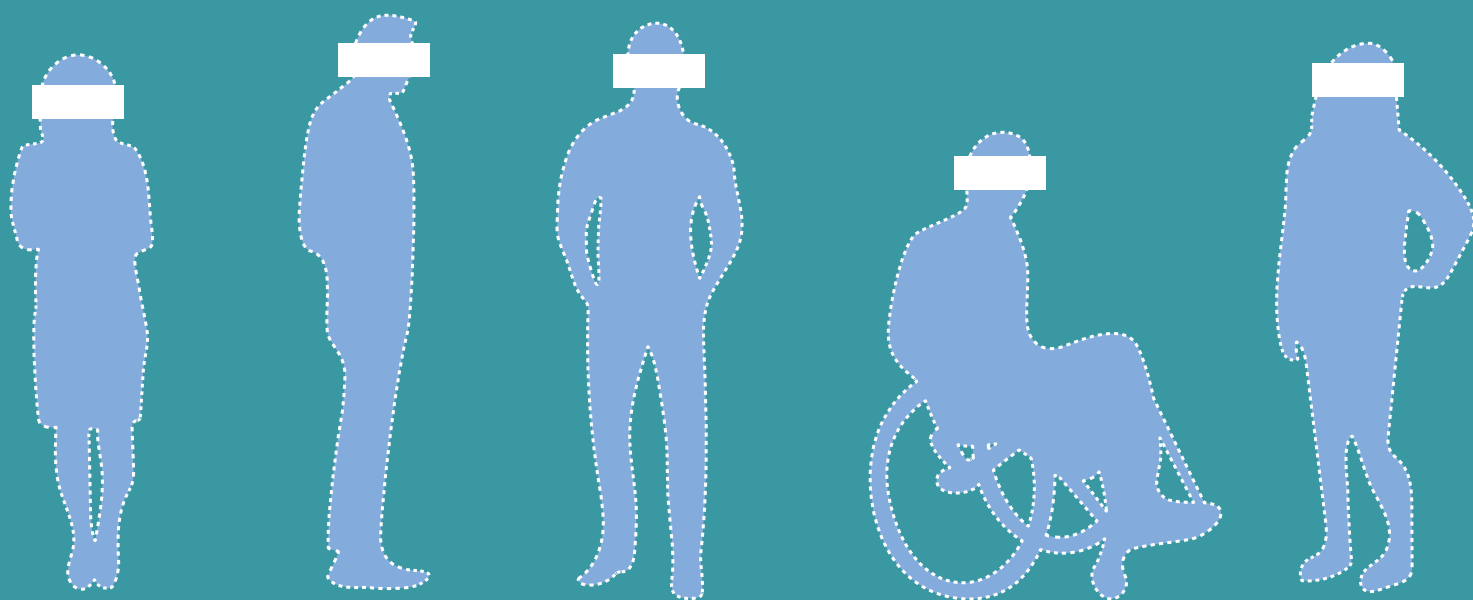


Hate crime against Muslims



Anti-Muslim hate crime

Muslim communities across the OSCE region are the victims of rhetoric that often associates them with terrorism and extremism, or portrays the presence of Muslim communities as a threat to national identity. Muslims are often portrayed as a monolithic group, whose religion and culture are incompatible with the concepts of human rights and democracy. This intolerance, left unchecked, can enable a climate that fosters hate crime against Muslims, which is an attempt to isolate them from society. Only a strong response from all actors in society can effectively challenge discrimination, intolerance and hate crimes against Muslims.



Participants in a conference on countering intolerance and discrimination against Muslims held in Vienna on 18 October 2017. The event was co-organized by the OSCE Office for Democratic Institutions and Human Rights and Georgetown University. (OSCE/Salko Agovic)

What is hate crime?

Criminal Offence + Bias Motivation = Hate Crime

- Hate crimes comprise two elements: a criminal offence and a bias motivation. Hate crimes require a base offence to have occurred. In other words, the act committed must constitute a criminal offence under national law. If there is no underlying crime, there is no hate crime.
- The second element of a hate crime is that the perpetrator must commit the criminal act with a particular motive, based on a “bias”. The presence of a bias motive is what differentiates hate crimes from ordinary crimes. A hate crime has taken place when a perpetrator has intentionally targeted an individual or property because of a protected characteristic, during the crime.

Hate crimes send a message of exclusion to victims and

their communities. These crimes require a strong response.

What are anti-Muslim hate crimes?

Anti-Muslim hate crimes often have unique characteristics that differentiate them from other types of hate crimes. These hate crimes target people or property associated, or perceived to be associated with Muslims. Such anti-Muslim hate crimes take place across the OSCE region.

These crimes are, however, under-reported, for a number of reasons. Recognizing the magnitude and nature of the problem is the first step towards effectively countering it.

Since 2002, OSCE participating States have explicitly condemned acts of discrimination and violence against Muslims and firmly rejected the identification of terrorism and extremism with any religion or culture. The 2010 Astana Declaration stressed that international



Participants at a coalition building event hosted by ODHR and the European Parliament Anti-Racism and Diversity Intergroup (ARDI), 16 and 17 June 2016 (OSCE/Michael Chia)

developments and political issues cannot justify any form of intolerance or discrimination against Muslims, and encouraged participating States to challenge anti-Muslim prejudice and stereotypes.

The number of hate crimes against Muslims reported to ODHR increases following terrorist attacks and on the anniversaries of such attacks. Attacks against property tend to occur around Friday prayers and religious holidays, and often include writing graffiti or leaving the remains of pigs outside mosques, community centres and Muslim families’ homes. There are also numerous reported incidents in which, for example, women wearing headscarves are the victims of assault.

How to recognize hate crimes against Muslims?

There are a number of indicators that identify bias against Muslims in a crime. It is very important to properly identify bias indicators for hate crimes, as they can help authorities decide whether the case should be investigated as a possible anti-Muslim hate crime. Examples of questions to help identify anti-Muslim hate crimes are:

- Do the victims or witnesses perceive the incident to

have been motivated by bias towards Muslims or Islam?

- Were there comments, written statements, gestures or graffiti that indicate bias? Examples of this include equating Muslims with terrorism, using images and language relating to the Crusades, or symbols promoting the protection of the perpetrator’s religion or country, such as national flags or crosses.

- Was the target a place of religious or cultural significance, such as a mosque, Muslim cemetery or school?

- Was the target a different property, such as a shop, housing association building associated with Muslims, a site selected for the construction of a mosque or an Islamic cultural centre?

- Was the property previously targeted in an anti-Muslim incident?

- What was the nature of the attack against property? Was an object perceived to be offensive to Muslims, such as pork flesh or blood, left at the scene? Or was a religiously important item, such as a copy of the Koran, desecrated?

- What was the nature of the violence? Were symbols representing Islam targeted? For example was a headscarf

removed from a woman’s head or a Muslim man’s beard shaved?

- Does the suspect belong to a hate group that targets Muslims? These could include different far-right groups, groups advocating against Muslims, or other religious groups. Does the suspect’s background or criminal record show that he or she has committed similar incidents in the past?

- Was the victim visibly identifiable as a Muslim, for example, a woman wearing a headscarf, a man with a beard, a person wearing long clothing or wearing Arabic language inscriptions on clothing or jewellery, or a person with a Muslim sounding name? Was the victim wrongly perceived to be a Muslim due to their attire (e.g., Jewish women wearing headscarves, Sikh men wearing turbans).

- Was the victim a Muslim community leader or a human rights defender dealing with the protection and safety of Muslims?

- Did the incident take place in the days following a terrorist attack, on the anniversary of such an attack or on some other date of significance for either the perpetrator or Muslim communities? Did the incident take place on a Muslim holiday or in the course of a political campaign?

- Is there any other clear motive? Lack of other motives is also a reason to consider bias motivation.

Anti-Muslim hate crime should be monitored as a separate category of crime, enabling a tailored response to the phenomenon. Hate crime data should be recorded in a manner that allows for disaggregation of hate crime data by gender to show how hate crimes affect Muslim men and women differently. In many existing official statistics, anti-Muslim hate crimes are broadly categorized as anti-religious hate crimes or conflated with anti-Arab or anti-migrant hate crimes. Sometimes this is because offenders express more than one bias in these attacks.

Reporting hate crime against Muslims

Hate crimes against Muslims are under-reported. There are a host of challenges associated with reporting these type of hate incidents, notably the victims’ potential isolation or proximity to the perpetrator. Victims may also lack trust in the authorities, due to fears that their claim will not be taken seriously or that they will be victimized again by police officers.

Access to justice for victims remains a critical challenge and one that participating States need to overcome.

Examples

- 1) Six worshippers were killed and 19 injured when an armed perpetrator entered a mosque during prayers and fired at worshippers. The perpetrator had shown sympathy towards far-right, anti-Muslim and white supremacist movements.
- 2) A mosque was the target of an arson attack in which seven Molotov cocktails were thrown at the building.
- 3) A woman wearing a headscarf was insulted, told to “go back to her country” and physically assaulted. The perpetrator broke one of her fingers and ripped off her headscarf.
- 4) Pig’s heads and jars filled with blood were left on a mosque construction site. The same site had already been vandalized a few weeks before.

Governments have a central role to play in ensuring access to justice; from the initial assessment of victims' needs by police officers, to support mechanisms for victims through governmental or non-governmental institutions.

Participating States can only develop effective police responses to counter these crimes if they are able to collect reliable data on them. Increased awareness of hate crime, reporting of it by victims and recording of it by states will help reveal the full magnitude of the problem and enable policy-makers to identify appropriate responses. Muslim civil society groups are developing their monitoring capacity through outreach and online reporting, in recognition of the importance

of hate crime monitoring as an important advocacy tool. Under-reporting of anti-Muslim hate crime has a significant effect on hate crime figures reported to ODIHR.

ODIHR has been collecting and publishing data on hate crimes against Muslims since 2006. Find out more about these crimes and how to report them to ODIHR at hatecrime.osce.org.

What can you do?

Ombuds institutions addressing discrimination and local associations working with Muslim communities play a central role in countering hate crimes because they serve as a vital link between victims, communities and local authorities.

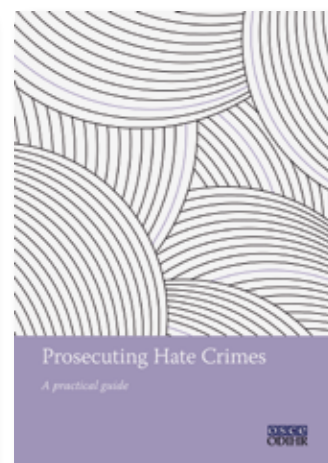
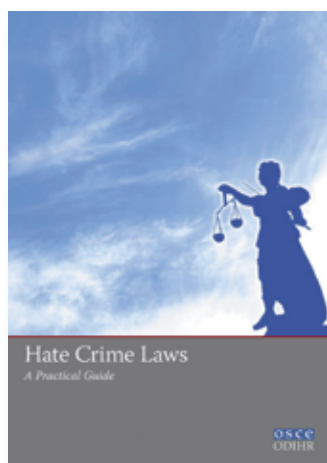
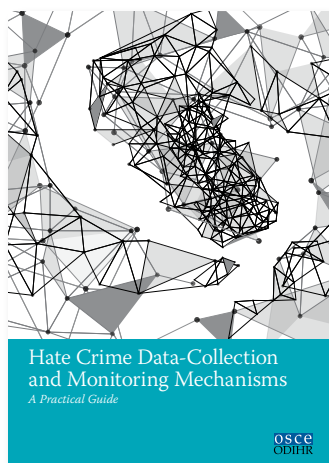
Contact your local support association or ombuds institution to find out more about anti-Muslim hate crimes:

- Contact the equality body closest to you. You can find a non-exhaustive list here: <http://www.equineteurope.org/>
- The International Ombudsman Institute (IOI): www.theioi.org
- The European Network of National Human Rights Institutions (ENHRI): <http://ennhri.org/>

ODIHR guides on hate crime

ODIHR has compiled good practices from OSCE participating States for addressing hate crime and has shared these in a number of publications. These publications are available on our website at: <http://www.osce.org/odihr/124602>

Visit ODIHR's dedicated hate crime reporting website at: www.hatecrime.osce.org



More information:

For detailed information about ODIHR's hate crime initiatives and to view its full range of resources and publications, please visit:

www.osce.org/odihr/tolerance

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