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**Side Event on “Discrimination and Intolerance Against Muslims and
Education”**

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There is an everyday pattern of racist and religious harassment and violence against Muslims and those perceived to be Muslims in many parts of Europe and North America. These patterns of intolerance have been exacerbated in the post-September 11 world by the perpetuation of stereotypes and generalizations about Muslims.

Intolerance against Muslims has frequently taken the form of intimidation and physical assaults on ordinary people in or near their shops, schools, or homes, often accompanied by indiscriminate racist and anti-Muslim epithets. While such attacks may still often be motivated by traditional forms of racism, intolerance is increasingly directed at immigrants and other Muslim minorities expressly because of their religion.

Hate crimes have resonance beyond the victim of the crime, extending to the entire community to which the victim belongs. Hate crimes are not just a criminal justice problem, but are also a human rights problem, an acute form of discrimination in which one's identity and whole communities are under attack.

Human Rights First has long advocated two measures in particular to deal with violence acts motivated by bias: the systematic collection of data on hate incidents and crimes, and the adoption and effective implementation of hate crime laws to respond swiftly to such intolerable manifestations of prejudice.

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The Data Deficit

What do we know about the incidence of hate crimes against Muslims and those perceived to be Muslims? While we know from media, NGO, and other reports that intimidation, harassment, and physical assaults against Muslims as well as attacks against mosques and other symbols of Islam have become all too frequent occurrences, there are few documented statistics to help us to understand longer-term trends and assess the effectiveness of governmental and other efforts to stem this violence.

The European Union's Fundamental Rights Agency reports that only 12 of the 27 EU countries produce "good" or "comprehensive" data on racist crimes and violence. That number is barely higher if we extend the range to include all the 56 member states of the OSCE. And even fewer countries disaggregate to provide more data on crimes specifically motivated by intolerance toward Muslims.

In fact, only one government – the United States – specifically reports on the annual number of incidents and offenses against Muslims on a national level. But data in the United States is limited by the fact that not all police jurisdictions take part in hate crime reporting. In three other countries – Canada, France, and the United Kingdom – public information produced on hate crimes provides a window into levels of violence toward Muslims, but paints an incomplete picture.

In Canada, there is still no nation-wide system for hate crime data collection, although a number of police jurisdictions produce annual hate crime reports in which they report separately on anti-Muslim incidents and offenses.

In France, the National Consultative Commission on Human Rights (CNCDH) reports broadly on racist and xenophobic incidents, but identifies people of North African origin – who are typically Muslim – as most affected.

In the United Kingdom, authorities produce comprehensive national statistics on racially-motivated incidents, offenses and prosecutions. The Metropolitan Police have also produced statistics on "faith-based" incidents, which now includes those motivated by Islamophobia.

One challenge with data collection lies in the overlap of the bias motivations of race and ethnicity, national origin and religion. In the United Kingdom, for example, most bias crimes targeting Muslims have until recently been considered under race hate provisions in law. The introduction of the "religiously-aggravated" bias crime category is a fairly recent innovation and police still are not consistent in their recording of incidents.

This inconsistency is in part a consequence of the complication of multiple bias motivations. The nature of bias in hate crime may be represented in different ways, particularly if double discrimination has been in play. In the United Kingdom, attacks on Muslims are often

registered either as religiously-motivated or as racist attacks, depending in part on what the victim says immediately after the attack. An attack on a Pakistani Muslim, for example, may be registered as a racial attack rather than a religious attack, depending upon the victim's view of the primary basis for the attack.

In Toronto, police have recorded separately as “anti-Muslim,” “anti-Pakistani,” and anti-Sunni” crimes which all have a common element of intolerance against Muslims.

There are no easy answers to the complications involved in registering multiple biases, but national standards, police guidelines and training are helpful in recording incidents in a uniform way and in producing statistics that are helpful to policy makers.

The larger problem though is that underreporting is endemic, hindering efforts by governments to collect data that reflects reality. Among the reasons for the failure to report are that victims complain of lack of understanding from the police, argue that the police do not take low-level harassment seriously, are afraid of reprisal, and fear going to court. Young people have a potential role to play in broad-based campaigns that raise the awareness of the problem of hate crimes and encourage victims to report them.

Reporting by Nongovernmental Organizations

In the absence of official statistics, reporting on incidents by nongovernmental groups can be extremely helpful in that it provides some information on the nature and extent of violence against Muslims, compensating in part for the absence or incomplete nature of official data.

Unfortunately, very few NGOs in the OSCE area are currently monitoring and reporting systematically on the specific problem of hate crimes against Muslims. Such monitoring is most prevalent in the United States and in the United Kingdom, with groups like the Council on American-Islamic Relations (CAIR) and the American-Arab Anti-Discrimination Committee (ADC) in the United States, and the Monitoring Group and the Islamic Commission for Human Rights in the United Kingdom providing some statistical data based on incident reports.

The ODIHR could play an important role in facilitating and coordinating efforts by more NGOs to monitor hate crimes motivated by intolerance against Muslims.

Hate crime laws and enforcement

Data collection is a good first step toward accountability for violent acts of discrimination. Seen through the lens of discrimination, hate crimes are serious human rights violations. Governments should more importantly ensure that those responsible for hate crimes are held accountable under the law and that the record of prosecution for these types of crimes is well documented and publicized.

Separate hate crime laws and penalty enhancement provisions provide a framework for law enforcement to address these as more serious crimes. A growing number of states – currently more than thirty in the OSCE – have legislation that allow for enhanced penalties in cases where bias has been found to have motivated the crime.¹ Yet states have largely failed to ensure that those responsible for violent hate crimes are held accountable under these provisions.

Governments should ensure that prosecutors are properly trained and well aware of the legal measures available and required to prosecute hate crimes, and have firm instructions to make violent hate crimes a priority. They should also develop clear procedures for responding rapidly to possible “trigger events,” such as terrorist attacks, after which indiscriminate attacks on Muslims and those perceived to be Muslims have soared in the past. They should also include plans for political and civil society leaders to step forward promptly to speak out against hatred and anti-Muslim violence.

Let me conclude by saying that both comprehensive data collection and effective law enforcement require close cooperation between the authorities and civil society. In order for that to happen, governments need to take steps to increase the confidence of minority communities by demonstrating a willingness to work more closely with their leaders and community-based organizations in efforts to enhance the reporting of crimes so as to provide equal protection for all under the law.

¹ Among the 56 participating states of the Organization for Security and Cooperation in Europe (OSCE), those that still DO NOT have express legislative provisions for penalty enhancement based on bias motivations in cases of violent crime against individuals include: **Albania, Bosnia and Herzegovina, Bulgaria, Cyprus, Estonia, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Luxembourg, Lithuania, Macedonia, Monaco, Montenegro, the Netherlands, Romania, San Marino, Serbia, Slovenia, Switzerland, and Turkey.**