Human Rights Violation in the United Kingdom (Part IV)

Chapter IV

Islamophobia and Discrimination against British Muslims

The Universal Declaration of Human Rights (UDHR) establishes that all are equal before the law and are entitled without any discrimination to equal protection of the law.

The second articles of the International Covenant on Civil and Political Rights (ICCPR) and of the International Covenant on Economic, Social and Cultural Rights (ICESCR) oblige state parties to respect the rights set forth in these documents "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 18.1 of the ICCPR protects the right to freedom of thought, conscience and religion, which includes the freedom of everyone, "either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

According to Article 20 of the ICCPR, "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

Article 9.1 of the ECHR, Article 10.1 of the EU Charter of Fundamental Rights and Article 1.1 of the UN Declaration on Religious Intolerance and Discrimination are similar in wording. The EU Charter of Fundamental Rights, which will become legally binding for the EU member states, contains a general ban on discrimination.

The OSCE member states have repeatedly committed themselves to respecting the human rights and fundamental freedoms of all without any distinction as well as to ensuring protection against discrimination. The above member states have also committed themselves to taking "appropriate and proportionate measures to protect persons or groups who may be threatened or subjected to discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity and to protect their property."

In July 2004, the OSCE Permanent Council adopted Decision No. 621 on Tolerance and the Fight against Racism, Xenophobia and Discrimination, in which the participating states committed themselves to taking steps to combat discrimination and violence against Muslims.

In 2000, the European Commission against Racism and Intolerance (ECRI) adopted a policy recommendation on combating intolerance and discrimination against Muslims. This recommendation calls on the member states of the Council of Europe to take the necessary measures to combat discrimination on religious grounds in employment and other areas, including by encouraging employers to adopt "codes of conduct" and by imposing appropriate sanctions. It also urges the member states to "ensure that public institutions are made aware of the need to make provision in everyday practice for legitimate cultural and other requirements arising from the multi faith nature of society."

Islamophobia and its Manifestations

Although there are many rights, conventions, documents and international commitments that assume to protect minorities (Muslims) against discrimination, hostility towards Islam and Muslims has been a feature of some European societies since the eighth century of the Common Era. It has taken different forms at different times and has fulfilled a variety of functions. Therefore it may be more apt to speak of 'Islamophobias' rather than of a single phenomenon. Each version of Islamophobia has its own features as well as similarities with, and borrowings from, other versions.[1]

Islamophobia can be roughly defined as an irrational fear or hatred of Muslims and/or Islamic culture. "Islamophobia is characterized by the belief that Muslims are religious fanatics, have violent tendencies towards non-Muslims, and reject as directly opposed to Islam such concepts as equality, tolerance, and democracy. Manifestations of anti-Muslim hostility include:

• Verbal and physical attacks on Islam and Muslims in public places;

• Attacks on mosques and desecration of Muslim cemeteries;

• Anti-Hijab policy as the benign attempts to protect Muslim Women's rights;

• Widespread and routine negative stereotypes in the media, including the broadsheets, and in the conversations and 'common sense' of non-Muslims – people talk and write about Muslims in ways that would not be acceptable if the reference were to Jewish people, for example, or to black people.[2]

• Negative stereotypes and remarks in speeches by political leaders, implying that Muslims in the UK are less committed than others to democracy and the rule of law.

• Discrimination in recruitment and employment practices, and in workplace cultures and customs.

• Bureaucratic delay and inertia in responding to Muslim requests for cultural sensitivity in education and healthcare and in planning applications for mosques.

• Lack of attention to the fact that Muslims in the UK are disproportionately affected by poverty and social exclusion.

• Non-recognition of Muslims in particular, and of religion in general, by the law of the land, since discrimination in employment on grounds of religion has until recently been lawful and discrimination in the provision of services is still lawful.

• Anomalies in public order legislation, such that Muslims are less protected against incitement to hatred than members of certain other religions.

• Laws curtailing civil liberties that disproportionately affect Muslims.

Religious prejudice is not new to British Society; however, since 9/11 the Muslim community has faced intensified Islamophobia sentiment. Muslims in the UK are indeed known to be more likely than other population groups to feel that they are suffering as a result of the current response to international terrorism, one that has brought a new dimension to an already existing problem.

Contextual Factors of Islamophobia

Islamophobia is exacerbated by a number of contextual factors. The first and most important contextual factor is the UK traditional foreign policy in relation to various conflict situations around the

world and in particular in the Middle East. There is a widespread perception that the war on terror is in fact a war on Islam. It is very obvious that the UK supports Zionist Regime against Palestinians. In other conflicts too, the UK government appears to side with non-Muslims against Muslims and to collude with the view that the terms 'Muslim' and 'terrorist' are synonymous. (Norton-Taylor, 2008)

A second contextual factor is the skeptical, secular and agnostic outlook with regard to religion. That is reflected and sometimes expressed explicitly, in the media, perhaps particularly the left liberal media. The outlook is opposed to all religion, not to Islam only.

The third one is the role of political leaders and official policies. In the aftermath of September 11, the far-right British National Party (BNP), which won 5% of the votes in the 2004 elections to the European Parliament and in the same year secured 21 local council seats, has increasingly embraced anti-Muslim attitudes instead of the broader racist message it previously communicated.

In a secretly filmed TV documentary that was aired in the summer of 2004, BNP members inter alias depicted Islam as a "vicious wicked faith" that "has expanded through a handful of cranky lunatics" and expressed wishes to "blow up" mosques and "machine-gun" Muslims. (Seabrook, 2004)

Also some political leaders have subsequently made comments implying that Muslims generally are less committed to democracy and non-violence than other members of society. For example, in late 2003, media sources reported that Denis Mac Shane, minister on European affairs, had called on Muslims to choose between the "British way" and the "terrorist way." A statement to this end was included in a speech the minister had prepared for a meeting with constituents, which was leaked to media. As a result of strong objections, he reportedly toned down his language somewhat when actually delivering the speech. Matthew Taylor, "Minister's Call to

Choose Outrages British Muslims (The Guardian, 22 November, 2003)."

The forth one is the fact that a high proportion of refugees and people seeking asylum are Muslims. Although refugees have a positive role in the UK economy and its development, but mass media, in particular tabloid press use propaganda in an attempt to Demonize Muslims. Therefore 'Muslim', 'asylum-seeker', 'refugee' and 'immigrant' become synonymous and interchangeable with each other in the popular imagination.

The cumulative effect of Islamophobia's various features, exacerbated by the contextual factors mentioned above, is that Muslims are made to feel that they do not truly belong to the UK. They feel that they are not truly accepted, let alone welcomed, as full members of British society. On the contrary, they are seen as 'an enemy within' or 'a fifth column' and they feel that they are under constant siege.

"We have a fifth column in our midst. Thousands of alienated young Muslims, most of them born and bred here but who regard themselves as an army within, are waiting for an opportunity to help to destroy the society that sustains them. We now stare into the abyss, aghast (Phillips, 2001)."

Discrimination against British Muslims

Discrimination has always been a crucial issue for civilizations. Wars have been fought as a result of it. Empires and countries broken up and societies destroyed. In the recent modern era, discrimination against minorities has been a key political and moral issue, resulting in some of the worst human rights abuses and crimes against

humanity, from the inter-war period through to Nazi Germany and more recently in the Former Yugoslavia.

One of the pillar stone on which the United Nations was founded is that of non-discrimination. First article of the United Nations charter of 1945 declares that its purpose includes: "…. Promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion"

Since then, rights and protection against discrimination for minorities have been codified in a panoply of treaties, conventions, declarations and other legal and pseudo-legal documents which have subsequently been incorporated into countries' policies and laws to lesser and greater extents.

Minority rights and protection from discrimination are urged to be the basis for ensuring equality and freedom from discrimination for all participants in society.

While discrimination and intolerance against Muslims was a concern prior to September 11, Muslims have repeatedly witnessed that the situation has further deteriorated since these events.

Since September 11, Muslim organizations have recorded unprecedented numbers of anti-Muslim incidents, including verbal and written abuse, harassment, physical assaults and attacks on property.

Discrimination in various areas of society, prejudiced remarks by political leaders and counterterrorism legislation disproportionately affecting Muslims, have created an atmosphere in which Muslims do not feel that they truly belong to or are accepted as full members of the UK society. Instead they feel that they are viewed as an "enemy within" or as a "fifth column."

Most discrimination studies about Muslims have primarily focused on their socio-economic disadvantage, for example in terms of

labor, education, income and housing, rather than on general discrimination and implicit racism.

A comparative study carried out by Lorraine Sheridan at the University of Leicester in 2002 among five religious groups is valuable in this area. It concludes:

".... Muslims were found to have not only the greatest risk of being victims of both implicit racism and general discrimination before 9/11, but also the highest increase in experiences of racism and discrimination since the events of that day, and, consequently, the greatest risk of being victims of both implicit racism and general discrimination after September 11th."

My discussions with representatives of the Muslim community signified the existing concerns over a growing Islamophobia. It arises from the manner in which terrorist threats were frequently presented in the media. Recent legislative changes relating to the prevention of terrorism had, they claimed, not only resulted in the discriminatory treatment of individual Muslims, but had also contributed to raising anti-Islamic sentiments.[3]

War on Terror and Stirring up Racism

There is no doubt that the UK government's policy " War on terror " is anti-Muslim and anti-foreigner, and that racial tensions is exacerbated as a result. It has done little in practice to allay fears among Muslims, as well as human rights activists and many others who have expressed their deep concern in this regard.

Many Muslims and other minority communities have felt under siege in recent years. Like everyone else in the country, they experienced the fear associated with the attacks of 9/11 and July 2005. But they also experienced increasing racism, fostered in part by the

frequent linking by the government and media of the "terrorist threat" with foreigners and Muslim extremists.

The Islamic Human Rights Commission on 18 January 2008 has expressed deep concern about the current double standards in applying the UK's anti-terror laws, saying that it was criminalizing the two million of country's Muslim population. In recent months we have seen Muslims found guilty for possessing DVDs that can be found free on the internet. This kind of criminalizing a community is the basis of alienation of suspect communities.

Muslims have suffered the consequences of anti-terrorism measures that are discriminatory in law and practice. The Minister for Counter Terrorism, Hazel Blears, even warned that Muslims must face up to the reality that the police would target them in "stop and search" operations because of the threat from people "associated with an extreme form of Islam".

The impact of such speeches and policies is felt on the streets by people from Muslim and other ethnic minority communities. Between September 2001 and July 2004 there reportedly was a 302 per cent increase in the number of people of Asian origin being stopped and searched by police. Since 2001, and particularly since 7 July 2005, a significant rise in the number of racist and faith-based attacks against individuals, homes, schools, mosques and other places of worship has been reported.

During the first year following the attacks on the United States, the Islamic Human Rights Commission (IHRC) registered a total of 670 anti-Muslim incidents, including 344 cases of physical assaults and attacks on property, 188 cases of verbal and written abuse and 108 cases of psychological pressure and harassment. Sometimes resulting in serious injuries, and where mosques, Muslim cemeteries and Muslim property were subjected to vandalism, bomb threats and arson.

In subsequent years, the number of anti-Muslim incidents registered by the IHRC has remained high, although it has not been as

high as during the first year after the 9/11 events. While reports of physical abuse have decreased over time, reports of harassment in public places such as schools and Mosques have increased.

A survey carried out by the ICM research institute shortly before the terrorist attack in Madrid provides a picture of how widespread experiences of harassment are among Muslims. Out of 500 Muslims interviewed for this survey, 33% said that they or their family members had experienced hostility and abuse because of their religion.

The IHRC has expressed concern that a considerable number of abuses targeted at Muslims are never reported to police because victims lack confidence that police will deal effectively with their cases.

This problem predated September 11, but has since worsened as Muslims have experienced that they are unfairly targeted by counter-terrorism measures. While the UK government is criticized for engaging in a campaign against terrorism that has primarily targeted Muslims and that has thereby served to place the country's Muslim community collectively under suspicion.

But it is very interesting to mention that: In the aftermath of 9/11, more than 600 people have been arrested under anti-terrorism legislation, and a vast majority Muslims. However, less than 100 of those arrested have been charged with terrorism offenses, and only 15 people have been convicted of such crimes, with no more than 3 of them known to be Muslims. (Jaggi, 2004)

Adding to such experiences, and much to regret that, there reportedly have been cases where Muslims who have turned to police to report crimes against themselves, have been treated as terrorist suspects.[4]

London Bombings: Sharp Rise in Intolerance, Racism and Islamophobia

After the bombings on July 7, 2005, the approach of the government towards Muslims deteriorated. Although the bombers were all British residents, but the government announced plans to deport those it considers radicals, ban political parties with objectionable messages and close down mosques where the message seems to be propagated. These proposals met with objections from various Muslim and non-Muslim politicians and other public individuals. United Nations and European Rights officials have questioned some of the policies, especially those leading to the deportation. With the legal ramifications and political opposition still in flux, it is currently difficult to tell what will eventually develop.[5]

In analyzing the incidents, many questioned whether the government's decision to join with the United States in the invasion of Iraq may have contributed to the problem of radicalism. The invasion of Iraq was substantially unpopular, and much of the suggesting is probably coming from individuals who were opposed to Britain's involvement. However, a memo endorsed by Jack Straw, then foreign secretary, also supported this view. The Federation of Islamic Student Societies took a poll in August 2005 among Muslim students and found 95% opposed to British foreign policy and 66% believing that the invasion of Iraq contributed to the problem of domestic terrorism.

In spite the above fact, anti-Muslim sentiment, even prior to 7/7, worsened. Assaults, arsons, and other violence seem to have been highest immediately after the attacks. There have been problems with attacks on asylum seekers and increasing Islamophobia. Up to a third of Muslims say they or their family members have been victims of hostility.[6]

A 2004 survey by the IHRC showed 80% of Muslims saying that they had experienced discrimination because of their faith up from 45% in 2000 and 35% in 1999. The IHRC attributed these changes

both increased hostility and an increasing awareness of discrimination among Muslims.

After the 7/7 bombings in London, bias crimes increased greatly in London. Scotland Yard reported 269 crimes in the three weeks following the attacks, while only 40 had been recorded during the same period one year earlier.

The UK government proposed a number of new anti-terrorism measures, most of which are still in process. At least 500 suspected were deported in the weeks after the attacks. The government has also proposed shutting down objectionable mosques, banning radical parties, and reinstituting secret terrorism trials, a practice used before in the conflict in Northern Ireland. A treason law which had been unused for decades is being proposed for trials of radical imams. British intelligence has also begun to establish internal security units to monitor Muslims suspected of sympathy with extremism.

There were reports of a sharp rise in racist and faith-based attacks against individuals, homes and places of worship following the 7 July bombings, coupled with right criticism that government policies and speeches were failing to allay fears that the war on terror was anti-Muslim and would exacerbate racial tensions (Amnesty International, 2 November 2005).

Police figures in London recorded a six-fold increase in crimes motivated by religious hatred mainly against Muslims after the bombings, with 269 religious hate crimes in the three weeks after the attacks, compared with 40 during the same period in 2004.[7]

AI argued that statements made by government officials persistently linked

Muslims, asylum seekers and foreigners with the threat of terrorism, pointing to a statement made by Home Office Minister

Blears in March that anti-terrorism legislation would inevitably be "disproportionately experienced" by the Muslim community since that is the nature of the terrorist threat.[8]

This not only negatively affected the public perception of Muslims but also damaged confidence of Muslims in the fairness of the authorities. The government's new anti-terrorism proposals, and in particular the introduction of a new criminal offence for speech (Act 2006, were harshly criticized as impacting directly and disproportionately on the freedom of expression of Muslims and causing further damage to race relations.

The director of Oldham Race Equality Partnership argued that not only was the Muslim community not consulted in the process but that this went against the spirit of the Race Relations Act, which requires new policies to be assessed for their impact on race relations.[9]

The annual racist incidents report recorded a rise in defendant cases received for prosecution by 22% to 5,788.46 However, witness problems and insufficient evidence continued to present obstacles and critics argued that there was still a failure amongst police and courts to push the element of racial motivation, thereby handing down lighter sentences (BBC News "16 December 2005).

A study by the Institute of Race Relations suggests that the anti-terrorism statutes have been used overwhelmingly against Muslim defendants. Of the hundreds of arrests only a handful has led to convictions. As well, there has been a tendency to extend the anti-terrorism laws to cover routine criminal acts and immigration violations committed by Muslims.

In London during the year 2006, there has been a massive 40% increase in Asians stopped and searched - the largest increase ever recorded in a single year for any group. Nationally, Asians are now 2.5 times more likely to be stopped and searched than Whites. However, the government has claimed that it will not pursue selective policies against Muslims in response to the July 7 attacks.[10]

Criticism of the Commissioner for Human Rights

Mr. Alvaro Gil-Robles the European Commissioner for human rights on his visit to the UK[11] has expressed his concern over the UK Government policy towards Muslims situation. In his June 2005 report for the attention of the Committee of Ministers and the Parliamentary Assembly, said his discussions with representatives of the Muslim community revealed concerns over the growing Islamophobia. He is quoted:

"My discussions with representatives of the Muslim community, revealed concerns over a growing Islamophobia arising from the manner in which terrorist threats were frequently presented in the media. Recent legislative changes relating to the prevention of terrorism had, they claimed, not only resulted in the discriminatory treatment of individual Muslims but had also contributed to raising anti-Islamic sentiments. It is clear that the portrayal of the international and domestic terrorist threats, both in the media and by politicians requires the exercise of considerable responsibility."

He also expressed that: "It is clear, however, that the limitation of the derogating provisions of the 2001 Act to foreigners and their exclusive application in high profile cases Muslims has had a negative effect on both the perception of Muslims by the rest of the population and the confidence of many Muslims in the fairness of the executive. The damage to both is not easily repaired. What is clear, however, is that human rights abuses in the context of anti-terrorism measures have a repercussion extending beyond their impact on individual persons to entire communities."

The use of extended stop and search powers under anti-terror legislation raises all of these issues. I was informed by the Commission for Racial Equality that there was a 36% percent increase in the number of Asians stopped over the course of 2002/3 under

section 44 of the Terrorism Act 2000 compared to a 17% increase for Whites. Between the adoption of the Act and 2002/3, there was a 300% increase in the number of Asians stopped.

Police figures released on 3 August 2005 showed a 600 per cent rise in attacks motivated by religious hatred in London after 7 July 2005. In the three days after 7 July, there were 68 faith hate crimes, compared with none in the same period in 2004.

Also AI in its yearly report about the UK human rights situation has quoted:
"In August 2004 the UN Committee reported cases of Islamophobia, discrimination and attacks on asylum-seekers. The Committee also expressed deep concern about provisions of the ATCSA targeting exclusively foreign nationals."[12]

References

- Amnesty International (2005, November, 2), *'War against Terror'*.
- BBC News (2005, Decemebr, 16), *"Courts Failing to Pursued Racism.*
- Jaggi, Rohit (2004, August, 9), *"Police Gain Extra Time to Question Suspects"*, The Financial Times.
- Norton-Taylor, Richard (2008, February, 21), *"How Labor used the law to keep criticism of Israel secret"*, The Guardian.
- Phillips, Melanie (2001, November, 4), The Sunday Times.
- Seabrook, Jeremy (2004, July, 23), *"Religion as a Fig Leave for Racism,* The Guardian(2004, July, 15), Also in BBC Program "BNP Activists Admit to Race Crime," 15, July 2004.
- The Guardian (2003, November,22), *"Minister's Warning Angers Muslims,"*

Notes

[1] The study by the International Helsinki Federation for Human Rights (IHF) covers 11 EU member states. It looks at "widespread" negative attitudes towards Muslims, including unbalanced media reporting which depict Muslims as "an enemy within".

[2] Muslim and civil liberties organizations have also expressed concern that there is often extensive media attention when police raids result in arrests under anti-terrorism laws, while there is typically only minimal coverage when those arrested subsequently are released. As a result, the public is left with the impression that the British criminal justice system is successfully prosecuting "Muslim terrorists,"

although in reality most of those Muslims who are arrested on terrorism allegations are never charged with any terrorism offence.

[3] Commissioner for human rights of the Council of Europe stated in his report.

[4] IHRC, Submission to the Home Office in Response to Discussion Paper…, p. 35.

[5] Although the political discourse in the United Kingdom has generally maintained a tolerant tone, the British National Party has developed an increasingly anti-Muslim message. Over the last few years, it seems to be increasing its popularity. However, support for the party still hovers somewhere around 5%.

[6] United Kingdom Shadow Report, 2003.

[7] Institute for Race Relations, "Forty Seven Murders in Britain since McPherson," 3 August, 2005.

-The Independent, "Race Hate Crimes Surge after Bombs," 4 August 2005.

[8] Home Affairs Select Committee uncorrected minutes of evidence, 1 March 2005.

[9] Institute for Race Relations, "New Terror Law will Harm Race Relations," 5 January 2006.

[10] Even Lord Ahmed the country's Muslim peer has been stopped twice by police.
[11] 4th – 12th November 2004.

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[12] This report is prepared by the Committee of the Elimination of Racial Discrimination expressed concern about increasing racial prejudice against ethnic minorities, asylum-seekers and immigrants.