

CRI(2022)06

**ECRI GENERAL POLICY
RECOMMENDATION NO. 5
(REVISED)**

**ON PREVENTING AND COMBATING
ANTI-MUSLIM RACISM AND DISCRIMINATION**

ADOPTED ON 8 DECEMBER 2021

Strasbourg, 1 March 2022

CONTENTS

I. Preamble	4
II. Background and Context	7
III. Recommendations	18

I. Preamble

Having regard to the Universal Declaration of Human Rights;

Having regard to the International Convention on the Elimination of All Forms of Racial Discrimination;

Having regard to the European Convention on Human Rights and in particular Article 14;

Having regard to Protocol No. 12 to the European Convention on Human Rights, which contains a general clause prohibiting discrimination;

Having regard to the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist or xenophobic nature committed through computer systems;

Recalling ECRI's General Policy Recommendations No. 1 on combating racism, xenophobia, antisemitism and intolerance; No. 2 (revised) on equality bodies to combat racism and intolerance at national level; No. 6 on combating the dissemination of racist, xenophobic and antisemitic material via the internet; No. 7 on national legislation to combat racism and racial discrimination; No. 8 on combating racism while fighting terrorism; No. 10 on combating racism and racial discrimination in and through school education; No. 11 on combating racism and racial discrimination in policing; No. 14 on combating racism and racial discrimination in employment; and No. 15 on combating hate speech;

Having regard to, among others, the Recommendation 1162 (1991) of the Parliamentary Assembly of the Council of Europe on the contribution of the Islamic civilisation to European culture; Resolution 1605 (2008) on European Muslim communities confronted with extremism; Resolution 1743 (2010) on Islam, Islamism and Islamophobia in Europe; Resolution 1887 (2012) on Multiple discrimination against Muslim women in Europe for equal opportunities;

Recalling the White Paper on Intercultural Dialogue – Living together as equals with dignity (2008) of the Committee of Ministers of the Council of Europe;

Having regard to the European Union (EU) Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law; to the EU anti-racism action plan 2020-2025: A Union of equality and to the work of the EU Commission and the EU Agency for Fundamental Rights in the field of hate crime and combating anti-Muslim hatred and discrimination;

Recalling the reports of the United Nations (UN) Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in particular on combatting racial discrimination, xenophobia and related intolerance in a counter-terrorism context of 4 August 2017;

Noting the report on Countering Islamophobia/Anti-Muslim Hatred of 13 April 2021 by the United Nations Special Rapporteur on freedom of religion or belief;

Noting the 2019 United Nations Strategy and Plan of Action on Hate Speech;

Recalling the 2011 guidance issued by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR), the Council of Europe and the UN Educational, Scientific and Cultural Organisation (UNESCO) and entitled Addressing Islamophobia through Education: Guidelines for Educators on Countering Intolerance and Discrimination against Muslims;

Noting the appointment of the Special Representative of the Secretary General of the Council of Europe on Antisemitic, anti-Muslim and other forms of religious intolerance and hate crimes, as well as of Special Rapporteurs/Representatives and Coordinators combating anti-Muslim racism in the UN, the OSCE and the EU;

Recalling the principles contained in self-regulatory instruments of political parties;

Convinced that the peaceful co-existence of religions in a pluralistic society is founded upon respect for equality and for non-discrimination between religions in a democratic state with a clear separation between the laws of the State and religious institutions;

Recalling that Judaism, Christianity and Islam have mutually influenced each other and influenced European civilisation for centuries and recalling in this context Islam's positive contribution to the continuing development of European societies of which it is an integral part;

Strongly regretting that Islam and Muslims are sometimes portrayed on the basis of hostile stereotyping the effect of which is to make this religion and its followers or those perceived as such seem a threat;

Rejecting all deterministic views of Islam and recognising the great diversity intrinsic in the practice of this religion;

Observing the significant increase of anti-Muslim hatred and discrimination in many member States of the Council of Europe, and stressing that this increase is also characterised by contemporary forms of this phenomenon, which has followed closely contemporary world developments, notably the terror attacks of 11 September 2001; the subsequent strengthened efforts in the fight against terrorism; the situation in the Middle East and the growing migration from Muslim majority countries into Europe;

Firmly convinced that hatred and prejudice affecting Muslim communities, which may manifest themselves in different guises, not only through negative attitudes but also, to varying degrees, through discriminatory acts, hate speech and hate crime, need to be actively fought as a component of the struggle against racism;

Rejecting all acts and manifestations where religion is utilised to justify violence and extremism;

Strongly regretting the prevalence of false accusations affecting Muslim communities as a whole without distinguishing between Muslims and religiously disguised extremists;

Stressing the responsibility of the member States of the Council of Europe in ensuring that the prevention of and the fight against terrorism does not have a negative impact on any particular ethnic, religious or linguistic group;

Recalling the need for member States to favour the integration of new members of their societies as a two-way process and ensure the inclusion of their longstanding diverse populations in order to help prevent racist, discriminatory or xenophobic responses from some segments of society to the climate generated by the fight against terrorism or religious extremism, or while addressing the challenges of growing migration;

Noting that anti-Muslim racism and discrimination often have an intersectional dimension operating on several grounds such as religion, national or ethnic origin and gender;

Noting with deep concern the growing trend of gendered abuse against Muslim women, particularly those that publicly manifest their faith;

Stressing that freedom of expression in a democratic society must permit open debate on matters relating to religion and beliefs while recalling that hate speech against any religious group is not compatible with this freedom;

Noting that the internet has increasingly been used as a vehicle for spreading anti-Muslim hatred and prejudice and that the social networks have failed to take effective measures to prevent this dangerous misuse of their platforms;

Believing that an adequate response to these phenomena can only be developed through the concerted efforts of all relevant actors in European societies, including representatives of different communities, religious leaders, scholars, civil society organisations and other key institutions, including those in the fields of education, sports, and culture and politics;

Stressing that efforts to counter anti-Muslim hatred and prejudice should include the thorough implementation of legal provisions against racism and racial discrimination in respect of all perpetrators and for the benefit of all victims, with special emphasis on the provisions against incitement to racist violence as well as racial discrimination;

Convinced furthermore that these efforts should also include the promotion of dialogue and cooperation between the different segments of society at the local and national levels, including dialogue and cooperation between different members of cultural, ethnic and religious communities by taking inspiration from intercultural approaches;

Emphasising strongly the role of education in the promotion of tolerance and respect for human rights, and thereby also in the struggle against anti-Muslim racism and discrimination;

Underlining the need for governments to proactively address anti-Muslim racism and discrimination through education, ensuring that education systems build pupils and students' resistance to anti-Muslim hatred and prejudice, and to respond effectively to instances of anti-Muslim racism and discrimination in educational settings;

Emphasising that a diversity of beliefs within pluralistic societies is an asset and that the principle of a multi-faith and intercultural society goes hand in hand with the willingness of religions to co-exist within the context of the society of which they form part;

Emphasising the contribution of all religions in fostering social cohesion and the duty of member States to respect all religions on an equal footing;

Decided to renew its General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims in accordance with its Roadmap to Effective Equality drawn up on the occasion of its 25th anniversary.

II. Background and Context

General Comment

1. It is ECRI's mandate and the intention of this General Policy Recommendation (GPR) to prevent and counter public manifestations of anti-Muslim racism. In this context, it is also important to emphasise that while ECRI's GPRs are addressed to the national authorities of Council of Europe member States, preventing and combating anti-Muslim racism and discrimination should be understood as a responsibility of all members of society.
2. European societies constitute a rich cultural tapestry, consisting of diverse ethnic, religious, historical and philosophical backgrounds, of which Muslims have been an integral and respected part and to which they have contributed for centuries. Despite this, a pressing need has emerged in terms of conceptualising new challenges with respect to preventing and combating racism and discrimination against Muslims since 2000. This need has been amplified since the September 11 terror attacks in 2001 by Al-Qaeda, the recent increase in the arrival of migrants, including Muslim migrants, in Europe, as well as the strengthening of xenophobic, ultra-nationalist populist parties and movements. These trends have led to a significant upsurge of both violent and non-violent anti-Muslim acts as well as rhetoric, which have become increasingly mainstream. Anti-Muslim hatred and prejudice are often prevalent in society, dispersing across institutional, political, social and economic life. Furthermore, whilst acts of anti-Muslim hatred in Europe have been and continue to be criticised by governments, an unequivocal, strong and well-coordinated response with a view to preventing and combating it in a sustainable manner has been lacking at the national and European levels.

A. Historical development

3. The history of Muslims and Islam in Europe, as part of European history, is as complex as it is long.¹ Islam, Judaism and Christianity share the same roots and hold common values. This interconnection is also evident in the histories of the member States of the Council of Europe themselves. For some, interaction with Muslims and Islam has spanned centuries. For others, such experiences are comparatively new. In many member States, Muslim communities are in the minority whilst other member States are themselves Muslim majority societies. This, however, does not change the fact that Islam and Muslim communities are a constitutive element of European history.
4. From the 7th to 16th Centuries, in the contexts of the Crusades or Reconquista in particular, Muslims and Islam were portrayed as "Other" or "Enemy". Later, colonial, orientalist depictions, some of which still endure today, presented Muslims as inferior on civilizational terms and reinforce images of a homogenous domestic "us". The harmful and persistent consequences of colonialism have also had a deep impact on negative understandings of Muslims and Islam in recent decades. A range of global events and issues, including civil unrest and international conflicts in various regions have also informed contemporary depictions and perceptions of Muslims and Islam in Europe in general.

¹ See also, Council of Europe, Parliamentary Assembly (PACE), Recommendation 1162 (1991), Contribution of the Islamic civilisation to European culture.

5. The Al-Qaeda attacks in the United States on September 11, 2001 have been described as a “watershed moment” in the intensification of negative stereotypes about Muslims and Islam. Negative representations have further intensified in the aftermath of attacks perpetrated by the so-called ISIS (Daesh) and other terrorist groups in various regions, including in Europe.² Confronted with daunting challenges in responding to these horrific acts and addressing their root causes, member States have taken resolute action at many levels. A number of counter-terrorism policies and associated discourses have however had a profound effect on creating and strengthening negative stereotypes leading to contemporary forms of anti-Muslim sentiment. In parallel, higher levels of immigration from Muslim majority conflict regions to Europe often led to the word “Muslim” becoming synonymous and being used pejoratively with the terms migrant, asylum seeker and refugee in the public discourse. At the same time, concerns arising from what is generally described as Islamism – understood as a religiously disguised form of political extremism³ – have also amplified anti-Muslim sentiments.

B. Framing concepts and definitions

6. Despite the great diversity in terms of their national or ethnic origin, language, and citizenship as well as religious orientation and practice, Muslims today have been commonly and inaccurately portrayed as a homogeneous, monolithic group. The construction of this reductive and static “Muslim” identity has increased in recent decades. In most anti-Muslim discourses across Europe, as noted by ECRI in its country reports, the stereotype of the “Muslims” is largely associated with four main and related characteristics, namely: foreignness, backwardness, threat and cultural incompatibility with core European values such as human rights and democracy. Such stereotypes can easily turn into anti-Muslim racism and discrimination if it implies that certain communities are presented as being so different from each other that they cannot live together. In ECRI’s view, ideologies based on the incompatibility between national/ethnic or religious groups present a similar degree of danger to social cohesion to those based on “racial” superiority.⁴
7. Anti-Muslim hatred and discrimination should also be viewed through the lens of what is termed as “racialisation”.⁵ ECRI’s monitoring work has shown that anti-Muslim sentiments operate simultaneously on various markers of difference employed to define “Otherness”, including religion and ethnic or national background. With Muslimness - actual or perceived - becoming an identity marker, Muslims may also be “racialised” on the basis of their physical appearance, religious or cultural characteristics, regardless of whether they themselves identify as Muslims or not. Furthermore, there are differences in the manner in which Muslim men and women in particular are racialised. While both Muslim men and women may be presented as associated with violent activities, Muslim women are often depicted as oppressed, passive and devoid of intellect and agency.

² See Council of Europe, PACE, Resolution 2090 (2016), Combating international terrorism while protecting Council of Europe standards and values, in particular § 7 and 8.

³ See Council of Europe, PACE, Resolution 1743 (2010) on Islam, Islamism and Islamophobia in Europe, § 20. In this GPR, the term ‘Islamist’ is used for activists of Islamism: not all Muslims are Islamists (only a minority are). ECRI strongly emphasises that this should not be misunderstood or wrongly interpreted in any way as justifying prejudice, discrimination or hatred against Muslims.

⁴ ECRI Annual Report (2010): §12.

⁵ See ECRI’s Opinion on the concept of “racialisation” (2021), in particular § 5.

8. Referring to its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination and relying on its definition of racism as “the belief that a ground, such as “race”⁶, colour, language, religion, nationality 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”⁷, ECRI considers the racism framework as fitting to qualify the phenomena of hatred and discrimination against Muslims or those perceived as Muslims. Furthermore, it deems that such qualification is an important step for the full recognition and understanding of the phenomena as a specific form of racism in accordance with its definition of racism.⁸
9. In this connection, although the term Islamophobia is now established in the political lexicon and has gained public policy prominence, it has been regularly challenged, notably vis-à-vis the potential unintended consequences of its use and allegations of its possible political and ideological exploitation that could result in deterring the reasonable criticism of Islam, thereby putting the right to freedom of expression at risk. “Anti-Muslim hatred” and “anti-Muslim prejudice” are also employed frequently. ECRI also notes that despite the extensive literature and lengthy discussions on the use of these terms, there is a lack of generally accepted terminologies and definitions of the phenomena. For the purposes of this GPR, ECRI will refer to the phenomena as anti-Muslim racism and discrimination for the reasons exposed earlier, whilst also using “anti-Muslim hatred” and “anti-Muslim prejudice” in order to characterise the complex and diverse array of hate speech and violence as well as any act of discrimination directed at Muslims or those perceived to be Muslims.
10. ECRI notes that, like all dynamics of exclusion, anti-Muslim racism is strongly context-dependent, and can vary over time and across space. As such, there is not one racism but different context-specific racisms, which can manifest - implicitly or explicitly - not only in individual attitudes and actions, but also structurally in policy initiatives or institutional arrangements. These manifestations include prejudice, stigmatisation, discrimination (including profiling), hate speech and hate crime, exclusion in key areas of life such as education, employment and housing.
11. Tolerance has been a central principle that underpins freedom of religion and makes it possible to maintain a cohesive public order. It refers to respect, acceptance and appreciation of the rich diversity of our world’s cultures, our forms of expression and ways of being human.⁹ Freedom of religion, on the other hand, has many dimensions and intersects with other human rights, including the right to be protected from discrimination. Forms of intolerance experienced by actual or perceived Muslims are sometimes solely forms of religious intolerance towards Muslim believers. While prejudices against an essentialised version of Islam and Muslims play a large role in anti-Muslim racism, religious intolerance, where the religion is primarily seen as a problem, is often expressed in views of Islam as a religion that is inherently opposed to core human rights, including the rights to freedom of expression and gender equality.

⁶ Since all human beings belong to the same species, ECRI rejects theories based on the existence of different “races”. However, ECRI uses this term in order to ensure that those persons who are generally and erroneously perceived as belonging to “another race” are not excluded from the necessary protection. See ECRI GPR No. 7 on national legislation to combat racism and racial discrimination.

⁷ ECRI GPR No.7, 1.a.

⁸ See for instance, EU Action Plan against Racism 2020-2025.

⁹ Article 1 of the UNESCO Declaration on the Principles of Tolerance (1995). The same article also stipulates that tolerance is ‘not only a moral duty, but also a political and legal requirement’.

12. ECRI notes that anti-Muslim racism is not always reducible to hostility to a “religion” alone and is intimately linked to other forms of exclusion, which can overlap with anti-immigrant sentiments, xenophobia, gender or social class bias. In other words, anti-Muslim racism is multi-layered and intersectional. In many instances, refugees, asylum seekers and migrants (from Muslim majority countries) have been viewed as “Muslims” since the latter are often not only defined in terms of their religious affiliation but also in terms of their presumed ethnic or national background. Further, European Muslims are at times viewed as migrants on the basis of their religious identities that are deemed “foreign”. Muslim women wearing visible religious symbols, on the other hand, or Black Muslims are more exposed to discrimination, hate speech and violence due to the intersection of gender, religion and/or colour - or on the basis of any of these identities in isolation (e.g. sexism¹⁰ and anti-Black racism).
13. The concept of intersectionality recognises the manner in which “multiple grounds of identity” interact¹¹ in experiences of exclusion and hostility. It therefore holds great significance in capturing the consequences of the interaction between two or more combined forms of discrimination or systems of subordination and addresses the manner in which they contribute to create layers of inequality.¹² ECRI hence considers this concept imperative for understanding the phenomenon of anti-Muslim racism in all its complexity.

C. Contemporary forms of anti-Muslim racism and discrimination

14. Anti-Muslim racism operates along three main axes: denigratory stereotyping and hatred, including hate-motivated violence; cycles of disadvantage; and negation and even obliteration of culture and religion. This phenomenon does not solely manifest in instances of interpersonal hostility or discrimination but may also be structural.¹³
 - *Stigmatisation*
15. The process of “othering” often starts with sweeping generalisations. Due to the routine portrayal of Islam as an external “threat” to distinctly European norms and values, Muslims have been increasingly scapegoated and stigmatised. This growing trend has further been aggravated by fears of Islamism¹⁴ as well as the rise of extremist and violent Islamist¹⁵ movements¹⁶ and terror attacks allegedly committed in the name of Islam, which are often instrumentalised to portray Muslims in general as unwilling and unable to integrate into European societies and therefore as a security threat.¹⁷

¹⁰ See, in this connection, Recommendation CM/Rec(2019)1 of the Council of Europe’s Committee of Ministers to member States on preventing and combating sexism.

¹¹ EU – Council of Europe, FRA - ECtHR, Handbook on European non-discrimination law (2018), p. 59.

¹² Report of the Expert Group Meeting on gender and racial discrimination, Office of the High Commissioner for Human Rights (OHCHR) and United Nations Development Fund for Women (UNIFEM), UN Division for the Advancement of Women (DAW) (2000).

¹³ Structural discrimination is woven into the ways our societies function, and operates through norms, routines, patterns of attitudes and behaviour that create obstacles in achieving equal opportunities and effective equality. In the context of this GPR, it may be defined as “a pattern of discriminatory attitudes and behaviours in societal structures that, consciously or unconsciously, present obstacles to Muslims”.

¹⁴ See paragraph 5.

¹⁵ *ibid.*

¹⁶ For instance, terror groups such as Al-Qaeda, ISIS (Daesh) and similar actors.

¹⁷ ECRI Annual Report (2014): §14.

16. Depicting Muslims and their beliefs as not being part-and-parcel of the society and as threats serves to perpetuate anti-Muslim racism. In ECRI's view, such rhetoric is often only the first step towards discrimination against and exclusion of Muslims, which stands in sharp contrast to the universality of human rights¹⁸ and results in dangerous "normalisation" of anti-Muslim prejudice.¹⁹ Therefore, drawing inaccurate parallels between terrorists, religious and political extremists and, on the other hand, the Muslim population as a whole is thus leading to a toxic climate that is likely to give rise to feelings of rejection and hostility towards, and alienation among, Muslim communities and to ignore their daily realities.
17. The growing perception of Muslims in at least some segments of European societies, wherein they are perceived as belonging to a "suspect community", that is a community suspected of involvement in violent activities simply because they are Muslims²⁰ and on the sole basis of deep-rooted prejudices against them, have contributed to displaying different manifestations of anti-Muslim racism and discrimination. Many Muslims or persons perceived as such (including persons of Arabic or South Asian descent who are not Muslims) across Europe complain about practices of law enforcement agencies²¹ amounting to racial profiling²², and of being unduly subjected to counter-terrorism measures²³ and operations or border controls.²⁴ As many ECRI country reports have shown, anti-terror legislations have a particularly negative impact on young Muslim men, or those perceived to be Muslims, who are regularly stopped and searched, even in the absence of a reasonable suspicion of unlawful conduct²⁵ on their part. Similarly, Muslim women wearing visible religious symbols, such as the headscarf as well as Muslim men with beards and/or traditional clothing, are sometimes represented as being associated with terrorism. These examples also highlight the possible gendered assumptions in the development of counter-terrorism strategies.

¹⁸ ECRI Annual Report (2019): §13.

¹⁹ ECRI Annual Report (2018): §14.

²⁰ Security policy risk indicators as to whether or not a Muslim person is deemed threatening may include: praying five times per day, growing a beard, donating to charities, going on hajj or umrah.

²¹ For the purpose of this GPR, law enforcement agencies or authorities may include internal security services.

²² See ECRI GPR No. 11 on combating racism and racial discrimination in policing, in which racial profiling is defined as follows: "The use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin in control, surveillance or investigation activities".

²³ In the context of a "whole society approach" to counter-terrorism, Muslim communities can find themselves under the scrutiny of a range of societal actors, who have been vested with responsibilities to detect "signs of radicalisation", including teachers, social workers, medical staff and other health-care professionals, neighbours and family members, community leaders and members of faith-based groups (UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2020), A/HRC/43/46; §32).

²⁴ ECRI Annual Report (2015): §22; See also EU, FRA (2017), Second European Union Minorities and Discrimination Survey Muslims – Selected findings.

²⁵ ECRI GPR No. 11 on combating racism and racial discrimination in policing, Explanatory Memorandum; § 44; UN, CERD General Recommendation No. 36 on Preventing and Combating Racial Profiling by Law Enforcement Officials, CERD/C/GC/36 (2020).

18. ECRI recognises that Council of Europe member States have a vital role to play in protecting their populations against terrorism. However, it stresses that preventing and combating terrorism should not become a pretext under which racism, racial discrimination and intolerance are allowed to flourish.²⁶ Often, state authorities fail to assess the risk of discrimination in the design and implementation of counter-terrorism measures, as well as the impact that these measures may have in practice on different groups and community relations. It is worrying that such measures can target and affect specific minority groups, including Muslims, disproportionately, in a number of countries.²⁷ In ECRI's view, this situation not only exposes Muslims to a greater risk of breaches of their rights but also contributes to a climate of suspicion around them, or those identified as such, and runs counter to efforts undertaken to build inclusive societies.
19. Members of Muslim communities have reported to ECRI on many occasions that they find it frustrating, intimidating and insulting that they have to systematically and publicly display anti-terrorism positions and a commitment to freedom of expression or other human rights, simply due to their Muslim background and in order to be deemed as acceptable citizens.
20. In its monitoring work, ECRI has observed that anti-Muslim rhetoric is no longer confined to the fringes of society and is now embraced by mainstream politicians, amplified by growing xenophobic populist discourse.²⁸ Ultra-nationalistic populist movements claiming to protest against the alleged Islamisation of European countries often mix various aspects of anti-Muslim racism with general xenophobic discourse for political gains.²⁹ In this respect, particularly in the context of migration to Europe from 2015, several politicians have deployed anti-immigration discourses to stir up prejudice and hatred against Muslims in general. In the framework of election campaigns in particular, such politicians have unleashed hatred towards Muslims by taking advantage of the concerns raised by the larger movement of migrants.³⁰ This has resulted in widespread mistrust of Muslims, including those who were born or have lived for a considerable time, indeed generations, in Europe already, and has developed and motivated intolerant attitudes amongst some non-Muslims.
21. Apart from political discourse, hate speech targeting Muslims or persons perceived as Muslims has also increased in print and broadcast media in a growing number of countries. Some media outlets portray Muslims as either a threat or a problem with general themes, including the persistent collocation of the words Muslims/Islam with terms such as terrorism or extremism, sensationalist reporting practices that position Muslims as a foreign "Other", a threat to European values, among other things. Such use of stereotypical imagery contradicts the principles of ethical journalism. To counter this, without infringing on the editorial independence of the media, efforts should be made to disseminate alternative narratives, as widely as possible, about those persons subject to stigmatisation, portraying them instead in a positive light that is well-founded, well informed and provides a compelling challenge to their adverse portrayal.³¹ The media

²⁶ ECRI GPR No. 8 on combating racism while fighting terrorism, Preamble.

²⁷ UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2017), A/72/287: §7; See also EU, FRA (2021), Directive (EU) 2017/541 on combating terrorism: Impact on fundamental rights and freedoms.

²⁸ ECRI Annual Report (2016): §18.

²⁹ ECRI Annual Report (2014): §15.

³⁰ ECRI Annual Report (2017): §14.

³¹ See also ECRI GPR No. 15 on combating hate speech; Explanatory Memorandum; § 96.

are crucially instrumental to this effect. In this regard, ECRI has repeatedly emphasised the importance of establishing a genuine dialogue with Muslim communities and taking measures to debate the image of Islam and Muslim communities conveyed to the public, as well as promoting the inclusion of diverse media professionals to challenge the narrative from within.³²

22. Furthermore, online hate speech targeting Muslims in particular has soared in recent years and remains very prevalent.³³ On social media platforms in particular, inflammatory anti-Muslim narratives proliferate and include the demonisation of Muslim communities, conspiracy theories referring to Muslims as “invaders” of Europe, those discourses specific to the Covid-19 pandemic, and incitements to violence against Muslims. People who are identifiably Muslim online may also find that their Muslim identity is targeted in the virtual space and subjected to abusive and threatening behaviour, even in the context of issues that have nothing to do with their faith or community, which for some has a chilling effect on online participation. ECRI has observed that surges in online hate speech are mostly sparked or “triggered” by external developments, such as terror attacks or through statements giving rise to tension by failing to make a distinction between the criticism of a religion and offending the followers of that religion.
23. ECRI considers that action against the use of hate speech should serve to protect individuals and groups of persons, rather than particular ideologies or religions, and that restrictions on hate speech should not be misused, among others, to suppress criticism of religious beliefs.³⁴ In this respect, while anti-Muslim rhetoric should always be condemned, it should be distinguished from criticism of Islam. Making a distinction between these two is essential because eradicating space for criticism of Islam would harm democratic debate and stifle freedom of expression.³⁵

- *Discrimination*

24. ECRI reports have shown that anti-Muslim racism may also materialise in widespread discrimination in various areas of life and in the relations with the authorities. By way of illustration, in an EU wide survey, about four in ten Muslims (39%) reported experiences of discrimination, while one in five indicated that religion was the primary motivation.³⁶ For example, persons with names suggesting that they may be Muslims were widely reported to encounter difficulties in recruitment processes, including being refused jobs due to being identified as Muslim. The lack, or reduced prospects, of employment may

³² ECRI Annual Report (2017): §15.

³³ For example, see the results of the 2021 survey conducted by the Council of Europe Secretary General’s Special Representative on Antisemitic, anti-Muslim and other forms of religious intolerance and hate crimes.

³⁴ ECRI GPR No. 15 on combating hate speech; Preamble. See also PACE Resolution 1510 (2006) on freedom of expression and respect for religious beliefs; PACE Recommendation 1805(2007) on blasphemy, religious insults and hate speech against persons on grounds of their religion.

³⁵ ECRI notes that criticism of any religion, including Islam, and of its leaders or practices is not an act of discrimination against its followers, but part of freedom of expression, which is a fundamental human right enshrined under Article 10 of the European Convention on Human Rights. However, responsible exercise of the right to freedom of expression should not overstep the limits of acceptable criticism, as established by the European Court of Human Rights. The case law of the Court furthermore confirmed that the right to freedom of expression does not protect incitement to violence and discrimination, negative stereotyping or direct insults towards a particular group, such as Muslims. See *Norwood v. the United Kingdom* (no. 23131/03), decision of 16 November 2004; *Soulas and Others v. France* (no. 15948/03), decision of 10 July 2008; *Féret v. Belgium* (no. 15615/07), judgment of 16 July 2009; *Le Pen v. France* (no. 18788/09), decision of 7 May 2010. ECRI further notes that the Court had stated on several occasions that, in the context of religion, member States had a duty to suppress certain forms of conduct or expression that were gratuitously offensive to others and profane. See, for example, *E.S v. Austria* (no. 38450/12, judgment of 25 October 2018), § 21, 43.

³⁶ EU, FRA (2017), *op.cit.*

not only result in economic exclusion but may also make Muslims, in particular young Muslims, more vulnerable, potentially isolating them from society. At a community level, in recent decades, legislative measures have been passed in various national and sub-national contexts that include restrictions on the wearing of religious dress, the construction of mosques, minarets, and halal food production and access to citizenship, some of which were deemed as discriminatory.

25. ECRI has repeatedly observed that women wearing visible religious symbols, such as the headscarf, are particularly vulnerable to discrimination and harassment at work due to grounds of both gender and religion.³⁷ Indeed, Muslim women wearing visible religious symbols have been the focus of intense controversy in European societies. An increasing number of legislative measures that regulate the wearing of such symbols have further fuelled this debate. Although such laws apply to all religious symbols, allegedly Muslim women disproportionately bear their impact. Besides, the public discussion about these initiatives is reported to have even more detrimental effects than the laws themselves for Muslim women, who are portrayed as oppressed, submissive and dependent, which reinforces stereotypes and pays insufficient attention to the self-understanding and agency of these women.
26. A major point of difficulty for Muslim women is the impact of the choice to wear a religious dress since this choice often results in undue restrictions in a wide array of areas, in particular access to education, employment and goods and services. These impediments profoundly affect the lives of Muslim women and prevent them from realising their full potential, which is a fundamental loss not only on a personal level but also on a societal scale. In ECRI's view, the stigmatisation and exclusion of Muslim women can fuel feelings of isolation within a larger community, deepen divides among people and hinder inclusive societies.
27. ECRI also notes that especially blanket bans on full veiling (through the burqa or the niqab) and other related cases brought before international adjudication, such as the European Court of Human Rights (ECtHR)³⁸, the Court of Justice of the European Union³⁹ and the UN Human Rights Committee⁴⁰, seem to have further propagated controversies. Although the case law shows diverging views on restrictions regarding religious dress, justifications for the latter include protecting the dignity of women and equality between women and men, ensuring public security, preserving social interaction and guaranteeing the conditions of "living together".

³⁷ See ECRI GPR No. 14 on combating racism and racial discrimination in employment; Explanatory Memorandum.

³⁸ For the case law on face veils – see *S.A.S. v. France* (no. 43835/11), judgment of 1 July 2014; *Belcacemi and Oussar v. Belgium* (no. 37798/13), judgment of 11 July 2017; *Dakir v. Belgium* (no. 4619/12), judgment of 11 July 2017. The case law also includes, amongst many others, cases of primary school teachers and university lecturers, university students, school pupils, hospital workers. See - inter alia - *Dahlab v. Switzerland* (no. 42393/98), Admissibility, 15 February 2001; *Leyla Şahin v. Turkey* [GC], (no. 44774/98), judgment of 10 November 2005; *Köse and Others v. Turkey* (no. 26625/02), decision of 24 January 2006; *Dogru v. France*, (no. 27058/05) and *Kervanci v. France* (no. 31645/04), judgments of 4 December 2008; *Ebrahimian v. France* (no. 64846/11), judgment of 26 November 2015; *Osmanoğlu and Kocabaş v. Switzerland* (no. 29086/12), judgment of 10 January 2017.

³⁹ Cases C-157/15, *Samira Achbita, Centrum voor gelijkheid van kansen en voor racismebestrijding v. G4S Secure Solutions NV* and 188/15 *Bougnaoui and Association de défense des droits de l'homme (ADDH) v. Micropole Univers*, Court of Justice of the European Union (CJEU), 14 March 2017; Cases C-804/18 and C-341/19, *IX v. WABE eV and MJ v. MH Müller Handels GmbH*, CJEU, 15 July 2021.

⁴⁰ *Yaker v. France* (no. 2747/2016), 17 July 2018; *Hebbadj v. France* (no. 2807/2016), 17 July 2018.

28. ECRI acknowledges the significant discretion of states on matters pertaining to the manifestation of a religion and the restrictions that may be imposed thereon, as confirmed by the ECtHR and further recalls that any legislation, which introduces a ban, must respect the principles of lawfulness, proportionality and neutrality, pursue a legitimate aim and be free of any form of discrimination. In this respect, ECRI underlines the importance of equality of treatment of all religious groups and considers that such legislation could have an adverse effect on the inclusion of the particular community concerned and result in indirect and intersectional discrimination, with a considerable risk of impeding Muslim women and girls' empowerment and self-realisation while concomitantly marginalising them.
29. In various national settings and despite laws that protect freedom of association, Muslim civil society actors have been subject to governmental restrictions, including closure orders. Resonating with the aforementioned concept of suspect communities, this can happen in the absence of sound evidence to justify such measures. The effect of such closures – or threats of closure – holds the risk of unduly restricting freedom of association among Muslim communities and their ability to engage in civic participation. States have also encroached on the ability of Muslims to practice their faith without discrimination by, for instance, preventing the construction of mosques.⁴¹
30. In this context, ECRI considers that member States should pursue the more integrating aims of pluralism, tolerance and broad mindedness and to seek for measures that would highlight the diversity of societies where Muslims constitute an integral part. In ECRI's view, where appropriate, the reasonable accommodation of religious requirements⁴² may also ensure that Muslims exercise their right to freedom of religion without discrimination and has a positive impact in terms of integration and social cohesion.
31. In ECRI's opinion, prejudices against Muslims maintain a hold on certain persons due to their insufficient knowledge of Muslim religion and culture, or are informed by anti-Muslim stereotypes, or indeed both. Oftentimes, there is limited and biased knowledge of Islam and lack of informed perception about Muslims. Considering the important role of education and its socialisation function, teaching about anti-Muslim racism and discrimination needs to be integrated into the school curricula as part of broader lessons on citizenship, human rights, tolerance and the fight against racism. ECRI underlines that combating denigration and negative religious stereotyping of persons through education is the best way of addressing anti-Muslim stereotypes and can confront these in even and measured ways.⁴³ Such inclusive education measures may also build young people's resistance to violent extremist messaging and foster a positive sense of identity and belonging.

⁴¹ UN Special Rapporteur on Freedom of Religion or Belief (2021), A/HRC/46/30, §27.

⁴² See, in this connection, Council of Europe, PACE Resolution 1928 (2013) on safeguarding human rights in relation to religion and belief and protecting religious communities from violence, § 9.9, and Resolution 2036 (2015) on tackling intolerance and discrimination in Europe with a special focus on Christians, § 2.

⁴³ OSCE/ODIHR, Council of Europe and UNESCO, Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education (2011); p. 23-31. See also ECRI GPR No. 10 on combating racism and racial discrimination in and through school education.

32. The stimulation of intercultural dialogue is equally crucial in bringing communities and individuals closer together and ensuring equal dignity and mutual respect.⁴⁴ In this context, ECRI considers local policy responses to tackling anti-Muslim racism and discrimination particularly important. This approach engages positively with Muslim communities alongside those with other beliefs for the purposes of building trust, cohesion and positive intercultural interactions, embracing diversity as an asset but not as a threat.

- *Hate-motivated violence*

33. ECRI's monitoring reports have demonstrated the prevalence of hate-motivated violence against Muslims. Anti-Muslim attacks range from the desecration of Muslim cemeteries, religious buildings and mosques, to abusive behaviour, threats, physical assaults, including in public, against Muslim men or men believed to be Muslim, to murder and deadly terrorist attacks. Data from many European countries suggest that Muslim women are frequently the targets of violence that often involves the pulling off of face veils and headscarves or being spat at. ECRI always calls for strong actions to prevent and punish such attacks since public humiliation of this kind undermines human dignity, creates fear and isolation as well as hinders integration and inclusion.⁴⁵ As noted above, Muslim men and women have both been subjected to anti-Muslim hate speech on and offline, targeted with abuse and hostility, with evidence suggesting that incidents of anti-Muslim hostility are likely to increase in the aftermath of terrorist attacks carried out by those who claim to do so in the name of Islam.

34. Overall, the extent of violent incidents against Muslims often remains undocumented and under-reported. Victims and witnesses usually refrain from reporting these incidents due to the fear of reprisal or lack of trust in the authorities. ECRI notes that the failure of the authorities to react appropriately to hate crimes against Muslims may lead to the repetition of such acts and lack of prosecution might send a message of impunity. In this context, ECRI has repeatedly emphasised the need to take steps to ensure the effective functioning of the justice system against anti-Muslim hate crime.⁴⁶ These include, among others, the effective monitoring and recording of incidents, collecting uniform and reliable data, increasing the capacities of law enforcement agencies and prosecuting services to effectively identify and investigate bias-motivated crimes, developing support mechanisms for victims and implementing confidence-building measures to enhance the relationship between the police and Muslim communities.

⁴⁴ See Council of Europe, White Paper on Intercultural Dialogue (2008).

⁴⁵ ECRI Annual Report (2018), §15.

⁴⁶ OSCE-ODIHR, Understanding Anti-Muslim Hate Crimes and Addressing the Security Needs of Muslim Communities (2020).

D. Impact on Muslims

35. Anti-Muslim racism has a profound impact on Muslim individuals, communities and wider society. At the individual level, the dehumanising emotional and psychological effects of anti-Muslim racism include feelings of fear and of vulnerability, denial, anger, humiliation and diminished self-esteem. Many Muslims feel pressure to conceal or underplay their religious identity to make themselves less identifiable as Muslims or seem more “moderate” to reduce state and public suspicion, to avoid attacks, or to exercise their agency and human rights. Further, Muslim people may restrict their movements and/or consciously avoid certain situations where they may be the target of anti-Muslim hatred or prejudice. The fear of being a target and always at risk can have a larger psychological harm than discrete directly experienced incidents of anti-Muslim racism. Evidence also indicates that children who witness acts of racism and experience self-censorship in disclosing their identity have a greater likelihood of developing socio-emotional problems as they mature than those who have not.
36. Anti-Muslim racism and discrimination lead to embedded exclusions of Muslims and have real implications permeating their daily life, which concern poorer standards of housing; lower levels of income; higher rates and longer periods of unemployment; when employed it is in less desirable occupations; poorer health outcomes; lower education levels, even in cases where conditions are otherwise preventable. Importantly, such exclusions have long-term effects, moving beyond the individual and their immediate social milieu to inform the life chances of communities inter-generationally.
37. In terms of socio-political participation, the “securitisation” of Muslim communities has impacted negatively upon their freedom of expression, freedom of association and political participation. Such practices have had a particularly chilling effect on the socio-political participation of young Muslims and Muslim civil society actors. Moreover, those who have been unjustifiably singled out as “suspects” have to live with the associated trauma of being treated as such; this includes Muslim school children. Within Muslim communities, policies or practices that are ostensibly developed for counter-terrorism purposes may create an antagonistic atmosphere and thereby diminish trust leading to underreporting of hate crime, alienation and the creation or exacerbation of societal divisions. In ECRI’s view, ensuring the sense of belonging among Muslim communities to their respective societies is imperative to ensure social cohesion and to prevent marginalisation, exclusion and even the radicalisation of a few members of these communities from developing.

III. Recommendations

ECRI notes that the levels and forms of anti-Muslim racism and discrimination vary considerably among Council of Europe member States. The following recommendations, which also take relevant findings from ECRI's country monitoring work into consideration, should not be understood as a "one-size-fits-all" approach. They are intended as a list of actions which governments are invited to consider and, if necessary, to adapt to their country's circumstances in cooperation with the communities concerned.

ECRI recommends that the governments of member States:

A. Policies and Institutional Coordination

1. give a high priority to the fight against anti-Muslim racism, taking all necessary measures to combat all of its public manifestations, regardless of their origin;
2. ensure that actions aimed at countering anti-Muslim racism are consistently given their due place amongst actions aimed at countering racism, as a separate action plan or alternatively integrated into an overall action plan against racism;
3. ensure that the fight against anti-Muslim racism and discrimination is carried out at all administrative levels (national, regional, local) and facilitate the involvement of a wide range of actors from different sectors of society (in particular political, legal, economic, social, religious, educational and cultural) in these efforts;
4. enact legislation aimed at combating anti-Muslim racism and discrimination taking into account ECRI's recommendations in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination;
5. review laws and policies in connection with the fight against terrorism or extremism to ensure that these do not discriminate directly or indirectly against Muslims and to abrogate any legal provisions and regulations considered to be discriminatory;
6. regularly assess the impact, including from a fundamental rights and gender perspective, of laws and policies against terrorism and extremism on Muslim communities and to ensure that groups particularly affected by the implementation of such laws and policies are thoroughly consulted and involved in debates concerning their implementation;
7. ensure the inclusion of the principle of intersectionality in all equality policies, including those dealing with racism and discrimination against Muslims;
8. raise awareness among public bodies about the need to pay attention to and to address any structural forms of discrimination against Muslims and their communities, especially in the fields of education, employment, housing, access to goods and services, access to public places and freedom of movement;
9. where appropriate, appoint national coordinators, as well as coordinators at decentralised level, to supervise and coordinate efforts to combat anti-Muslim racism and discrimination, who will act as a bridge between government services, law enforcement agencies and other relevant public bodies (for example in the fields of education and culture) and Muslim communities and institutions, and who will also coordinate with other national coordinators to ensure that member States pursue consistent coordinated policies;
10. where appropriate, set up an independent expert group or committee tasked with monitoring anti-Muslim racism and discrimination at national level and with making any necessary recommendations for preventive action and counter-measures;

11. collect and publish comprehensive gender disaggregated equality data to help identify any systemic issues and priority areas for policy responses to anti-Muslim racism and discrimination;
12. fully involve the national equality bodies in the process of countering, monitoring, data collection, hearing and considering complaints and petitions on anti-Muslim acts, as well as advising the legislative authorities on the adoption of relevant legislation, along the lines set out in ECRI's revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level;
13. for those member States that have not already done so, sign and ratify the 2003 Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems to the Council of Europe Convention on Cybercrime;
14. support the coordination and exchange of best practices in the area of preventing and combating anti-Muslim racism and discrimination between different organisations at the international level, such as the Council of Europe, the OSCE, the European Union and the United Nations;

B. Prevention

15. monitor public policy measures with a view to developing activities that promote inclusive and holistic representations of Muslims in society and encourage policy-makers to ensure equality, value diversity, provide support for positive interaction and active citizenship and participation in the design of their policies;
16. encourage political actors, opinion leaders and other public personalities to take a firm public stand against anti-Muslim racism, speaking out⁴⁷ against its various manifestations, including all its contemporary forms, and making clear that anti-Muslim racism will never be tolerated;
17. take the necessary measures to eliminate discrimination against Muslims in access to education;
18. take measures, including of a legislative nature if necessary, to combat discrimination against Muslims in access to employment and in the workplace;
19. encourage public and private sector employers to devise and implement "codes of conduct" in order to combat discrimination against Muslims in access to employment and at the workplace and, where appropriate, to work towards the goal of workplaces representative of the diversity of the society in question;
20. examine whether Muslims suffer from discrimination and social exclusion on the ground of their religion and, in consultation with local communities, develop policies to tackle any such phenomena;
21. ensure that persons of the Muslim faith are in a position to exercise their right to freedom of religion without discrimination, including by public institutions making provision in their everyday practices, where appropriate, for the reasonable accommodation of religious requirements, with a view to ensuring protection from indirect discrimination;

⁴⁷ See also ECRI's GPR No. 15 on combating hate speech, especially recommendation 4.g.

22. pay particular attention to the situation of Muslim women, who may suffer from intersectional discrimination on the basis of gender, religion and national or ethnic origin, and take specific and effective measures with a view to ensuring their inclusion;
23. encourage and support research projects and independent monitoring of anti-Muslim racism and discrimination;⁴⁸
24. ensure that criminal justice agencies collect data on anti-Muslim incidents and crimes in the disaggregated form agreed as best practice by European agencies and other international organisations in order to provide consistent and continuous data suitable for crime reduction policies;⁴⁹
25. examine whether the regulations governing or adopted by law enforcement agencies negatively impact Muslims and stamp out any practices developed by law enforcement agencies amounting to racial profiling, including through the use of new and developing technologies;⁵⁰
26. regulate internet companies, including social media networks, telecom operators and internet service providers in order to establish effective systems to monitor and stop anti-Muslim hate speech online,⁵¹ in line with international human rights standards,⁵² and engage with social media networks to work together on initiatives, in particular in the field of education, that could help propagate balanced narratives about Muslims and Islam on social media platforms;
27. ensure continuous training at local, regional and national levels for police officers, prosecutors and the judiciary on preventing and combating anti-Muslim racism, including recognising and recording anti-Muslim hate crime, agreed as best practice by European agencies and other international organisations;⁵³
28. promote learning about the diversity of Muslim life and Muslim history as well as the positive contribution of Muslim persons, communities and culture to European societies, including a balanced and objective account of the history of Islam in Europe in education curricula, textbooks and digital tools that are free from distorted interpretations of religious and cultural histories as well as perceptions of hostility towards particular religious, ethnic and cultural groups;⁵⁴
29. ensure that religious instruction in schools respects cultural pluralism and make provision for teacher training to this effect;

⁴⁸ See also Recommendation 33 below.

⁴⁹ See, for example, the OSCE/ODIHR Information Against Hate Crimes Toolkit.

⁵⁰ ECRI's GPR No. 11 on combating racism and racial discrimination in policing, Chapter I; UN, CERD General Recommendation No. 36 on Preventing and Combating Racial Profiling by Law Enforcement Officials, CERD/C/GC/36 (2020), pp. 12, 31-36. See also UNESCO Recommendation on the Ethics of Artificial Intelligence (2021).

⁵¹ See, for example, the judgment of the European Court of Human Rights (ECtHR) in the case *Sanchez v. France*, in which the Court held that the politician fined in criminal proceedings for failing to act promptly by deleting hateful content from his public social media account is not protected by Article 10 of the European Convention on Human Rights (ECtHR 2021, no. 45581/15; 2 September 2021).

⁵² See Council of Europe, Recommendation CM/Rec (2018) 2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries.

⁵³ See also the OSCE/ODIHR programmes entitled Training Against Hate Crimes for Law Enforcement (TAHCLE) and Prosecutors and Hate Crimes Training (PAHCT).

⁵⁴ Council of Europe, PACE Recommendation 1162 (1991) on the contribution of the Islamic civilisation to European culture.

30. ensure that school directors, teachers and other personnel are adequately prepared to effectively address anti-Muslim harassment and attacks that take place in schools and other education establishments, including institutions of higher learning, through targeted training and materials;
31. plan relevant and effective educational policies and activities in order to promote better understanding of anti-Muslim racism and discrimination and challenge anti-Muslim generalisations by (i) educating pupils and students about anti-Muslim racism and discrimination, (ii) preventing anti-Muslim racism through education, and (iii) responding to anti-Muslim incidents;⁵⁵
32. ensure that education about anti-Muslim racism and discrimination is made available across relevant disciplines to pupils and students at the appropriate age, in formal and non-formal education, including in adult education and teacher training;
33. support scientific research aimed at supporting individuals and groups who are at a particular risk of becoming victims of anti-Muslim hatred, make use of narratives based on publicly articulated contemporary experiences of anti-Muslim racism, and develop counter narratives;
34. encourage debate within the media professions on their role in preventing and combating anti-Muslim racism and discrimination, and on the particular responsibility of media professionals⁵⁶ for the image which they convey of Islam and Muslim communities and in this context, to report on all world events, particularly with regard to all forms of terrorism, in an impartial manner that avoids perpetuating anti-Muslim stereotypes and prejudices and instead, more generally, provides insights into the rich diversity of Muslim people's lives, and in particular, those of Muslim women;
35. support the activities of non-governmental organisations that play an important role in preventing and combating anti-Muslim racism and discrimination, promoting appreciation of diversity, and securing an open and democratic space for these organisations to discuss about various aspects of anti-Muslim racism and discrimination together with state bodies, regional/local administrations and other relevant actors from the private sector;
36. support common anti-racist actions between different ethnic and religious communities and promote intercultural and interreligious dialogue and tolerance through sustained efforts and broad outreach involving a wide range of societal actors at all levels, including through providing financing and establishing relevant institutional fora;
37. encourage religious leaders at all levels and scholars to take responsibility for teachings at the grassroots level and avoid fuelling anti-Muslim racism;
38. take the necessary steps to enhance political participation of Muslim communities in particular at the regional/local level as well as at the national and European levels;
39. seek to establish and develop mechanisms and channels, for example, through public hearings at local and regional levels, to establish direct contacts with Muslims with a view to reinforcing trust in these communities vis-à-vis public bodies;

⁵⁵ See also OSCE/ODIHR, Council of Europe and UNESCO Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education (2011), pp. 31-43.

⁵⁶ Ethical Journalism Network (2019), Muslims in the Media: Towards More Tolerance and Diversity.

C. Protection

40. ensure the protection of Muslims, Muslim communities and their institutions by promoting cooperation between them and local as well as national law enforcement authorities, while acknowledging the primary responsibility of the member States, based on established best practices and guidelines, as well as evaluating the measures taken and exchanging best practices with other governments;⁵⁷

41. improve cooperation and dialogue with Muslim communities in order to determine and implement the necessary security measures and meet their other concerns and needs, including, when required, through financial support. In this context, where appropriate, take any necessary steps to ensure the safety of Muslim persons, with a particular emphasis on Muslim women and Muslim cultural, educational and religious buildings, such as mosques and Muslim community life, in dialogue with Muslim and other associations engaged in the fight against anti-Muslim racism;

42. remove discriminatory legal or administrative obstacles to the construction of appropriate places of worship for the practice of Islam and to its funeral rites;

43. guarantee that Muslim religious dress is not used as a pretext for unjustified differential treatment, particularly when directed at Muslim women, by striking a fair balance between the free manifestation of religion and belief and legitimate public interest that is necessary in a democratic society, as enshrined in paragraph 2 of Article 9 of the European Convention on Human Rights;

44. ensure effective and equal protection for expressions on religious beliefs, including the criticism of Islam, unless such expressions incite violence, hatred or negative stereotyping against Muslims;

45. ensure support for victims of anti-Muslim and other racist acts, according to existing legal instruments,⁵⁸ guidance⁵⁹ and good practices such as developing a victim-centred approach; ensuring that victims of anti-Muslim hatred are treated sensitively and receive appropriate support (including psychosocial counselling) before, during and after criminal proceedings; establishing networks consisting of all those who work to prevent and tackle discrimination of members of Muslim communities;⁶⁰

46. ensure that victims of anti-Muslim discrimination are aware of the possibility of referring cases to a national equality body;

47. ensure that victims of anti-Muslim acts are aware of their rights to redress through civil, administrative and criminal proceedings and are not prevented from exercising them through fear, insufficient knowledge, physical or emotional obstacles or lack of means;

48. avoid over-interviewing victims and make use of technology and other tools to protect them from re-victimisation;⁶¹

⁵⁷ See for example the OSCE/ODIHR (2020), *Understanding Anti-Muslim Hate Crimes - Addressing the Security Needs of Muslim Communities: A Practical Guide*.

⁵⁸ See for example the European Convention on the Compensation of Victims of Violent Crimes (CETS No. 116).

⁵⁹ See for example the Revised Guidelines of the Committee of Ministers of the Council of Europe on the Protection of Victims of Terrorist Acts (2017).

⁶⁰ See EU-FRA Compendium of practices for hate crime.

⁶¹ *Hate Crime Victims in the Criminal Justice System. A Practical Guide*, OSCE/ODIHR, 2020.

D. Prosecution / Law Enforcement

49. ensure that the legislation enables law enforcement agencies and prosecution services to combat anti-Muslim racism effectively, taking into account ECRI's recommendations in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination;

50. ensure that the law provides that, for all criminal offences, racist motivation, including anti-Muslim motivation, constitutes an aggravating circumstance;

51. ensure that criminal law also covers anti-Muslim bias and penalises the following anti-Muslim acts when committed intentionally:

- a. public incitement to discrimination, violence or hatred against a person or a group of persons because they are Muslims or perceived to be Muslim;
- b. use of violence against another person or damaging his/her property because he or she is Muslim or perceived to be Muslim;
- c. the creation or the leadership of a group which has set itself the objective of propagating or inciting discrimination, violence or hatred, or using violence against another person or damage his/her property because he or she is Muslim or perceived to be Muslim;
- d. membership of a group or organisation which sets itself the objectives mentioned in point c) above;
- e. participating in a group-attack against a part of the population, individual citizens or their property in connection with their being Muslim or perceived to be Muslims;
- f. public insults and defamation of a person or a group of persons because they are Muslims or perceived to be Muslims;
- g. threats against a person or group of persons because they are Muslims or perceived to be Muslims;
- h. the public expression, with a racist aim, of an ideology which depreciates or denigrates, or which incites hatred against a group of persons because they are Muslims or perceived to be Muslims;
- i. the public denial, distortion, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes committed against persons because they are Muslims or perceived to be Muslims;
- j. the public dissemination or public distribution, or the production or storage aimed at public dissemination or public distribution, with a racist aim, of written, pictorial or other material containing manifestations covered by points a), f), g), h) and i) above;
- k. desecration, destruction or damaging with a racist aim of mosques, prayer houses or other Muslim community institutions, such as schools, cultural centres or cemeteries, or their symbols;
- l. hindering by force or threat Muslims from freely practising their faith or from performing their religious rituals and services, which do not violate the laws of the country, the public order and morality;

52. ensure that anti-Muslim crimes committed online are punished just as crimes offline and are adequately addressed by means of effective prosecution and other measures. Illegal anti-Muslim hate speech must be removed promptly and consistently by internet service providers, in accordance with the relevant legal and non-legal framework;

53. ensure that the law provides for an obligation to suppress public financing of organisations which promote anti-Muslim racism and discrimination, including political parties;
54. ensure that the law provides for the possibility of disbanding organisations that promote anti-Muslim racism and discrimination;
55. take appropriate measures to ensure that legislation aimed at preventing and sanctioning anti-Muslim racism and discrimination is effectively implemented;
56. implement the recommendations made in section III.B (Prevention) above on data collection (§ 24) and training for police officers, prosecutors and the judiciary (§ 27);
57. implement the recommendations made in section III.C (Protection) above on victims' rights (§ 47) and avoiding re-victimisation (§ 48);
58. promote the effective participation of victims of anti-Muslim acts in civil, administrative or criminal proceedings, in accordance with the relevant procedures;
59. ensure that police and prosecution services designate contact persons for vulnerable groups targeted by hate speech and hate crime, including against Muslims. These contact persons should receive continuous training on the investigation of hate speech and hate crimes and build up and maintain regular dialogue with these groups in order to ensure adequate reporting, investigation and prosecution of hate speech and hate crime;
60. ensure that police and prosecution services thoroughly investigate all cases of alleged anti-Muslim hate speech and hate crime and ensure that the possible existence of a bias motivation is consistently taken into consideration in police reports and investigations, as well as in any further judicial proceedings.

APPENDIX

Links to documents referred to in parts I-III

Council of Europe, [Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist or xenophobic nature committed through computer systems \(CETS No. 189\)](#)

[Council of Europe, Committee of Ministers, Recommendation CM/Rec \(2019\) 1 to member States on preventing and combating sexism](#)

Council of Europe, Committee of Ministers, Recommendation CM/Rec (2018) 2 to member States on the roles and responsibilities of internet intermediaries

[Council of Europe, Committee of Ministers, Revised Guidelines on the Protection of Victims of Terrorist Acts \(2017\)](#)

[Council of Europe, Committee of Ministers, White Paper on Intercultural Dialogue \(2008\)](#)

Council of Europe, [European Convention on Human Rights \(European Convention for the Protection of Human Rights and Fundamental Freedoms\)](#) (CETS No. 005)

Council of Europe, European Convention on Human Rights ([European Convention for the Protection of Human Rights and Fundamental Freedoms](#)), Protocol No. 12 (CETS No. 177)

Council of Europe, [European Convention on the Compensation of Victims of Violent Crimes](#) (CETS No. 116)

Council of Europe, [ECRI, General Policy Recommendation No. 1 on combating racism, xenophobia, antisemitism and intolerance](#)

Council of Europe, [ECRI, General Policy Recommendation No. 2 \(revised\) on equality bodies to combat racism and intolerance at national level](#)

Council of Europe, [ECRI, General Policy Recommendation No. 6 on combating the dissemination of racist, xenophobic and antisemitic material via the internet](#)

Council of Europe, [ECRI, General Policy Recommendation N°7 \(revised\) on national legislation to combat racism and racial discrimination](#)

Council of Europe, [ECRI, General Policy Recommendation N°8 on combating racism while fighting terrorism](#)

Council of Europe, [ECRI, revised General Policy Recommendation N°9 on preventing and combating Antisemitism](#)

Council of Europe, [ECRI, General Policy Recommendation N°10 on combating racism and racial discrimination in and through school education](#)

Council of Europe, [ECRI, General Policy Recommendation N°11 on combating racism and racial discrimination in policing](#)

Council of Europe, [ECRI, General Policy Recommendation N°14 on combating racism and racial discrimination in employment](#)

Council of Europe, [ECRI, General Policy Recommendation N°15 on combating hate speech](#)

Council of Europe, [ECRI, Annual Reports](#)

[Council of Europe, ECRI, Opinion on the concept of “racialisation” \(2021\)](#)

[Council of Europe, ECRI, Roadmap to Effective Equality](#)

[Council of Europe, Parliamentary Assembly, Recommendation 1805 \(2007\) on blasphemy, religious insults and hate speech against persons on grounds of their religion](#)

[Council of Europe, Parliamentary Assembly, Recommendation 1162 \(1991\) on the contribution of the Islamic civilisation to European culture](#)

[Council of Europe, Parliamentary Assembly, Resolution 2090 \(2016\), Combating international terrorism while protecting Council of Europe standards and values](#)

[Council of Europe, Parliamentary Assembly, Resolution 2036 \(2015\) on tackling intolerance and discrimination in Europe with a special focus on Christians](#)

[Council of Europe, Parliamentary Assembly, Resolution 1928 \(2013\) on safeguarding human rights in relation to religion and belief and protecting religious communities from violence](#)

[Council of Europe, Parliamentary Assembly, Resolution 1887 \(2012\), Multiple discrimination against Muslim women in Europe for equal opportunities](#)

[Council of Europe, Parliamentary Assembly, Resolution 1743 \(2010\), Islam, Islamism and Islamophobia in Europe](#)

[Council of Europe, Parliamentary Assembly, Resolution 1605 \(2008\) on European Muslim communities confronted with extremism](#)

[Council of Europe, Parliamentary Assembly, Resolution 1510 \(2006\) on freedom of expression and respect for religious beliefs](#)

[Council of Europe, Special Representative of the Secretary General of the Council of Europe on Antisemitic, anti-Muslim and other forms of religious intolerance and hate crimes, Online Survey \(2021\)](#)

[Ethical Journalism Network \(2019\), Muslims in the Media: Towards More Tolerance and Diversity](#)

[European Union, Commission, Action Plan against Racism 2020-2025](#)

[European Union, Council, Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law](#)

[European Union - Fundamental Rights Agency / Council of Europe - European Court of Human Rights, Handbook on European non-discrimination law \(2018\)](#)

[European Union, Fundamental Rights Agency \(2021\), Directive \(EU\) 2017/541 on combating terrorism: Impact on fundamental rights and freedoms](#)

[European Union, Fundamental Rights Agency, Second European Union Minorities and Discrimination Survey Muslims – Selected findings \(2017\)](#)

[European Union, Fundamental Rights Agency, Compendium of practices for hate crime](#)

[Organisation for Security and Cooperation in Europe / Office for Democratic Institutions and Human Rights \(OSCE/ODIHR\), Understanding Anti-Muslim Hate Crimes - Addressing the Security Needs of Muslim Communities: A Practical Guide \(2020\)](#)

[OSCE/ODIHR, Hate Crime Victims in the Criminal Justice System. A Practical Guide \(2020\)](#)

[OSCE/ODIHR, Council of Europe and United Nations Educational, Scientific and Cultural Organisation \(UNESCO\), Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education \(2011\)](#)

[OSCE/ODIHR, Information Against Hate Crimes Toolkit](#)

[OSCE/ODIHR, Training Against Hate Crimes for Law Enforcement \(TAHCLE\) programme](#)

[OSCE/ODIHR, Prosecutors and Hate Crimes Training \(PAHCT\) programme](#)

[United Nations, Committee on the Elimination of Racial Discrimination \(CERD\), General Recommendation No. 36 on Preventing and Combating Racial Profiling by Law Enforcement Officials \(2020\), CERD/C/GC/36](#)

United Nations, [International Convention on the Elimination of All Forms of Racial Discrimination](#)

[United Nations, Office of the High Commissioner for Human Rights and the United Nations Development Fund for Women \(UNIFEM\), UN Division for the Advancement of Women, Report of the Expert Group Meeting on gender and racial discrimination \(2000\)](#)

[United Nations, Secretary General, Strategy and Plan of Action on Hate Speech](#)

[United Nations, Special Rapporteur on freedom of religion or belief, Report on countering Islamophobia/anti-Muslim hatred to eliminate discrimination and intolerance based on religion or belief \(2021\), A/HRC/46/30.](#)

[United Nations, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Report on the human rights impact of policies and practices aimed at preventing and countering violent extremism \(2020\), A/HRC/43/46](#)

[United Nations, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 2017 Report, A/72/287](#)

United Nations, [UNESCO, Recommendation on the Ethics of Artificial Intelligence \(2021\)](#)

United Nations, [UNESCO, Declaration on the Principles of Tolerance \(1995\)](#)

United Nations, [Universal Declaration of Human Rights](#)

Case law cited in parts II and III

European Court of Human Rights

Dahlab v. Switzerland (no. 42393/98), decision of 15 February 2001.
Norwood v. the United Kingdom (no. 23131/03), decision of 16 November 2004.
Leyla Şahin v. Turkey [GC], (no. 44774/98), judgment of 10 November 2005.
Köse and Others v. Turkey (dec.) (no. 26625/02), judgment of 24 January 2006.
Soulas and Others v. France (no. 15948/03), decision of 10 July 2008.
Dogru v. France, (no. 27058/05) and Kervanci v. France (no. 31645/04), judgments of 4 December 2008.
Féret v. Belgium (no. 15615/07), judgment of 16 July 2009.
Le Pen v. France (no. 18788/09), decision of 7 May 2010.
S.A.S. v. France (no. 43835/11), judgment of 1 July 2014.
Ebrahimian v. France (no. 64846/11), judgment of 26 November 2015.
Osmanoğlu and Kocabaş v. Switzerland (no. 29086/12), judgment of 10 January 2017.
Belcacemi and Oussar v. Belgium (no. 37798/13), judgment of 11 July 2017.
Dakir v. Belgium (no. 4619/12), judgment of 11 July 2017.
E.S v. Austria (no. 38450/12), judgment of 25 October 2018.
Sanchez v. France (no. 45581/15), judgment of 2 September 2021.

Court of Justice of the European Union (CJEU)

Cases C-157/15, Samira Achbita, Centrum voor gelijkheid van kansen en voor racismebestrijding v. G4S Secure Solutions NV and 188/15 Bougnaoui and Association de défense des droits de l'homme (ADDH) v. Micropole Univers, CJEU, 14 March 2017.

Cases C-804/18 and C-341/19, IX v. WABE eV and MJ v. MH Müller Handels GmbH, CJEU, 15 July 2021.

United Nations Human Rights Committee

Yaker v. France (no. 2747/2016), 17 July 2018.

Hebbadj v. France (no. 2807/2016), 17 July 2018.