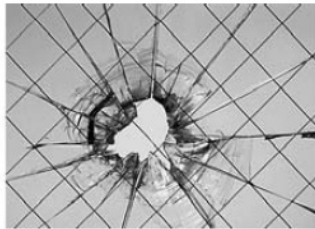


Violence against Muslims

An Update to HRF's 2008 Hate Crime Survey

HumanRightsFirst.org/Discrimination



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Human Rights First is a nonprofit, nonpartisan international human rights organization based in New York and Washington, D.C. To maintain our independence, we accept no government funding. The Fighting Discrimination Program has been working since 2002 to reverse the rising tide of racist, anti-Muslim, antisemitic, anti-immigrant, and homophobic violence and other bias crime in Europe, the Russian Federation, and North America. We report on the reality of violence driven by discrimination, and work to strengthen the response of governments to combat this violence. We advance concrete, practical recommendations to improve hate crimes legislation and its implementation, monitoring and public reporting, the training of police and prosecutors, the work of official anti-discrimination bodies, and the capacity of civil society organizations and international institutions to combat violent hate crimes. Our 2008 Hate Crime Survey provided a comprehensive overview of hate crime in the 56 countries comprising the Organization for Security and Cooperation in Europe. For more information on the program, visit <http://www.humanrightsfirst.org/discrimination> or email FD@humanrightsfirst.org.

Overview

The heinous murder of a pregnant Muslim woman in Germany brought into the public spotlight the problem of violence and discrimination against Muslims. This attack was by no means an isolated incident. Rather, it was part of a pattern of racist and xenophobic violence that continues to occur in many parts of much of Europe, North America, and the Former Soviet Union. In recent years, bias-motivated violence against Muslims has become increasingly aggressive, manifested by personal assaults in the streets and attacks on places of worship and on immigrant-run businesses.

The problem of anti-Muslim violence is complex, due to the multiple dimensions of discrimination involved. A single act of violence or discrimination may encompass intolerance based on the victim's religion, ethnicity, or gender. However, intolerance is often directed at Muslims and other minorities expressly because of their religion. Violence against Muslims occurs against the backdrop of a historically high level of violent hate crime in Europe and North America. Hate crime is a problem that affects many communities: individuals or property are targeted with violence on account of race, religion, ethnicity, sexual orientation, disability or similar status.

Victims of such racially and religiously motivated violence have sometimes been foreign nationals, like the murdered Marwa El Sherbiny, or those perceived to be "outsiders." Yet, even members of Muslim communities who are citizens or long-term residents have also faced harassment and violence in many parts of Europe.

The effects of such acts of hate violence are exacerbated by the fact that they are taking place against a background of a climate of hostility toward Muslims. Obstacles to freedom of religion, widespread discrimination, and anti-Muslim rhetoric in mainstream media and political discourse are an important part of the context in which violent acts are being perpetrated. Intolerant public discourse that goes unchallenged fosters indifference to abuses committed against members of minority groups and promotes impunity for perpetrators of violent hate crimes against them. Such factors erode the confidence of victims of hate crime to report their victimization to the authorities and seek justice from the police and the courts.

Governments must respond vigorously to hate crimes against Muslims, and safety and security of all persons must be made a policymaking priority. In order to strengthen state responses to hate crimes against Muslims, Human Rights First calls on governments to speak out forcefully against all violent hate crimes, including targeted violence against Muslims, to take measures to hold the perpetrators of such violence accountable before the law, and to examine shortcomings in existing monitoring and reporting systems as well as legal frameworks for addressing such crimes. States should also implement programs to improve communication between law enforcement and affected communities in order to build trust and improve reporting of and response to hate crime. To date, few governments have developed the tools to adequately address violent hate crimes against Muslims and those thought to be Muslims.

Violence against Muslims

Attacks on Individuals

Although 2009 was not marked by any noteworthy "trigger events" that in the past have been followed by surges of violence against Muslims, accounts of individual cases continued to highlight the high exposure of visible minorities distinguished by particular clothing or other signs of faith. Some examples from 2009 include the following:

- On July 1, 2009, Eric Lee Garner, a 24-year-old white supremacist, reportedly threatened a woman wearing a hijab and her 6-month-old son with a knife as they waited in line at the Indian Health Board office in Seattle, Washington, **USA**. Garner allegedly yelled anti-Muslim slurs before displaying a knife and threatening to cut her genitals. According to reports, a worker at the Health Board intervened, grabbing the weapon and wrestling Garner to the ground, although the assailant recovered the knife and fled the scene. He was arrested the following day and charged with second-degree assault and malicious harassment under Washington's hate crime statute.¹
- On July 1, 2009, 32-year-old Marwa El Sherbiny was fatally stabbed 18 times during court proceedings in Dresden, **Germany**, by her 28-year-old neighbor, Alex Wiens, a Russian-born German citizen, who reportedly

claimed to be a supporter of the National Democratic Party of Germany, a right-wing neo-Nazi organization. Weins was on trial for having previously insulted El Sherbiny for wearing the Islamic headscarf. Sherbiny's husband defended his wife, attacking the assailant, but he too was stabbed and then shot in the leg by a security guard who mistook him for the attacker. El Sherbiny's murder aroused anger in Germany, her native Egypt, and throughout the Muslim world. On November 11, 2009, Wiens was sentenced to life imprisonment, the maximum sentence possible under German law.ⁱⁱ

- On May 10, 2009, inmates at Ranby Prison in Nottinghamshire, **England**, made a bomb out of fireworks, a fishing rod, and detonators, intending to kill fellow Muslim prisoners. The inmates threw the bomb in the room where worshippers wash their hands and feet before the Friday prayer. The device came within moments of exploding when a prison officer removed it from the facility.ⁱⁱⁱ

Attacks on Places of Worship, Centers of Islamic Culture, and Cemeteries

Mosques and other places of worship are easily identifiable targets of anti-Muslim hate crime. Some examples of acts of vandalism and arson from 2009 include the following:

- A mosque in Haninge, **Sweden**, was vandalized six times during a six-month period in 2009–2010. While the police have been notified about each incident, no progress has been reported toward the identification of the perpetrators.^{iv}
- In February 2010, the head of the **French** Council of the Muslim Faith reported that racist graffiti was painted on the walls of the mosque in Sourgues, in the sixth such incident this year.^v
- In November 2009, a Muslim cemetery in Manchester, **England**, was vandalized for the third time in three months. Other attacks occurred earlier that month and in September. Police officers said they believed the crime was bias-motivated because only Muslim graves were targeted, but no suspects had been apprehended.^{vi}
- On July 5, 2009, the headquarters in Glasgow, **Scotland**, of Islamic Relief, a worldwide disaster

relief charity and member of the Disasters Emergency Committee (DEC), were set on fire in the middle of the night. The Head of Islamic Relief Scotland said the organization had received frequent threats from racist and anti-Muslim groups.^{vii}

- On July 3, 2009, the Islamic Center and mosque in Cypress, California, **USA**, were vandalized with graffiti consisting of racial slurs and threats. The police are investigating the incident as a hate crime, although the perpetrators are still unknown.^{viii}
- On June 16, 2009, the Greenwich Islamic Centre in London, **England**, was petrol bombed for the second time in one week. The mosque's caretaker, Mohamed Kohealtee, 62, was engulfed by flames in an effort to stop the fire and protect the Holy Scriptures. He sustained burns to his arms, face and suffered smoke inhalation. Kohealtee dealt with an arson attack at the mosque one week before at the same time of night.^{ix}
- On June 26, 2009, Juan Carlos Gonzalez-Vaca, 17, and Michael Derek Lobo, 17, vandalized the Islamic School of Miami in West Kendall, Florida, **USA**. The teenagers slashed the tires of cars in the parking lot, smashed mosque windows, and reportedly told police that "all Muslims are terrorists." The mosque has been defaced, shot, and vandalized more than six times since 2005. Gonzales-Vaca and Lobo were charged with criminal mischief.^x
- On May 23, 2009, unknown assailants broke the windows of a basement apartment used as a mosque, threw gasoline inside and set the place on fire in Athens, **Greece**. Four Bangladeshi men suffered respiratory problems and a fifth was burned, but all managed to escape the fire.^{xi}

Data on Violence against Muslims

Despite numerous international commitments to develop data collection systems, there is still a lack of official statistics on the incidence of violent hate crimes, and in particular hate crimes against Muslims. Human Rights First has identified just 14 of the 56 participating States of the OSCE as fulfilling their basic commitments to monitor hate crimes overall: Austria, Belgium, Canada, the Czech Republic, Denmark, Germany, Finland, France, Ireland,

Poland, Slovakia, Sweden, the United Kingdom, and the United States.

For its 2008 annual hate crime report, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) was informed by fifteen countries that they collect data on anti-Muslim violence, but ODIHR only received and published such data from four States.^{xii}

Human Rights First is aware of publicly available data on anti-Muslim violence from six countries (see table). In most of those countries, moreover, only limited data has been made public and official statistics do not represent the real level of violence due to underreporting or underrecording of incidents.

Underreporting remains one of the most serious problems, as victims refrain from reporting attacks to the police. A report by the Open Society Institute, described in more detail below, observed that 64 percent of Muslim hate crime victims in 11 E.U. cities did not report the crime to the police.^{xiii} The European Union Agency for Fundamental Rights (FRA) found that between 53 and 98 percent of Muslim hate crime victims, depending on the country and

population considered, did not report their victimization to the police.^{xiv}

In addition to underreporting, true levels of anti-Muslim hate crime can be misrepresented by underrecording of incidents: where police fail to record reported incidents as hate crimes or to identify anti-Muslim bias as a factor in such crimes.

The data deficit proves a challenge to comprehensive and well-founded policy decisions to combat the problem of hate crime violence. Lack of detailed reporting on hate crime incidents also makes it impossible to have an accurate picture of official responses to anti-Muslim incidents by the police and courts.

Comprehensive nongovernmental data, while no substitute for official monitoring, can often be a useful complement. Yet such data is limited as well, as few NGOs across the region monitor and publicly report specifically on anti-Muslim hate crimes. Nongovernmental organizations from only eight countries submitted relevant information on bias-motivated attacks to ODIHR for their 2009 report.

Governments that engage in official monitoring of hate crimes with an anti-Muslim bias:

- **Austria** has begun to monitor "Islamophobic" crimes within the framework of its reporting on right-wing extremism, releasing data for the first time on two such cases in the 2007 reporting. In 2008, the government reported 12 incidents of such crimes.
- **Canada** has recently started to produce official data on hate crimes perpetrated against Muslims. In 2007, authorities reported a decrease in hate crimes targeting "the Muslim faith." In 2007, 29 incidents were reported, compared to 46 in 2006.
- Authorities in **France** do not report explicitly on violence against Muslims, but their reporting of racist and xenophobic hate crimes offers a window into the problem of anti-Muslim violence, with 37 percent of reported incidents perpetrated against people of North African (Maghreb) origin, who are predominantly Muslim. In 2008, authorities reported 467 racist or xenophobic hate crimes, a 45.5 percent increase from 2007 (321).
- In **Sweden**, the National Council for Crime Prevention (Brå) reported a 32 percent increase in "Islamophobic" hate crimes in 2008, recording 272 incidents (up from 206 in 2007).
- In the **United Kingdom** monitoring and reporting on "Islamophobic" hate crimes is most developed in London, where latest available data shows 106 incidents and 89 crimes during the reporting period of April 2007 to March 2008.
- The **United States** has long been systematically monitoring anti-Muslim crimes. For the reporting year 2008, Federal Bureau of Investigation reported 105 "anti-Islamic" incidents, registering a slight decrease from 2007 (115).

A Climate of Hostility

Obstacles to Religious Freedom

Individuals who fear violence cannot move freely in the towns and cities where they reside. Even where hate crimes do not involve severe violence, the result may be progressive marginalization and exclusion, preventing those under threat from the exercise of a range of rights. Fear of violence—compounded by the lack of trust in state authorities to respond to it adequately—may deter people from venturing out even to places of worship.

States are in other cases more directly responsible for a range of obstacles to religious freedom faced by Muslims. The most common examples of discriminatory policies, laws, and legislative proposals—such as the denial of permits to build or operate mosques and religious schools or the denial of the right of men and women to wear religious symbols and clothing—provide a backdrop to violent incidents against Muslims. The following examples of restrictions on the exercise of religion are rooted in unfounded suspicions of Islam as a threat to security and national culture.

- In November 2009, the **Swiss** population voted in a nationwide referendum to ban the construction of minarets on mosques in Switzerland. The referendum campaign was fraught with anti-Muslim rhetoric and images associating Muslims with danger, such as wrecked Swiss flags covered by missile-shaped minarets.^{xv} U.N. High Commissioner for Human Rights Navi Pillay condemned the ban as “discriminatory, deeply divisive and a thoroughly unfortunate step for Switzerland to take, [which] risks putting the country on a collision course with its international human rights obligations.”^{xvi}
- Women who wear the hijab—a highly visible sign of a woman’s religious and cultural background—are particularly vulnerable to harassment and violence by those who wish to send a message of hatred. Innocent women wearing headscarves are particularly vulnerable to random attacks and harassment in the aftermath of “trigger events.” In the past, assaults ranged from spitting, shoving, or the snatching of headscarves, to punches and kicks and lethal bludgeoning, stabbings, and shootings. In **France**, a total ban

on wearing the Muslim headscarf in public schools was implemented in 2004.^{xvii} Heated debates over national identity resurfaced in 2009, culminating in a January 2010 parliamentary commission recommendation of a partial ban on any veils that cover the face. Council of Europe Commissioner for Human Rights Thomas Hammarberg raised his concerns over the nature of the “identity debate” in France, reminding the French authorities that “such discussions could be helpful if those taking part avoided the trap of promoting one single identity which defines who is included and by extension who is excluded.”^{xviii} Human Rights First stated then that banning the headscarf as a *religious statement* or *symbol* is a violation of the right to freedom of conscience and religion.

- In **Germany**, Muslim women reported discrimination in employment and housing following the passage of legislation in certain German States banning the wearing of headscarves in all or some parts of the public sector. The Council of Europe’s main antidiscrimination body, the European Commission for Racism and Intolerance (ECRI), cited in 2009 that almost two-thirds of Muslims in Germany reported experiencing some form of discrimination over a twelve-month period.^{xix}

Discrimination and Hate Speech

Two reports were released in 2009, highlighting in particular the widespread discrimination against Muslim individuals and the under-reporting of such instances:

- In May 2009, the Fundamental Rights Agency (FRA) released a report detailing discrimination against Muslims in the E.U. It found that 1 in 3 Muslims surveyed had experienced discrimination in the previous 12 months. More troubling still, those who responded affirmatively had experienced, on average, 8 incidents of discrimination in the past year. The report found discrimination most common in employment and in relation to private services such as restaurants or when trying to obtain a loan or open a bank account. Young Muslims between the ages of 16-24 experienced the highest incidence of reported discrimination, raising grave concerns about the

long term impact of discriminatory experiences. Despite the prevalence of discrimination, underreporting was widespread, as 79 percent of Muslims did not report incidents of discrimination against them.^{xx}

- In December 2009, an Open Society Institute report on Muslims in 11 European cities similarly concluded that “levels of religious discrimination against Muslims are widespread and have increased in the past five years.” Specifically, OSI found significant discrimination in the education, housing, and transport sectors, as well as in the provision of goods and services. Specific examples of discrimination abound. The report also found that discrimination by the police remained a concern for young Muslim men. The report concluded that such discrimination is a “critical barrier” to Muslims’ full and equal participation in European society.^{xxi}

Xenophobic rhetoric in the public discourse contributes to the marginalization of Muslims and is amplified by acts of discrimination and the inadequate mechanisms in place to address them. There is a longstanding strain of political discourse in Europe that has projected Muslim immigrants as a threat to European security, homogeneity, and culture. The situation has worsened in recent years in the context of official government responses to terrorist attacks. The rise of racist and religious violence against Muslims in Europe has occurred in tandem with the adoption of anti-immigrant political platforms by both fringe and mainstream political movements. Radical political leaders have sought to legitimize xenophobia and have contributed to the growth of popular anti-Muslim sentiment and intolerance across Europe.

Anti-Muslim hate speech is a major means of extending a climate of intolerance in Europe and North America. Public debates on immigration and the status of Europe’s minorities can have a racial and religious cast and be dominated by aggressive “us versus them” discourse, which has weakened the sense of security and threatens the physical well-being of Muslim communities. Intolerant public discourse that goes unchallenged fosters indifference to abuses committed against members of minority groups and promotes impunity for perpetrators of violent hate crimes against them.

New reports released in 2009 from the European Commission against Racism and Intolerance (ECRI) and

from European NGOs also document concerns over religious freedom and anti-Muslim rhetoric:

- In **Austria**, ECRI noted that far-right parties “engage in overtly anti-Muslim rhetoric,” particularly during election campaigns, while the overall “situation with regard to racism and discrimination against Muslims remains problematic.”^{xxii}
- In **Belgium**, ECRI cited a number of recurring concerns affecting Muslim communities, such as “electronic chain mail, and in particular e-mails containing messages denigrating Muslims.” The Commission also observed “some factions of public opinion [that] make no distinction between terrorists, religious extremists and the Muslim population as a whole,” which often leads to prejudices and discriminatory practices.^{xxiii}
- The public rhetoric of extreme right-wing parties in the **Czech Republic** became an issue of concern for ECRI. For example, following the death of the Czech Ambassador to Pakistan in a terrorist bombing in late 2008, the National Party’s website “published sweeping verbal attacks on all Muslims.”^{xxiv}
- In **Denmark**, the European Network Against Racism has reported that all four Muslim parliamentarians have been the victims of hateful public rhetoric denigrating them personally.^{xxv}
- ECRI noted a rise of Islamophobic discourse in **Norway**, in particular in the realm of political and public debates, which have been characterized “by frequent associations made between Muslims on the one hand, and terrorism and violence on the other, and by generalizations and stereotypes concerning perceived cultural features of persons of Muslim background.” Often such negative perceptions are translated into discriminatory acts against Muslim minorities of Norway.^{xxvi}
- In the **United Kingdom**, the European Muslim Research Center carried out its first research project, interviewing victims, perpetrators, and witnesses of hate crimes in London in 2009. The report concludes that “a negative and false belief that Muslims pose a security or terrorist threat”

was the major motivating factor for violence against Muslims.^{xxvii}

ECRI's latest report on the **United Kingdom** concurred that “public discourse about Muslims is frequently negative,” both in the mainstream media and by political parties. ECRI noted particular discrimination faced by Muslims in the labor market, pointing out limited employment opportunities available for Muslims.^{xxviii}

International norms protecting freedom of expression rightly allow considerable latitude for offensive hate speech. There are political and education tools that public leaders can use to confront hateful discourse without restricting freedom of expression.

Recommendations

There is a need for immediate action to fight anti-Muslim violence. Human Rights First recommends the implementation of our **Ten-Point Plan** to combat hate crimes, including those targeting Muslims, which calls on States to:

1. **Acknowledge and condemn violent hate crimes whenever they occur.** Senior government leaders should send immediate, strong, public, and consistent messages that violent crimes, which appear to be motivated by prejudice and intolerance, will be investigated thoroughly and prosecuted to the full extent of the law.
2. **Enact laws that expressly address hate crimes.** Recognizing the particular harm caused by violent hate crimes, governments should enact laws that establish specific offenses or provide enhanced penalties for violent crimes committed because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities, or other similar status.
3. **Strengthen enforcement and prosecute offenders.** Governments should ensure that those responsible for hate crimes are held accountable under the law, that the enforcement of hate crime laws is a priority for the criminal justice system, and that the record of their enforcement is well documented and publicized.
4. **Provide adequate instructions and resources to law enforcement bodies.** Governments should ensure that police and investigators—as the first responders in cases of violent crime—are specifically instructed and have the necessary procedures, resources and training to identify, investigate and register bias motives before the courts, and that prosecutors have been trained to bring evidence of bias motivations and apply the legal measures required to prosecute hate crimes.
5. **Undertake parliamentary, interagency or other special inquiries into the problem of hate crimes.** Such public, official inquiries should encourage public debate, investigate ways to better respond to hate crimes, and seek creative ways to address the roots of intolerance and discrimination through education and other means.
6. **Monitor and report on hate crimes.** Governments should maintain official systems of monitoring and public reporting to provide accurate data for informed policy decisions to combat violent hate crimes. Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offenses, as well as prosecutions. Governments should consider establishing third party complaint procedures to encourage greater reporting of hate crimes and conducting periodic hate crime victimization surveys to monitor underreporting by victims and underrecording by police.
7. **Create and strengthen antidiscrimination bodies.** Official antidiscrimination and human rights bodies should have the authority to address hate crimes through monitoring, reporting, and assistance to victims.
8. **Reach out to community groups.** Governments should conduct outreach and education efforts to communities and civil society groups to reduce fear and assist victims, advance police-community relations, encourage improved reporting of hate crimes to the police and improve the quality of data collection by law enforcement bodies.
9. **Speak out against official intolerance and bigotry.** Freedom of speech allows considerable latitude for offensive and hateful speech, but public figures should be held to a higher standard. Members of parliament and local government leaders should be held politically accountable for bigoted words that encourage discrimination and violence and create a climate of fear for minorities.
10. **Encourage international cooperation on hate crimes.** Governments should support and strengthen the mandates of intergovernmental organizations that are addressing discrimination—like the Organization for Security and

Cooperation in Europe, the European Commission against Racism and Intolerance, and the Fundamental Rights Agency—including by encouraging such organizations to raise the capacity of and train police, prosecutors, and judges, as well as other official bodies and civil society groups to combat violent hate crimes. Governments should

also provide a detailed accounting on the incidence and nature of hate crimes to these bodies in accordance with relevant commitments.

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