



HUMAN DIMENSION IMPLEMENTATION MEETING

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1

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**COMBATTING ISLAMOPHOBIC INTOLERANCE and DISCRIMINATION:
 EMBEDDED EVENHANDEDNESS, Securitarian Policies
 and the OSCE Commitments**

Mr. Chairman, Excellencies, Ladies and Gentlemen

As Personal Representative of the Chair in Office on combating Intolerance and Discrimination against Muslims, namely Islamophobia, I would like to underline a few points:

Today it is very worrying that while discriminating against an entire ethnicity is a taboo, **religion-based racism** is generally considered to be `exercising freedom of opinion`. If criticism of Islam or Muslims appear acceptable because it is not seen as classically racist & xenophobic, then we have a serious problem threatening our peaceful co-existence. The intersectionality of the problem is obvious.

This happens in a worrisome context on the EU front, relevant to the refugee challenge. A recent research survey - that is a Pew Research Centre survey- on the Europeans` disaffection with the European Union points at that 42% of Europeans are in favour of returning some EU powers to national governments (against only 19% who support the opposite view). It is connected to our ongoing debate on multiculturalism and diversity. In the light of this dim picture, we can better understand the tensions related to the Islamophobic hatred in many parts of the OSCE region.

It is in such context that `fear mongering` about Islam and demonising Muslims have become more and more worrying.

I was in UK and Sweden recently to make country visits as part of our mandate as personal representatives together with Rabbi Baker. I will not comment on our observations and findings now as it will come out as a report. I would like to take the opportunity to thank the British and the Swedish governments for welcoming our visits and for their cooperation in both providing us with the necessary contacts and information, and at the same time leaving us free to meet with the Civil Society Organisations where and when suitable. Thank you Ambassador Sian MacLeod the Head of the British Delegation to the OSCE and thank you Ambassador Fredrik Löjdquist the Head of the Swedish Delegation for your most valuable cooperation for our successful country visit.

According to the ODIHR Hate Crime reporting, in 2014, police services, inter-governmental organizations and civil society groups all provide data on hate crimes. All of these have different approaches and priorities in collecting information on hate crimes. It is essential for governments to have access to all of this information, painting a clear picture of the problem in order to counter it. The report shows to us that at the end of the day Islamophobic hate crimes are either underreported or `not recorded as Islamophobic hate crimes`. If police and intelligence officials still refuse to rank violent attacks towards Muslims as Islamophobic hate crimes independently, but grouped it within the broad category of xenophobia, this means that hostility against Islam is purposefully blurred out.

Now, there is a worrying shift of anti-Muslim hatred -individual and institutional- **from the margins to the mainstream**. There is a worrying lack of political courage and leadership on these issues. Together we need to tackle with this threat to our peaceful co-existence both in roots and routes.

It is also a question of representation and stereotyping as usual. Through media representation of Muslims and Islam, hate speeches eventually turn into hate crimes against Muslims. Media outlets all over Europe all too often engage in an `us vs. them` presentation of Muslim communities that incorporates an alleged incompatibility between `Islam` and European values.

It appears that Western values are associated mostly with the Christian faith, while Eastern ones are connected to the Muslim faith. In his manifesto entitled "2083: A European Declaration of Independence", it was exactly this that Anders Behring Breivik draws on: it is the narrative of a perpetual historical war between Christianity and Islam. He does this by laying out his xenophobic worldview, which includes support for varying degrees of cultural conservatism, right-wing populism, ultra-nationalism, Islamophobia, **far-right Zionism** and nationalist para-militarism. It further argues for the violent annihilation of Islam, "Eurabia", "cultural Marxism", and multiculturalism, to preserve a Christian Europe. **Now do we really think that these are just marginal views of the few marginals?**

This binary of East vs. West, translated into Islam vs. Christianity, or `enlightenment` and `progressiveness` vs. `backward Islam`, strengthens identity constructions and narratives of a homogenized `us` vs. `them`, and in consequence threatens an inclusive understanding of diverse and multicultural European societies. This is the challenge and a very serious one.

What is problematic here is the **securitarian** policies. Securitarian policies are grounded on the idea that religions can endanger peaceful coexistence and therefore raise security problems. The so-called Islamic terrorism and radicalism are frequently mentioned as a clear evidence of this danger. To prevent it, more State controls are demanded on the practice of Islam and particularly on the internal organization of the Islamic communities. These raise significant problems concerning the collective and institutional dimension of the right to freedom of religion and depart from the principle of equal treatment of religious communities. **The question is this: how far can we go in limiting freedom of religion to grant security or, to put it in a better way, what are the best strategies and tools to harmonize the former with the latter.**

This raises the question of STATE NEUTRALITY. A State, in all its various manifestations, always has distinctive characteristics that derive from the history, culture, and beliefs of the people who live in it. In this sense, State neutrality is always embedded in a larger context and, as religion is part of this, a religiously neutral State is inconceivable. If, however, the word `neutral` has the sense of `having no preference`, being fair and impartial within a given and historical context, the conclusion might be different.

Here, reasoning in terms of `embedded neutrality` or, even better, `**embedded even-handedness**` (a concept coined by professor Silvio Ferrari) can open new perspectives, as it is possible to strive for **an even-handed State** and, at the same time, acknowledge that the history, culture, traditions, and customs of its population matter. From this perspective, being **even-handed** means to attain the optimal level of fairness in the given situation of that country, provided that the bottom line -equal respect for all- is always granted. This is what John Rawls professor of Philosophy of Law refers to as `**justice as fairness**`.

It is very important that the OSCE participant states focus more on implementing the OSCE standards in combatting hate speech and crimes, in this case, Islamophobic hate speeches and crimes. First and foremost, Islamophobia has to be acknowledged as a crime and should be included in all national and European statistics throughout Europe. I would like to take the opportunity to urge OSCE member states to take a stance against Islamophobia.

To this end, there is more need to

1. Commit to (a) recording of Islamophobia as a category of hate crime by all police, (b) working with social media companies to protect free speech while developing good guidelines to tackle hate speech online (c) consider primary legislation to deal with social media offences and hate speech online.
2. Commit to developing teaching materials to educate young people on Islamophobia, racism and anti-Semitism; to fund projects to promote educational programmes on Islam awareness; to prioritise religious education in the national curriculum to prepare young people for life in a religiously plural society.
3. Commit to tackling religious discrimination in the workplace and address the low level of economic activity among Muslims through targeted interventions at stages of recruitment, retention and promotion; improving access to employment for Muslim women.
4. Commit to support the adoption of the EU Equal Treatment Directive to advance protection against discrimination on the grounds of religion to education, healthcare, housing, access to goods and services and social protection.
5. Commit to preserving the Human Rights Act and the protection of minority rights including rights to religious slaughter, circumcision and wearing of religious dress or symbols.
6. Commit to curbing the encroachment of counter-terrorism policies on civil liberties by working with Muslim communities not against them in the so-called `de-radicalisation` programmes;
7. Commit to democracy and human rights promotion abroad, including the rights of religious minorities.

We need `sustainable strategies and raise more awareness through intercultural educational policies which emphasizes `reflexivity` and `fusion of horizons` (horizontverschmelzung- a term coined by German philosopher Gadamer).

It is still an urgent call that participating States should ensure implementation of OSCE Ministerial Decisions. We should reassess what capacity-building activities have been implemented for law-enforcement, prosecution and judicial officials **dealing with anti-Muslim hate crimes and discrimination.**

All this said, we are still concerned that EU member and OSCE participating states have not yet fully RECOGNISED the problem.

Last but not least, we hope that the Ministerial Council deliverable (`a working definition` or decision) on combatting intolerance and discrimination against Muslims can be adopted soon. We also hope and expect that the current Chairmanship and the next Chairmanship uses its power to secure a stable budget to support activities on combating intolerance and discrimination against Muslims. We expect an equal treatment to ODIHR work on eradicating anti-Muslim hatred and crimes.

Thank you.