament of faith means a strong and unwavering conviction in one God, who has no partners or equals, and who was not begotten and who begets no other. The testament also means believing that Muhammad is God's prophet and messenger, who faithfully transmitted what God revealed to him. Believing that Muhammad was but a human being who possessed no Divine powers or attributes is a critical part of the Islamic faith. Muhammad's role was restricted to transmitting the literal Divine revelation, word for word, and to acting faithfully upon God's commands.

The God that Muslims believe in is referred to as Allah in Arabic. Muslims believe that they worship the same God that Jews and Christians worship. In Qur'anic usage, the phrase "People of the Book" refers to the followers of the Abrahamic faith, mostly Christians and Jews. (The reason it is stated mostly Christians and Jews is that the Qur'an mentions Sabians as well, but Muslim jurists extended the People of the Book status to Zoroastrians, Hindus, and Sikhs, and some jurists even added Confucians to the list.) Addressing the People of the Book, the Qur'an reminds the followers of the three monotheistic religions that they all worship the same God.

2. Prayer (salat): Muslims are required to perform five formal ritual prayers a day. Muslims perform five separate daily prayers at designated times (Sunni tradition) according to the position of the sun, Shi'i Muslims combine the midday and evening prayers so they perform three separate times during the day. Muslims are also required to perform a congregational prayer in the mosque once a week, on Fridays, known as Jum'ah prayers. Muslims are encouraged to pray in the mosque as much as possible. The Friday Jum'ah prayer is designed to bring Muslim communities together to listen to a sermon before performing a prayer together as a congregation.

3. Fasting during Ramadan (siyam): During the Muslim month of Ramadan, from dawn to sundown every day for thirty days, Muslims abstain from eating and drinking, if they are physically able to do so, as well as from having intimate sexual relationships. This is a month in which Muslims focus on all forms of self-discipline and try to remove bad habits. During the month of Ramadan, Muslims are supposed to intensify their efforts of struggling to overcome their base and vile desires and weaknesses. In Islamic sources, this is known as *jihad al-nafs*, or the struggle against oneself.

4. Almsgiving (zakat): This is a set percentage (ranging from 2.5 per cent to 20 per cent, depending on the sect) of their wealth to the poor annually. In addition to these alms, Muslims are strongly encouraged to give to charity (sadaqa), each according to his or her wealth and ability.

The giving of charity is one of the most repeatedly emphasized obligations in the Qur'an. The Qur'an mentions groups of people particularly deserving of charity: the poor, the orphan, relatives in need, wayfarers and strangers or aliens in the land, and prisoners of war or other people in a state of bondage. Importantly, most Muslim scholars make no distinction between giving charity to Muslims or non-Muslims.

5. Pilgrimage (Hajj): A pilgrimage to Mecca once in a lifetime for those Muslims who can afford the trip and whose health allows them to make it.

Pilgrimage is a symbol of Muslim unity and of the basic equality of all Muslims. All Muslims go on the pilgrimage wearing the same kind of clothing so that there is no distinction between rich and poor; all stand next to each other before God while clothed in the same white shrouds for men and simple attire for women.

"These five pillars constitute the backbone of the Islamic faith, and according to traditional Islamic law, all Muslims must at least strive to fulfil the five obligations honestly and with sincerity. Denying one of the five pillars takes one out of the Islamic faith, meaning that a Muslim, in principle, must accept the five pillars as obligatory. Actually performing the five pillars is a different matter. As long as one admits that the five pillars are the essence of Islam and pronounces the testament of faith, one is accepted into the fold of Islam. The essential objective of the five pillars is to teach people to consistently work at developing a relationship with God; to learn piety, self-restraint, and humility; to emphasize the shared brotherhood of all Muslims; and to underscore the importance of service to others as a means of worshipping God. The five pillars have been described as the foundation upon which the rest of Islam stands, because they open up the potential of realizing the truly sublime—for realizing Godliness in oneself by surrendering oneself to Divinity".[123]

Do Muslims Have a Holy Book?

The Qur'an is the Muslim Holy Book. Muslims believe it was revealed about 14 centuries ago to the Prophet Muhammad over a period of 23 years and has been preserved in its original text and language to this day. Great respect and care should be observed when handling the Qur'an.

What are Sunnah and Hadith?

Sunnah is the practices of the Prophet Muhammad and what he approved of. The hadith are the sayings of Prophet Muhammad.

Muslim Holidays

There are two annual festivals. **Eid-ul-Fitr** (Festival of the breaking of the fast) takes place directly after the fasting month, the month of Ramadan. **Eid-ul-Adha** (Festival of the sacrifice) takes place during the yearly pilgrimage Hajj. A lunar calendar is followed to determine the dates of each. Each celebration is commenced with special prayers that all Muslims attend and is usually one of the largest gatherings of Muslims in a country.

123 This part on the five pillars of Islam is adapted from Khaled Abou El Fadl, *The Great Theft: Wrestling Islam from the Extremists*, <https://www.searchforbeauty.org/islam-101/what-muslims-believe/ >.

Hajj is the annual pilgrimage to Mecca, a journey that is required at least once in a Muslim worshipper's lifetime if they are financially and physically able.

Islamic New Year starts with the first day of the month of Muharram, the first month in the Islamic lunar calendar. The Islamic calendar began with the migration of the prophet Muhammad and his followers from Mecca to Medina.

Mawlid (or Milad) un-Nabi marks the birth of the Prophet and refers to observance of the birthday of prophet Muhammad.

Day of Ashura
Ashura falls on the 10th day of Muharram. For Sunni Muslims it is usually observed by completing an optional fast that was undertaken by the prophet Muhammad. For Shia Muslims, it marks the anniversary of the tragic death of the prophet's grandson Husain. It is usually commemorated with mourning and sometimes by re-enacting the tragic event.

Dietary Restrictions

Islam prohibits the consumption of pork and its by-products. Alcohol and any form of intoxicant are also prohibited in Islam. Food that meets Muslim religious requirements is called "halal".

General Guidelines

Muslim men and women are recommended to dress modestly in public.

a. Some Muslim men follow the recommendations to cover from navel to knee with loose fitting, non-transparent clothes. Some Muslim men cover their head with a circular cap, sometimes white, sometimes of other colours, usually called "kufi". Muslim men are encouraged by the example of Prophet Muhammad to grow their beard. This is an important religious act that should be respected. They should not be compelled to shave it off unless necessary for safety and health.

b. Some Muslim women follow the recommendations to cover their body but their face and hands with loose fitting, non-transparent clothing. Some Muslim women cover their hair, neck and chest with a loose scarf usually called "hijab". Some Muslim women may also cover their face with thin veil called "niqab".

It must also be noted that not all Muslim men and women dress in this manner. This in no way diminishes their commitment to their faith.

Common Arabic Phrases that Muslims Use

Alhamdulillah
Praise be to God, often said in response to "How are you?"

Assalamu Alaykum
An expression that Muslims say whenever they meet one another. It is a greeting translated as "Peace be upon you."

Jazakum Allahu khairan
May Allah reward you for your kindness. Muslim's version of thank you.

Subhan'Allah
Allah alone is worthy of praise in appreciation, in time of achievement or blessing.

Insha' Allah
God willing said when promising or intending to do something.

Allah' O Akbar
God is Great, A call for prayer, an often used phrase in praise of God.

Some Widely Used and Discussed Terms

Jihad
The widely used English translation of "holy war" has done grave injustice since jihad literally means struggle, effort and striving. The term holy war has no root in Islamic terminology. The most important struggle is to purify one's heart to follow Allah's commands and to do good works. Islam makes provision for war only under strict conditions of self-defence and to end persecution. Jihad in the Islamic tradition when discussed in the form of a military combat is sanctioned only to be declared by recognized religious and political authorities under clear conditions and rules of war.

Imam
An imam is the "leader" who leads the prayer service in the mosque and gives Friday sermons. In some societies, where mosques are the centres of the Muslim community, the imam also takes on the extra role of spiritual counsellor and/or community spokesperson. Many mosques or masjids employ full-time imams and some have voluntary prayer leaders. They are not to be confused with priests, as there is no priesthood in Islam (Shia Muslims place greater significance on the position of Imam, however).

Shar'iah
Shar'iah is a comprehensive body/collection of opinions and jurisprudence that covers all spheres of life: social, political, economic and spiritual. Muslims follow Shar'iah in their daily lives on a personal level, such as abstaining from alcohol or gambling. Shar'iah is derived from the Qu'ran (the first and believed to be the divinely revealed source of faith)

and Hadith (the second source of faith) the Prophet's sayings. The objective of Shar'iah is to establish justice and peace in society. Punitive measures mentioned in the Qur'an are only a small fraction of this body of knowledge.

Fatwa
A religious non-binding opinion or ruling, that can only be issued by qualified and recognized scholars of Islam, on any matter. Any Muslim can request a fatwa or scholars can declare one on their own initiative in matters pertaining to the social, political, economic and spiritual lives of Muslims.

Social Etiquette[124]

Privacy and Shaking Hands

It is recommended that officers of the same sex interact closely with and question Muslim men and women. If this is not possible, it is recommended that this is acknowledged and explained. Some Muslims will also choose not to shake hands or establish any physical contact with people of the opposite gender, unless they are their parents, siblings or spouses. A simple nod of the head in greeting is welcome. It should be taken as a manner of establishing personal boundaries.

Body searches

If a body search is required, it is highly recommended for a police officer of the same sex/gender to do it. It is recommended that this is done in privacy. Asking a Muslim woman to remove her headscarf or outer garment should fall in this category.

Removing shoes in the home

Unless it is an emergency, it is considerate to remove one's shoes when entering a Muslim home. The same is true when visiting a Muslim place of worship.

124 This section does not intend to define what is considered appropriate social etiquette by all Muslims everywhere, but represents a short compendium of practices that are respected and valued in the majority of Muslim communities.

ANNEX 4: Defining the terminology

OSCE Ministerial Council decisions and commitments speak of "intolerance against Muslims" and this is the terminology used in this Guide. The OSCE official commitments and documents do not contain a definition or further explication of the terminology used.

The Council of Europe's European Commission against Racism and Intolerance General Policy recommendation No. 7 defines racism as "the belief that a ground such as race, colour, language, religion, national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons."[125]

Furthermore in its General Policy Recommendation No. 8 on combating racism while fighting terrorism this Commission states: "As a result of the fight against terrorism engaged since the events of 11 September 2001, certain groups of persons, notably Arabs, Jews, Muslims, certain asylum seekers, refugees and immigrants, certain visible minorities and persons perceived as belonging to such groups, have become particularly vulnerable to racism and/or to racial discrimination across many fields of public life including education, employment, housing, access to goods and services, access to public places and freedom of movement."[126]

European Islamophobia Report, compiled by The Foundation for Political, Economic and Social Research (SETA) a non-profit research institute, covers 34 countries for the year 2018, uses the following explanation and wording: "When talking about Islamophobia, we mean anti-Muslim racism. As Anti-Semitism Studies has shown, the etymological components of a word do not necessarily point to its complete meaning, nor how it is used. Such is also the case with Islamophobia Studies. Islamophobia has become a well known term used in academia as much as in the public sphere. Criticism of Muslims or of the Islamic religion is not necessarily Islamophobic. Islamophobia is about a dominant group of people aiming at seizing, stabilizing and widening their power by means of defining a scapegoat – real or invented – and excluding this scapegoat from the resources/rights/definition of a constructed 'we'. Islamophobia operates by constructing a static 'Muslim' identity, which is attributed in negative terms and generalized for all Muslims. At the same time, Islamophobic images are fluid and vary in different contexts, because Islamophobia tells us more about the Islamophobe than it tells us about the Muslims/Islam."[127]

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125 ECRI General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination: <https://rm.coe.int/ecri-general-policy-recommendation-no-7-revised-on-national-legislatio/16808b5aae>.

126 ECRI General Policy Recommendation No. 8 on Combating Racism while Fighting Terrorism: <https://rm.coe.int/ecri-general-policy-recommendation-no-8-on-combating-racism-while-figh/16808b5abc>.

127 European Islamophobia Report; edited by Bayrakli, Enes and Hafez, Farid; SETA foundation and Leopold Weiss Institute, funded by the European Union, 2019; <http://www.islamophobiaeurope.com/2018-reports/>.

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