



Mapping Anti-Muslim Hatred and Its Impact on Freedom of Religion or Belief

Project Partner: United Nations Special Rapporteur on the right to freedom of religion or belief, Dr. Ahmed Shaheed

The UN Special Rapporteur on the right to freedom of religion or belief

The Special Rapporteur on freedom of religion or belief, Dr. Ahmed Shaheed, an independent expert appointed by the UN Human Rights Council,¹ is mandated to identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and present recommendations on ways and means to overcome such obstacles.

Background to the project

The Special Rapporteur plans to submit a report to the Human Rights Council on how anti-Muslim hatred manifests itself as violation of, or an obstacle to, the right to freedom of religion or belief of Muslims around the world, and make recommendations to governments, international organisations, civil society, media and other relevant stakeholders on how to address the challenges posed by anti-Muslim hatred.

Violations of the right to freedom of religion and belief are increasing globally in scale, depth and blatancy. Carried out by both government and non-state actors, they range from obstructive (e.g. administrative restrictions) to extreme (e.g. genocide). Muslims are a diverse mix of ethnicities, religious and theological affiliations, philosophical beliefs, political persuasions, secular tendencies, languages and cultural traditions. Globally, however, trends indicate that Muslim individuals and communities are suffering increased human rights violations on the grounds of their religious identity. In the West, intolerance and discrimination against Muslims is being debated, legislated, and normalised. Intra-Muslim intolerance and violence between Sunni and Shia extremist organizations and militias in Pakistan and Iraq is stark. Ahmadi Muslims face persecution in Pakistan, Indonesia and Algeria. Muslim women and girls often bear the brunt of anti-Muslim hatred that results from some governments' counter-terrorism tactics. From discrimination and violent exchanges, the destruction of mosques and properties, gender-based violence and forced sterilization, to arbitrary detention, the human rights impacts of anti-Muslim hatred

¹ https://ap.ohchr.org/Documents/E/HRC/resolutions/A_HRC_RES_6_37.pdf



are manifold and are in need of urgent action. Tackling discrimination and intolerance on the grounds of religious belief - or indeed non-belief - is also essential to reducing social, economic and political division and conflict worldwide.

Project Overview

In response to the global rise in religious intolerance and hate worldwide,² the Special Rapporteur is undertaking an investigation on the human rights impacts of anti-Muslim hatred. The Special Rapporteur will present his findings in a report to the 46th Session of the UN Human Rights Council (HRC46) in March 2021.

The Essex Human Rights Centre Clinic will work under the overall direction of the Special Rapporteur (and his research team led by Rose Richter)³ to support the mandate's research on this topic. Students participating in this project will complete a background report on anti-Muslim hatred in specific jurisdictions (see below) and will assist in organizing international consultations with affected communities and human rights organizations.

Students will have the opportunity to work on a pressing global problem, religious intolerance, from a human rights perspective. Students will develop strong expertise in the right to freedom of religion or belief and its relationship to other human rights, including the right to non-discrimination, and the right to freedom of expression. Students will gain a first-hand insight into the operation of international human rights mechanisms, in particular the UN special procedures. Students will examine complex human rights law challenges including the human rights obligations of armed non-State actors while country-specific and international relations knowledge will be strengthened through analysis of anti-Muslim hatred in specific country contexts. Students will develop a range of practical skills needed for professional human rights research and policy advocacy – such as desk-based research, outreach, interviewing and reporting. Students will develop contacts in the fields of human rights law, policy, academia and advocacy.

This research may pose some risk to students who are nationals of the countries chosen for the study. The type and extent of risk as well as mitigation measures might vary in specific cases.

² <https://www.pewresearch.org/fact-tank/2018/06/21/key-findings-on-the-global-rise-in-religious-restrictions/>

³ Project for Freedom of Religion or Belief (FoRB Unit) for the United Nations Special Rapporteur on Freedom of Religion or Belief at the Ralph Bunche Unit, City University of New York



Information on the jurisdictions that will be a focus of research (TBC)

- Myanmar
- Iraq
- Pakistan
- China
- India
- EU

Myanmar

In recent years Rohingya Muslims in Myanmar's Rakhine province have been the target of 'ethnic cleansing' – carried out by the military and non-state actors.⁴ The Rohingya are neither accepted as citizens of Myanmar nor recognized among the country's 135 ethnic groups.

Commonly referred to as 'Bengali', they do not have citizenship papers, and also face longstanding restrictions and discrimination. Recurrent and episodic violence against Muslims has been seen throughout Myanmar's history, but in recent years has become particularly virulent, amounting to genocide. Rohingya women and girls have been singled out for particularly vicious manners of killing, rape and sexual violence – including gang rape and torture.⁵

Iraq

The ongoing and intensifying conflict in Iraq has fallen – at least in part – along sectarian lines, with the Sunni Muslim militant group ISIS advancing against the Shia Muslim-led Iraqi government and Shia militias. In addition to killing thousands of Shiites and displacing hundreds of thousands more, ISIS uses its media arms to target, demonize, and incite violence against Shiites worldwide. The militants commonly refer to Shiite Muslims as "Rafidah," a derogatory term that translates to "rejecters" (i.e. of Sunni Islam). Sunni women and girls report severe restrictions on their clothing and freedom of movement in ISIS-controlled areas. These rules, enforced by beating or fines on male family members or both, isolate women from public life.

Pakistan

In 1974, the Ahmadi minority in Pakistan was designated as a non-Muslim group in the state's constitution. Ahmadis have since been subjected to persecution by the

⁴ See e.g.: A/HRC/32/18, 29 June, 2016, Human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar - Report of the United Nations High Commissioner for Human Rights

⁵ See: Report of the Secretary-General on Conflict-related sexual violence, S/2017/249, 15 April 2017, op 51-53, p. 15; also: <https://www.un.org/sexualviolenceinconflict/countries/myanmar>; <https://www.un.org/sexualviolenceinconflict/statement/srsg-patten-remarks-for-the-event-on-addressing-sexual-and-gender-based-violence-against-rohingya-refugees-co-sponsored-by-bangladesh-and-turkey/>



state including criminalization for violating the country's blasphemy laws, forced conversions, violence and hate propaganda. In order to vote in general elections Ahmadis are mandated to declare themselves as “non-Muslims”. The Shia minority in Pakistan, which makes up 20% of the Muslim population, is also subjected to religious intolerance. According to the data compiled by South Asia Terrorism Portal, there were 446 incidents of violence against Shia Muslims in Pakistan between 2003 and May 2016, in which more than 2558 people were killed and over 4518 others injured. Furthermore, the combination of discriminatory legislation and other violations of freedom of religion or belief by the government has reportedly created a culture of impunity in which non-state actors engage in attacks on minority religious communities, in particular Ahmadis and Shias⁶.

China

Reports by human rights organizations suggest that up to one million Uighur Muslims and other Muslim groups are being held against their will in state run detention centres in the western Xinjiang region, where the state claims that the Uighur's are undergoing "re-education" programmes to prevent “terrorism, extremism and separatism”.⁷ Former detainees, however, report that they were tortured in the camps (physical as well as psychological), forced to denounce Islam, and Uighur children are also reportedly being separated from their families and placed in “boarding schools” and many Uighur families report that relatives have disappeared. Outside of the camps, there is evidence of almost a complete surveillance state in Xinjiang and officials have destroyed mosques, claiming the buildings were shoddily constructed and unsafe for worshippers.

India

In 1947, a majority of Muslims did not migrate to Pakistan when British India was partitioned into Muslim-majority Pakistan and Hindu-majority India with the result that Muslims are the largest minority in India (14%). However, there is a growing sense of insecurity for many Muslims in India, and intensified religious tensions. Mob violence and hate crime against Muslims are allegedly met with impunity from the government. A campaign for cow protection appears to have emboldened vigilante groups, who seem to be operating in some cases with the tacit approval of state authorities.

EU

Anti-Muslim hatred in Europe manifests itself through individual attitudes and behaviours, and the policies and practices of states, local government, organisations and institutions. Certain laws and policies indirectly target or disproportionately

⁶ For more see, <https://thewire.in/politics/the-rising-threat-against-shia-muslims-in-pakistan>

⁷ See e.g. <https://www.cfr.org/backgrounder/chinas-crackdown-uighurs-xinjiang>



affect Muslims, and unduly restrict their freedom of religion or belief, such as bans on wearing visible religious and cultural symbols, laws against facial concealment, and bans on building mosques with minarets. Muslims report facing discrimination in education, employment, housing, and experiencing ethnic and religious profiling and police abuse. NGO and physical or verbal attacks on property, places of worship, and people—especially those who display a visible manifestation of their religious identity such as women wearing the *hijab* or *niqab*.

Project Output

The University of Essex Human Rights Centre Clinic will conduct research, culminating in a report, which will constitute a crucial *submission* for the Special Rapporteur's report to the UN Human Rights Council in March 2021 (the Special Rapporteur's report will be submitted in December 2020). When engaging in outreach to stakeholders, students should make clear that they are engaging in background research to create a submission for the Special Rapporteur's HRC 46 report.

Adopting a comparative approach where appropriate, the Human Rights Centre Clinic report, which will be around 30 pages in length, should:

- *Document trends in anti-Muslim hatred in the specific countries outlined (e.g. hate crime, discrimination, infringements on the ability of Muslims to manifest their beliefs, hostility and violence,*
 - a. Identify the range of rights that anti-Muslim hatred impacts on, and the nature of the State obligations that are engaged by anti-Muslim hatred.
 - b. Report on laws, policies, jurisprudence, data, qualitative studies and other documentation on anti-Muslim hatred in the specified jurisdictions and assess the implications for the right to freedom of religion or belief of Muslims
- *Explore different drivers underlying anti-Muslim hatred and best practice*
 - a. Examine the impact of structural variables such as state-religion relationships, legal framework and the rule of law; and democratic deficits;
 - b. Identify impact of contingent variable such as securitization and politicisation of religion,
 - c. Assess the role of underlying variables such as patriarchy; societal integration; religious traditions
 - d. Include a gender perspective
 - e. Include analysis of the multiple human rights violations suffered by persons in vulnerable situations e.g. refugees and migrants



- f. Identify best practice
- g. Propose recommendations for addressing anti-Muslim hatred from a human-rights perspective
- *Analyze proposed definitions for “anti-Muslim hatred”⁸*
 - a. Approaches taken by academics
 - b. Proposals by the UK APPG & the Runnymede Trust;
 - c. The approach taken by OSCE, and EU Fundamental Rights Agency,
 - d. The Southern Poverty Law Center and Amnesty International
 - e. The OIC including the OIC Observatory
 - f. The approaches taken by the UN system (HRC, Third Committee, Special Procedures)

Research for this report will include desk-based research (literature, human rights reports, media), outreach, including interviews, with key stakeholders, and sourcing information from multilateral and government interlocutors (e.g. reports, data policies, plans of action).

Participation is a fundamental human rights principle.⁹ This means that human rights research and advocacy should incorporate significant consultation with rights-holders and other stakeholders. Students will identify key actors (CSOs, academics, religious leaders, policy makers, international organizations) working on this issue. Subject to funding and authorisation from the University, there may be an opportunity for students to attend international consultations on anti-Muslim hatred, organized by the UN Special Rapporteur, in certain countries. Students will report on these consultations and include information gathered in the final research report.

Project Outline:

- Phase 1: (October – December 2019)
 - Meet with the UN Special Rapporteur on freedom of religion or belief and his research team to discuss expectations for project; including objectives and goals, outputs and outcomes.
 - Gain a strong understanding of the right to freedom of religion or belief in international human rights law, including the limits of the right, its

⁸For a snapshot of some of the related issues, see <https://www.forbes.com/sites/nikitamalik/2019/05/20/instead-of-islamophobia-we-should-focus-on-defining-anti-muslim-hatred/#6990c80669e5>

⁹ See, <http://eqhria.scottishhumanrights.com/eqhriaaddvalpolicy.html>



relationship with other human rights and the relevant IHRL frameworks that seek to advance implementation of the right¹⁰

- Develop expertise in conducting a gender analysis of human rights violations¹¹
- Conduct summary review of anti-Muslim hatred that assesses general trends, laws and root causes in each of the 6 countries.
- Identify key stakeholders in the jurisdictions listed that could be invited to consultations or engaged with in the research process.
- Identify and resolve any ethical or administrative issues that may limit research activities.
- Devise and present a plan for undertaking a report on anti-Muslim hatred in the six jurisdictions and analysing various proposed definitions (see below).

End of term: Students will submit x 5 products

1. Summary review of anti-Muslim hatred in each of the 6 jurisdictions. (2 -3 pages each)
 2. A list of relevant organizations and stakeholders that can be used to organize consultations
 3. A research and drafting plan to the UN Special Rapporteur and his research team for a full-scale report.
 4. An application to the university for ethical approval
 5. A 1 page communications strategy, which will cover internal communications in the team, as well external communications with the partners and other actors (the external element to be agreed with the partner)
- Phase 2 (January-March 2020)
 - Meet with UN Special Rapporteur on freedom of religion or belief and his research team at the start of term to discuss last term's outputs, review best practices and lessons extracted from Phase I research activities, and review plan for the second phase of the project.
 - Conduct outreach to human rights groups and affected communities to gather first-hand perspectives and obtain primary research and other research sources.
 - Ensure that research and drafting incorporates a gender perspective by including how religious intolerance impacts gender equality rights
 - Meet midterm with Special Rapporteur and his research team to discuss progress and challenges

¹⁰ E.g. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief; Article 18 of the International Covenant on Civil and Political Rights; UN Human Rights Committee (HRC), CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), 30 July 1993, CCPR/C/21/Rev.1/Add.4; Article 27 of the International Covenant on Civil and Political Rights; General Comment No. 23 of 6 April 1994 of the Human Rights Committee; Article 30 of the Convention on the Rights of the Child; and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

¹¹ <https://www.ohchr.org/Documents/Publications/Chapter15-20pp.pdf>



- Submit a draft of the project report, focused on the points identified above, to the UN Special Rapporteur and his research team by the end of term.
- Support organising partners with research consultations by a) drawing up a list of participants; b) drafting concept notes for each consultation; and c) where funding and university authorisation exists, attending where possible as note-takers
- Phase 3 (April- 30 June 2020)
 - Update report in light of new understandings gained at, and contributions made at, regional and international consultations as well as comments made on the draft report by the UN Special Rapporteur and his team.
 - Propose responses for how states should address anti-Muslim hatred
 - Produce final report bringing together the different strands and sources of research on the human rights impacts of anti-Muslim hatred. This report will serve as a primary submission for the Special Rapporteur's UNGA report on Anti-Muslim hatred in March 2021.

Project Bibliography:

The jurisdiction specific documentation and mapping element of this research will require students to examine up-to-date and varied reports from OHCHR (including documentation related to the UPR and treaty body reviews and reports of Special Procedures mandates), UNSC, think-tanks, human rights organizations, governments and grassroots organizations. Students should consult organizations working on these issues for advice on additional resource sources, including primary research sources.

Students should gather and study relevant reports from reputable and experienced human rights organizations and monitors such as the Minority Rights Group, the International Crisis Group, United States (U.S.) Institute for Peace, Global Justice Center, United States State Department International Religious Freedom Report, etc.

To complete a thorough human rights analysis on the issues of anti-Muslim hatred, students will need to develop expertise on key international human rights law issues. For example,

- The status and components of right to freedom of religion or belief in IHRL
 - Heiner Bielefeldt et al, *Freedom of Religion or Belief: An International Law Commentary*, Oxford: OUP, 2016.
- Gendered impacts of religiously motivated hatred and persecution
 - MacKinnon, C. A., (2007), *Are Women Human?: and Other International Dialogues*
 - Rees M (2002) International intervention in Bosnia-Herzegovina: The cost of ignoring gender. In: Zarkov D and Cockburn C (eds) *The Post-War Moment: Militaries, Masculinities and International Peacekeeping*. London: Lawrence and Wishart, pp. 51-67.



- “The Tragedy of Victimization: Implications for International Women’s Rights and Post-Colonial Feminist Legal Politics”, 15 Harvard Human Rights Journal, 1 (Spring, 2002)

Additional material on these topics will be provided.

Key websites for initial consultation include:

United Nations Special Rapporteur on Freedom of Religion and Belief:
<http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FreedomReligionIndex.aspx>

Pew Research Center <https://www.pewresearch.org>

United States Commission for International Religious Freedom:
<http://www.uscirf.gov/> United States Department of State:
<https://www.state.gov/j/drl/rls/irf/>

International Panel of Parliamentarians for Freedom of Religion or Belief:
<http://ippforb.com/> and the Commonwealth Initiative for Freedom of Religion or Belief: <http://www.ciforb.org/>

Religioustolerance.org

Myanmar

<http://globaljusticecenter.net/files/Gender-and-Genocide-Whitepaper-FINAL.pdf>
<https://www.oxfamamerica.org/static/media/files/bp-one-year-on-rohingya-refugee-women-girls-110918-en.pdf>

Pakistan

<https://www.crisisgroup.org/asia/south-asia/pakistan/state-sectarianism-pakistan>
<https://www.hrw.org/news/2018/06/28/pakistan-ensure-ahmadi-voting-rights>

Iraq

<https://www.uscirf.gov/reports-briefs/annual-report-chapters-and-summaries/iraq-chapter-2019-annual-report>

China

<https://www.hrw.org/news/2010/12/17/china-account-disappeared-uighurs>

India

<https://www.hrw.org/news/2018/01/18/india-unchecked-attacks-religious-minorities>
<https://www.uscirf.gov/reports-briefs/special-reports/constitutional-and-legal-challenges-faced-religious-minorities-in>
<https://www.refworld.org/pdfid/553f3e824.pdf>

EU

<https://fra.europa.eu/en/databases/anti-muslim-hatred/home>
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-eu-minorities-survey-muslims-selected-findings_en.pdf
https://www.enar-eu.org/IMG/pdf/factsheet9-european_lr_1_.pdf