Adopted Report on Islamophobia titled:

Countering Islamophobia: An Unfinished Business

1. Preface

This report has been commissioned by the Council of Foreign Ministers (CFM) of the Organization of the Islamic Cooperation (OIC) and prepared by the Independent Permanent Human Rights Commission (IPHRC), as a comprehensive report analysing the phenomenon of Islamophobia. In view of the complex nature of the phenomenon and the various legal, human rights, political, cultural, social and media dimensions, and given that a full understanding of all the facets to this issue requires conducting a field study, and based on the nature of the mandate of the IPHRC, the present report draws extensively on survey of significant number of reports, studies and research material, in addition to the documented activities carried out by the Organization of Islamic Cooperation (OIC).

2. Definition of Islamophobia and its impact on human rights

Despite controversy surrounding the meaning, history and causes of Islamophobia, there is near unanimity on the prevalence of practices associated with this concept, which include acts of abuse and attacks directed against Islam and Muslims in a number of western societies, which represent a violation of human rights.

With the exception of a minority opinion, which completely rejects the use of the term Islamophobia, those who still harbour some doubts about the term, associate it exclusively with an emotional state characterised by fear and hatred, directed against Muslim communities living in the West. They deny the existence of any hatred directed against Islam as a religion per se, alleging that those who prefer to use the term Islamophobia only do so in order to shield the Islamic religion itself against criticism. Still, the majority opinion concurs with the view of the Runnymede Trust, a British think-tank, which holds that the "animosity harboured

against Islam and Muslims in Western societies is unique and can only be grasped using an equally unique concept, hence the justification of the term Islamophobia.[2]

There is no agreement as to the origins or causes of such a phenomenon. Some consider it as a new phenomenon caused by Muslims' inability to integrate into the Western societies where they live, or by members of violent organisations, whose conduct causes fear and scepticism. The majority of those who have analysed the phenomenon confirm that it dates back to centuries, and has a wide range of causes, most of which point in the direction of those involved in acts of abuse and assault.

Islamophobia is commonly known as a condition of phobia vis-a-vis Islam and Muslims, which develop**s** into hostile behaviour, including verbal and physical abuse against Muslims, their scripture, holy personalities and symbols including assault against mosques, cemeteries and religious centres. This condition also manifests in the form of attempts to distort the image of Islam and its symbols, especially as directed against Prophet Mohammed (Peace be upon him). Some consider that the above definition does not accurately capture the full scope and depth of this phenomenon, which goes far beyond the phobia some individuals experience with regard to Islam and Muslims. They rather maintain that the term used to describe it fails to reflect the human rights violations it entails. Granting that Islamophobia is an expression of public ignorance about true Islam in Western societies, the argument no longer holds when you find it widespread among the elite of society as well, which leads to the belief that Islamophobia is the result of a deliberate and intentional effort to distort the image of Islam and create a state of permanent fear of Muslims for purpose of achieving both personal and collective goals.

Over the last couple of decades, namely after the terrorist attacks of September 2001, Islamophobia transformed beyond recognition. No longer a spontaneous expression of emotions, it turned into an ideology that found its way into the political agendas of right-wing extremist groups, seeking to make political gains by promoting hatred against Islam and Muslims. This systematic effort to distort the image of Islam and Muslims, is not limited to the extreme right, but also includes

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[2] THE RUNNYMEDE TRUST, " ISLAMOPHOBIA: A CHALLENGE FOR US ALL", LONDON: (1997)

secular-minded thinkers and intellectuals, who consciously harbour hostile sentiments against religion, seeing in the increasing number of Muslims in Western societies, an existential threat to these societies and their secular way of life.

A report published in the United States by the Council of American Islamic Relations in 2013, revealed the existence of a network of more than 37 groups, which engage in the systematic promotion of hatred against Islam and which played a role in introducing 78 legal amendments to Congress and other legislative bodies between 2011 and 2012, all of which aimed at distorting the image of Islam.

Unfortunately, these systematic efforts to distort the image of Islam and Muslims, coupled with the rise in terrorist acts involving some Muslim individuals, turned Islamophobia into a permanent cultural phenomenon, constantly evolving and ultimately feeding into so-called anti-terrorism laws, running counter to the efforts made by Muslims to enact legislation criminalizing hate speech against them.

3. Explaining Islamophobia

Islamophobia finds its reasons in as diverse fields as history, religion, politics, ideology and behaviour. Historically, hostile attitudes towards Islam and Muslims go back to centuries of interaction between Muslims and the West, during which a number of stereotypes and distorted images developed, ultimately giving way to a state of mutual fear and suspicion. At the time of the Crusades, churchmen played a key role in rallying the crowds to the battlefield by spreading contempt for Islam and Muslims and denigrating their religious symbols. Suffice it to mention here the role of Pope Urban II, who launched the campaign of the crusades in a sermon he delivered in 1095, in which he portrayed Muslims as "a despised and vile race, which worships demons".[3]

This offensive discourse against Islam and Muslims continued over different historical periods and persisted well into the Renaissance and the Enlightenment, long after the Church's role in society receded. Voltaire, a French philosopher from the Enlightenment era, wrote a play in the mid-eighteenth century entitled

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[3] Bongars, *Gesta Dei per Francos*, 1, pp. 382 f., trans in Oliver J. Thatcher, and Edgar Holmes McNeal, eds., *A Source Book for Medieval History*, (New York: Scribners, 1905), 513-17

"Mohammed", in which he depicted the Prophet Mohamed Peace be Upon Him as a "hypocrite, and deceitful and a lover of physical pleasures".[4] Publication of the blasphemous cartoons of the Prophet Mohamed Peace be Upon Him in recent years, confirms that this stereotypical and distorted image has managed to survive and re-emerge in the collective mind of Europeans today.

This kind of discourse established a collective mind-set that is difficult to uproot, and is invoked whenever clashes occur, which happen to involve Muslims. The political reasons of Islamophobia are represented in the on-going conflict between the Muslim world and the West, which evoke religion and history to give legitimacy to policies. Muslims still remember a remark by the NATO Secretary General at the beginning of the 1990s, in which he said that "the green menace, (meaning Islam), had replaced the red menace, which ended with the collapse of the former Soviet Union". Samuel Huntington, an American intellectual, called, in his popular "Clash of Civilizations" on the West to promote solidarity and increase military cooperation. Political competition in Western societies pushed some right-wing extremist movements to employ Islamophobia as a means to gain popularity by intimidating Muslims and promising their electorates, if elected, to enact strict laws against Muslims.

The events of September 11, 2001 marked a turning point in the West's perception of Islam and Muslims. In spite of the fact that American Muslims were among the victims of the terrorist attacks, and in spite of the strong condemnation of the attacks expressed by Muslim countries and institutions alike, Islam and Muslims in the United States and in many parts of Europe and elsewhere were subjected to the worst violations in the wake of the incident.

While right-wing forces are responsible for the majority of acts involving the promotion of hate speech against Islam and Muslims, for both religious and political reasons, secular forces are also responsible for wanton acts of defamation. In fact, in addition to their avowed ideological dismissal of religion in general, they are also known for their particular contempt of Islam. In the eyes of those secularists, Islam is a backward religion, opposed to freedom, democracy and human rights, degrades women, intolerant of and hostile towards minorities. Therefore, it is only natural that they should oppose this religion. Islam, in their view, is a threat not only to freedom

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[4] Khaled Suleiman "Islamophobia: Analytical reading " http://www.asharqalarabi.org.uk/markaz/m_abhath-56.htm

of expression, but also to contemporary Western way of life and democratic system, which is why, it should be opposed vehemently.

At the behavioural level, we must admit that the conduct of some extremist individuals and groups within the Muslim world only reinforce this distorted image about Islam. We should be in no illusion that Western societies and even other societies should not be expected to make an effort to draw a distinction between true Islam and the acts of some individuals and groups, especially that the media tends to focus on and amplify their heinous acts, thus increasing the sensational flavour, which helps them gain in popularity ratings.

The discourse adopted by certain radical preachers living in Western societies tends to corroborate the negative image of Islam and Muslims. The state of backwardness, illiteracy, authoritarianism and political conflict equally contribute to making the inevitable association between Islam and these conditions. These factors have also led to falsely portray image of Muslims being unable to integrate in Western societies. While there have been some cases of extremism within Muslim communities in these countries (which are overtly projected) the majority of the Muslim communities have been actively and productively contributing to the economic and social progress of their host societies thus adding to the cultural diversity that is the essence of true multiculturalism.

In addition to the reasons mentioned above, there have been certain factors, internal to European societies, which contributed to the spread of hatred against Islam and Muslims. These have to do mainly with their own identity crisis, declining economies and higher rate of unemployment and the falling rates of population growth among them. Due to their weak national identities, a result of cultural differences, and the absence of a pan-European identity, Europeans suffer an identity crisis, which they blame on immigrants in general, though Muslims tend to bear the brunt of that blame, probably because of the stark contrast of their cultural and religious heritage compared to that of the European societies where they live. Population growth among Muslim communities in the West, whether as result of natural growth or immigration, along with the falling rates of fertility among Europeans create concern among the latter over their European Christian identity. Extremists play on these fears and warn of an Islamic population time bomb, threatening to irreversibly transform European identity. Thus, Islamophobia has come to exist not as an expression of a hostile attitude vis-a-vis Islam, but Muslims have come to be the target of a complex form of hatred against religion, immigration

and xenophobia. It is exactly this which has turned Islamophobia into the most dangerous manifestation of racism in Europe.

Although all members of Muslim minorities suffer verbal and behavioural abuse, motivated by Islamophobia, women in particular, seem to suffer the most because of their outward appearance, which readily symbolizes the difference between Muslims and non-Muslims in the West. Several Western organisations documenting the rise in the number of Islamophobic acts have noted that a great deal of attacks and abuse go unreported because the victims do not trust the security apparatus.

Although Islamophobia has become a permanent feature of Western societies, there has also been a direct correlation between the rise in this phenomenon and acts of terrorism involving Muslim individuals. Over the past two years, hate speech has seen a dramatic rise due to the emergence of a terrorist organisation in Iraq, which has incorporated the word 'Islam' in the title of its so-called state, and publishes footage of their barbaric acts of killing in the media.

We must admit that the gruesome acts of this organisation have exacerbated fear of Islam and Muslims, hampering efforts made to counter Islamophobia. What made matters worse is the fact that the rise of this terrorist organisation coincided with the growth in popularity of right wing parties in Europe and a corresponding rise in the number of Muslim immigrants fleeing the deteriorating situation in their home countries, particularly those affected by the Arab spring. Therefore, it looks like we should be bracing ourselves for a new and stronger wave of Islamophobia about to set in, calling for swift action on all fronts. Some have gone so far as to draw a comparison between the status of Muslims in Western societies today to that of the so-called Jewish issue of the inter war period, which is reflective of the seriousness of the matter.

The positive side to this situation resides in the fact that this phenomenon has now attracted widespread attention thanks to the organisation of conferences and seminars and the publication of reports on the issue. A specialized journal, called Islamophobia Studies Journal, is now published in the United States[5]. Although such meetings do come up with recommendations to combat the phenomenon, their

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[5] http://crg.berkeley.edu/content/islamophobia/islamophobia-studies-journal

impact remains limited, since they avoid the sensitive issue of incitement discourse. This explains the approach adopted by the Muslim world, as represented by the OIC, which consists of acting in a concerted manner to counter this form of racism, which, if allowed to go unchecked, will throw into chaos global peace and security.

4. The United Nations and religious intolerance and discrimination based on religion or belief

Although the United Nations only recently started taking an interest in Islamophobia, namely through the statements of some representatives of the Muslim countries, it nonetheless addressed the issue of intolerance and religious-based discrimination at the very beginning of creating a global system of human rights. However, its role has remained of little effect up to this day.

In 1946, the Commission on Human Rights, which branched out from the Economic and Social Council, made discrimination on the basis of race, sex, language, religion, a standing item on its agenda, along with the drafting of the International Covenant on Civil Rights, as well as women's rights. The Commission established a sub-commission on Discrimination and the Protection of Minorities, which has worked since the 1950s on developing procedures on the prohibition of national, racial or religious incitement. In 1960, the sub-committee prepared a study on religious discrimination, including recommendations for General Principles for adoption as a Resolution by the General Assembly, or in the form of an International Declaration.

A protracted debate took place within the United Nations on the most appropriate form to adopt these rules. Some Muslim countries called for them to be codified into a binding international agreement, instead of a mere General Assembly resolution or a declaration of general principles. In 1962, at the conclusion of a debate on religious discrimination and ethnic discrimination, the General Assembly adopted two resolutions. The first one provided for the preparation of a draft declaration and a draft agreement on combating all forms of racial discrimination, and the second calling for the preparation of a draft declaration and a draft convention against all forms of religious intolerance. In 1965, the United Nations issued the International Convention on the Elimination of All Forms of Racial Discrimination. However, it failed to issue a similar convention against intolerance and discrimination on the basis of religion, as a result of sharp divisions between Member States, overshadowed at the time by ideological polarisation.

Still, a number of Muslim countries continued to raise the issue. The Third Committee called for a resolution to issue a declaration and a convention against all forms of religious intolerance. The Committee held 29 meetings, characterized by a heated debate as to the definition of religion and belief, the Soviet Union insisting at the time on including atheism as a belief worthy of recognition and protection. This interpretation was opposed by Muslim countries and the Catholic Church. Because of this sharp controversy, the Committee only could go as far as the title of the draft convention, the preamble and the first article. The General Assembly had to postpone the matter several times. During the 1970s, interest in the issue of intolerance and discrimination on the basis of religion or belief began to wane, giving way to a feeling of scepticism about its relevance, and whether or not there was any need at all for a convention dedicated to the issue.

In 1979, the General Assembly announced that intolerance and discrimination on the basis of religion was becoming a *neglected discrimination*, leading to a fresh tabling of the matter and the ultimate adoption by the General Assembly of resolution 36/55, containing a declaration on the fight against all forms of intolerance and discrimination on the basis of religion or belief. The United Nations thus managed to put to rest what was thought at the time to be a debate that lasted for over 20 years.

Between 1981-86, the General Assembly called upon the Commission on Human Rights to draw a list of appropriate measures to implement the Declaration. In 1986 the Commission also created the position of Special Rapporteur to verify the implementation of the Declaration, and mandated him to consider cases, which contravene the Declaration and submit recommendations about them. In 2000 mainly at the instigation of the West, there was a change from "fighting religious intolerance" to "freedom of belief and religion", and a change in the mandate of the rapporteur from "considering matters of fighting discrimination on the basis of religion or belief", to "seeking measures to promote and protect freedom of religion and belief". This was a *major shift* in the focus of the mandate that changed its outlook from addressing intolerance and discrimination based on religion to promoting freedom of religion. It was claimed that the change was introduced to reflect the positive side of the mandate.

5. **The Organization of Islamic Cooperation and the shift from combating defamation of religions to combating incitement to hatred and discrimination based on religion:**

In 2013, the former Secretary General of the OIC published his book entitled: "*Islamophobia from confrontation to cooperation: the next mission*". The book traces the evolution of the issue between the two protagonists: the Muslim world and the Western world. According to the former Secretary General, the OIC's interest in issues of religious intolerance, defamation of religions and Islamophobia stems from its commitment in safeguarding global peace and security. It sets out from the view that these issues have the potential of developing into conflict with the potential to threaten global peace and stability, given the mutual feelings of hostility that they stoke among peoples.

In 1999 and for almost 12 years, the OIC submitted a resolution for combating "defamation of religions", as of a means of expressing its growing concern over the emergence of new forms of intolerance and hatred with regard to Islam and Muslims in various parts of the world. The timing of submitting the first draft resolution reflects an early awareness of the gravity of the issue and an accuracy of predicting its increase. To give a universal message as well as to respect and treat all religions with equal emphasis, the title of the draft resolution was amended to read "defamation of religions" instead of defamation of Islam. Initially, the resolution was passed by consensus, but following the introduction of this text in 2001 where OIC called on Member States to "provide adequate protection against all human rights violations resulting from defamation of religions", western countries broke the consensus and put the resolution to vote. Since then it was adopted by vote till 2010.

The growing cases of hatred against Islam and Muslims in the aftermath of the 2001 terrorist attacks, heightened concern among Muslims, to which the OIC responded quickly by seeking an international declaration with legally binding measures, a move rejected by Western countries, thus again plunging the international organisation in sharp divisions on the way forward on the subject.

Two visions emerged on how to deal with intolerance and religious discrimination. The first one was advanced by Muslim countries, focusing on combating incitement to hatred and hate speech with legally binding measures such as criminalizing incitement against religions and its followers (in accordance with

the Art 19& 20 of ICCPR, as well as the existing practices followed by European countries in cases of Anti-Semitism, denial of holocaust and promotion of Nazism) etc. The second one was championed by Western countries, which sought to promote absolute individual liberties and the freedom of religion and belief including the right to insult or defame that in their view was included in the right to freedom of opinion and expression. Muslim countries maintain that, in order to combat defamation of religions there has to be legally binding measures limiting the scope of the freedom of expression. Western countries on the other hand insist that such measures constitute a breach of basic human rights, particularly freedom of expression, and will be ineffective in putting an end to the problem of intolerance and discrimination on the basis of religion.

Gradually, critical position towards the concept of defamation of religions, started to take shape based on theoretical and legal arguments. In 2006, a joint report by the rapporteurs on the freedom of religion and belief and the fight against racism alleged that criminalizing contempt of religions would prepare the ground for a state of intolerance. In 2009, a joint report published by the rapporteur of the freedom of expression and a number of regional rapporteurs, criticized the concept of defamation of religions on the grounds that it was in conflict with the already established legal concept of defamation, which applies only to the protection of individual's reputation, and that freedom of expression cannot be constrained to protect institutions, ideas or religious concepts.

In spite of the sharp division, support for the draft resolution on "combating defamation of religions" remained constant, as shown each time it was submitted to a vote 2001-2007. However, that support tended to decline after the United States joined the Human Rights Council and actively lobbied against it. In 2010 the resolution was adopted with only a margin of three votes in favour. Over these years, discussion on this resolution became overtly intense and controversial and put the whole debate of Islamophobia and discrimination on the basis of religion in a negative light. In order to salvage this situation and to make progress on this subject, the OIC embarked on a new approach by devising a new resolution that addresses the whole issue from the lens of existing human rights law.

Resolution 16/18 and the Istanbul Process

In view of the opposition, based on legal and conceptual grounds by Western countries against the concept of defamation of religions on the one hand, and the

mounting cases of Islamophobia on the other, the OIC sought a new framework through which it would garner support and acceptance by the international community for countering this dangerous phenomenon. The third forum of the Alliance of Civilizations, held in Rio De Janeiro, Brazil in May 2010, offered an opportunity to present this new vision. The OIC submitted a working paper on countering Islamophobia at a panel discussion attended by the Organisation for Economic Security and Cooperation. That was the first international forum to discuss Islamophobia. The OIC again brought up the issue of countering Islamophobia at a conference on religious tolerance, held in 2010 in Astana, Kazakhstan.

During the 15th Session of the Human Rights Council, the then Secretary General of the OIC presented an eight point vision for a consensual approach for promoting a culture of tolerance and mutual understanding and rejection of incitement to hatred, discrimination and violence on the basis of religion or belief. Such developments complemented by intense diplomatic efforts by OIC Member States and Western bloc (led by the USA and UK) paved the way for Resolution 16/18, which reconciled the two positions. This consensus resolution was termed as 'triumph of multilateralism'. It contains a detailed action plan, which if implemented in its entirety, would certainly prevent intolerance, hatred and religious discrimination. Resolution 16/18 and General Assembly resolution 66/167 are considered the two most important resolutions on the issue of intolerance and religious discrimination since the matter was tabled on the United Nations agenda almost half a century ago.

The OIC considered the adoption of resolution 16/18 a historic accomplishment and a turning point in international efforts to combat intolerance and discrimination on the basis of religion or belief. It was also keen to ensure its implementation by launching an initiative known as the Istanbul Process, which sought to review and expedite the compliance of countries with the Plan of Action set out in the resolution. Following the adoption of this resolution and the launching of the Istanbul Process, the OIC had to bear a spate of widespread criticism, particularly from right wing organizations accusing it of seeking to impose an Islamic view on the concept of combating intolerance by restricting freedom of expression for the purpose of preventing incitement on the basis of religion or belief.

The OIC launched the Istanbul Process, in June 2011, in partnership with the United States, the EU and a number of other interested countries. Since then, five

meetings have been held under the Istanbul Process until the writing of this report, which were as follows: Washington (December 2011), London (December 2012), Geneva (June 2013), Doha (March 2014) and Jeddah (June 2015). The Geneva meeting, co-sponsored by the OIC, was the object of a controversy on the interpretation of resolution 16/18, which threatened, according to some participants, to undermine the entire Istanbul Process. At the Doha meeting, however, the resolution and the issues surrounding its implementation did not have their fair share of serious discussion due to the attendance of a large and heterogeneous array of civil society organisations and participants.

In order to give impetus to the Istanbul Process and to avoid the signs of lack of momentum, the OIC decided to convene the 5th meeting at its headquarters in Jeddah on 3 and 4 June 2015, to discuss and consider the full and effective implementation of resolution 16/18. A large number of various stakeholders attended the meeting, including Members States of the United Nations, academics, United Nations officials, independent experts, jurists, non-governmental organizations and representatives of civil society. The meeting reaffirmed the importance of resolution 16/18 as a landmark achievement in the framework of United Nations efforts to combat incitement to hatred and violence, discrimination and stigmatization on the basis of religion and belief, and called on everyone to maintain the general consensus about this important document. The substance of the discussions centred around the implementation of the resolution in a balanced and comprehensive way, including paragraph (5-f) on criminalizing incitement to violence on the basis of religion or belief. A number of participants, including representatives of the IPHRC stressed that the focus on the practical steps to implement the resolution should not detract from matters of substance that continue to be the source of controversy between those involved in the Istanbul Process, namely the protection of religions against deliberate abuse and distortion, subsumed under the freedom of religions. Indeed, it makes no sense to guarantee freedom of religion, while religious ritual and symbols continue to be the subject of assault and wanton distortion.

Some of the participants in the Jeddah meeting also called for institutionalizing the Istanbul Process to ensure its sustainability through the establishment of a tripartite presidency to oversee the Process, which is the sole mechanism for following up on the implementation of resolution 16/18. A set of recommendations were also highlighted as follows:

- Political commitment at the highest level of the political apparatus is an absolute requirement for the full and effective implementation of the Human Rights Council resolution 16/18.

- Double standards must be avoided to guarantee objectivity and impartiality in the implementation and promotion of the content of the message of resolution 16/18, which will help maintain a global consensus and encourage effective implementation at all levels.

- The criminalization of the forms of expression, which amount to incitement should be the exception, with due emphasis to observe the standards provided for under the Rabat Plan of Action on the prohibited forms of expression

- Promoting ways of monitoring and reporting on resolution 16/18 through active involvement and the use of a regular comprehensive review mechanism, and the organs established under special treaties and procedures.

Overall, views on resolution 16/18 fall into three categories: The first category, represented by Muslim countries, sees in the resolution a historic achievement, though not properly implemented. They express concern over the resolution being used against Muslim countries through a focus on religious freedom and minority rights. The second category, made up of western countries and human rights organizations, consider that the resolution and the Istanbul Process are enough of a success and therefore, there is no need to seek further mechanisms. The resolution, according to them, reflects an international consensus that must be safeguarded by maintaining the Istanbul Process and avoid raising the issue of Islamophobia or defamation of religion again. The third and final category speaks for right wing political organisations and other secularists who express their resentment over the resolution, which they see as an attempt to restrict the right to free speech.

In spite of their divergence, all these positions agree on one thing: lack of confidence. Muslims see that the West is being selective in the application of the resolution and avoid the most important paragraphs, which call for the criminalization of incitement to hatred on the basis of religion or belief. Westerners harbour doubts about the seriousness of Muslim countries in complying with the resolution, pointing to their insistence on raising the issue of Islamophobia and the defamation of religions again. Others still criticize their own governments for accepting the resolution in the first place, which they think will have negative

consequences on the freedom of expression, if implemented in full. The Western attitude involves an implicit risk to derailing resolution 16/18 to the effect that it stands on a fragile consensus that may easily collapse if Muslims go on raising the issue of Islamophobia or even insist on interpreting, rather than merely implementing the resolution.

We are of the view that the OIC ought to consider the following matters:

1- Does calling for an interpretation of the resolution and an insistence on implementing the paragraph on criminalizing incitement threaten consensus on this resolution?
2- Does maintaining international consensus justify complacency with what has been achieved so far in this process?
3- Are there any prospects for an opportunity to further develop the resolution so that it may achieve the main purpose, which is to prevent all forms of intolerance and discrimination based on religion and belief and criminalize incitement to hatred?
4- Should the way forward be to maintain the consensus and call for full and effective implementation of the Action Plan by all stakeholders including the need to criminalize incitement to hatred and imminent violence based on religion?
5- Does the rise of Islamophobia and contempt for Islam justify the call for a new resolution no matter how flimsy the chances of success may be, thereby risking the current consensus?

These are extremely important questions, which must be answered before proceeding to the next step.

We must also note that the mechanism to verify the compliance of countries with the terms of resolution 16/18 is poor. Only 15 countries have so far submitted reports, most of them predominantly are descriptive and full of general information. An important element to ponder in this regard is the fact that out of these 15 countries there are only 4-5 countries from the OIC, which also calls for an introspective approach vis-à-vis their commitment to implementation of this resolution.

6. The disagreement between Muslims and the West

If the discussion of resolution 16/18 is confined to the main points of contention surrounding Islamophobia and contempt of religions, attempting to find the reasons

behind the poor record of implementation, four years after its passing, taking into account the criticism directed at the Istanbul Process from both parties - Muslims and the Western countries - the main problem remains in the disagreement over the interpretation of the resolution, which, if persists, will hinder its implementation itself. Disagreement about the interpretation of the resolution also reflects disagreement on how to deal with intolerance and discrimination based on religion or belief and incitement to hatred. The most prominent differences between the two positions can be summarized in the following points:

Islamic position holds that:

- The existence and continued rise of Islamophobia represents a contemporary manifestation of racism and violation of human rights;

- Negative stereotyping of religions through stigmatization and offending religious symbols is an incitement to hatred against Islam and Muslims;

- The existing legislation in Western societies is biased and not sufficient to address this phenomenon;

- Resolution 16/18 aims to combat intolerance and discrimination based on religion or belief through a range of measures including by criminalizing incitement to hatred that leads to imminent violence in accordance with international human rights law ;

- Increased incidents of violence on both sides underscore the need for urgent action to deal with cases of Islamophobia.

Western position holds that:

- If there is such a problem as Islamophobia, it is limited to certain practices against Muslims as individuals, which may be addressed under the fight against racism;

- Muslims employ the concept of Islamophobia to restrict freedom of expression and to impose their religiously-informed vision of what form of expression is permitted and what is not;

- Existing national legislations provide sufficient legal guarantees to deal with any violations which may target Muslims as individuals;

- There is no need for an international legislation banning hate speech, especially when the responsibility for overseeing its implementation is entrusted with political regimes that do not respect human rights in the first place;

- Rights are meant for individuals, not religions or ideas;

- Legislations in a number of Muslim countries aimed at criminalizing incitement in the name of Islamophobia represent a violation of the right of expression, meant to shield Islam against criticism, and are therefore not acceptable;

- Resolution 16/18 aims to combat intolerance and discrimination based on religion or belief by promoting and protecting religious freedom.

- Any additional measures, including the establishment of an international observatory to monitor acts of Islamophobia is considered as a restriction on the freedom of expression and will not be accepted.[6]

The disagreement**, which originates from the points above, reflects the primary concern about the degree of resilience of the consensus on resolution 16/18** and its ability to withstand. It also reveals the underlying problems in the Islamic position, which are as follows:

1- Muslims' inability to demonstrate that offending Islam or its symbols constitutes an act of abuse and an assault on the Muslim individual given that Islam is an integral component of a Muslim's character.

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6 IN 2014, UNIVERSAL RIGHTS GROUP PUBLISHED A DETAILED REPORT ON RESOLUTION 16/18 UNDER THE TITLE OF "COMBATING GLOBAL RELIGIOUS INTOLERANCE: THE IMPLEMENTATION OF HUMAN RIGHTS COUNCIL RESOLUTION 16/18"

2- Muslims failed to explain their position clearly, to the effect that their drive to criminalize incitement to hatred of Islam is definitely not meant to restrict freedom of expression. It rather aims to address the deliberate defamation of Islam and Muslims, resulting in the violation of their rights and justifying acts of aggression against them.

7. Conclusion and recommendations

Despite the rise registered in all forms of Islamophobia, as monitored by the observatory, which was established by the OIC eight years ago, or through reports published by western organizations, it is attracting increasing attention and awareness about its repercussions, and a desire from Western governments to tackle it. Therefore, it is important to keep an eye on the efforts currently made in western societies, by governments and civil society alike, and capitalize on these efforts to reduce the scope of hatred and incitement against Islam and Muslims. It is also worth mentioning that the majority of Western countries, which acceded to the convention to combat all forms of racial discrimination, have since enacted national laws against hate speech, which can be readily invoked to counter hate speech against Muslims.

On the other hand, we note that efforts to mitigate the consequences of hatred directed against Islam and Muslims run into difficulties because of the fear of terrorism, which in turn generates more fear of Islam, thus making the situation more difficult for Muslims. As soon as there is any improvement, the situation tends to worsen each time individual Muslims are found to be involved in acts of terrorism. The rise of the terrorist organisation known as D*aesh*, which commits shocking crimes and has the ability to recruit members of the Muslim communities in the West, has increased fear and hatred of Islam and Muslims.

Some have also come to talk about the rise of Christianophobia, particularly with the efforts made by Russia and the orthodox and catholic churches to promote this new phenomenon, as a result of the attacks targeting Christian minorities in the conflict in Syria and Iraq. Today, Russia is calling for an international action to address this problem, similar to the one, which Muslims insist on making with regard to Islamophobia. Should this be a concern for us?

It is, therefore, important to define the desired objective of any move to counter Islamophobia and select the right approach to achieve it. What are we seeking to achieve here exactly? Is it to protect Islam against abuse and defamation, or to

protect Muslim communities against attacks and violations that prevent them from enjoying their rights? The right approach to adopt must also be the subject of careful consideration. Should we (1) continue to pursue international advocacy campaign within the United Nations, calling for the full implementation of resolution 16/18, or (2) to seek a new resolution on the matter, or would it be better (3) to focus on national and regional level advocacy or pursue all three routes at the same time?

The reality of the matter is that both the defamation of religions and discrimination against Muslims are interlinked and cannot be dealt in isolation, hence the need to tackle both, though with different strategies. Negative stereotyping and stigmatization of religions or religious symbols have consequential impact on their followers as it directly impinges on their right to freedom of religion as well as subjects them to negative stereotyping that leads to various forms of discrimination and violence against them. A true understanding of the nature of Islamophobia is also crucial to setting the priorities of an action plan. In fact, this phenomenon attempts to distort the image of Islam and by extension abuse *all* Muslims irrespective of their geographical location. Islamophobia is also in violation of many human rights of Muslim individuals and communities of Muslims living in Western societies.

Based on this understanding, countering the defamation of Islam may call for an international action. Action Plan of Res 16/18 provides for a range of measures that not only cater for positive actions such as reaching out to minorities, training of officials and intercultural dialogue, but also calls for stricter actions such as the need for criminalization of acts of incitement that lead to imminent violence.

As far as addressing violations committed against the individual rights of Muslims, this is achievable through encouraging and promoting the awareness of members of Muslim communities in the West to work *within the legal system* and engage in *political action* to counter those attacks and violations and *report* those incidents to the competent authorities.

Close and *systematic cooperation* links may also be established with human rights groups and organisations to document cases of violation and abuse, and raise public awareness about this phenomenon on a permanent basis before moving to counter it.

Action at the national level in western countries may contribute to addressing the problem of abuse against Islam in general and cases of contempt and denigration

targeting religious symbols, but it may not be enough, unless supported by international action. The experience of half a century, trying to secure an internationally binding legislation criminalizing incitement on the basis of religion has been extremely difficult due to intransigence of western countries, and is becoming even more difficult, especially with the rise in cultural and civilizational polarisation, particularly between the two main protagonists in this matter: the West and the Muslim world.

Nevertheless, it still is an objective worth pursuing. Many countries share the views of OIC that there should be universality of treatment for all religions and if there are existing protections that criminalize or prohibit negative stereotyping or stigmatization of one set of beliefs and religion the same may be extended to all religions. Hence, the objective of seeking proscription of incitement to hatred, discrimination and violence based on religion as well as negative stereotyping and stigmatization of religions remain achievable and worthy of pursuing. Such legislations, if and when passed would also help address negative stereotyping and discrimination against religious minorities in Islamic countries, which some of these countries may actually find difficult, but would be in line with the Islamic principles and international human rights law**.**

The persistent abuse against Islam, and the distortion of its image and symbols perpetuates the conflict between the West and the Muslim world. It also plays into the hands of extremists in Muslim societies who incite innocent Muslims to violence on the plea to defend Islam thus tarnishing the image of Muslim countries. There is no doubt that these are serious negative consequences, which can be dealt with *politically, culturally and through the media strategies without having to wait for new international legal instruments which may or may not realize.*

Given these difficulties, the best option may be at the international level to hold on to resolution 16/18 and keep it alive, while at the same time making an unequivocal choice between insisting on the interpretation of the resolution or focusing on its full and effective implementation. Following are some recommendations that we put forward:

- Conducting a comprehensive evaluation of the Istanbul Process, in terms of its agenda, working mechanism and the nature and level of participation, seeking how to bring in improvements, including ways to ensure the full implementation of all of the paragraphs of the resolution,

namely the paragraph on the criminalization of incitement, and consider the appropriateness of transforming the process into a formal mechanism;

- IPHRC may closely follow up on the Istanbul Process, attending its meetings, extending legal assistance to the OIC member states in the preparation of reports and the fulfilment of obligations arising out of resolution 16 /18, and conducting related research studies. IPHRC may also be provided with necessary support to carry out these functions;

- Organizing closed panel discussions between members of the IPHRC and representatives of human rights organizations and Muslim Associations in Europe and the United States to discuss the best ways to address Islamophobia and come up with the appropriate recommendations;

- Assessing the experience of the Islamophobia Observatory and seek to improve it, and exchange information and knowledge with institutions and organizations active on this issue;

- Establish cooperation with KAICID (King Abdullah Bin Abdul Aziz International Centre for Interreligious and Intercultural Dialogue) and making use of their expertise and resources on interfaith dialogue to dispel misperceptions and promote better understanding of Islam.

- Appoint a specialized scientific and legal entity to carry out the study, approved by the 12th Islamic Summit, on national legislations on hate speech in a number of western countries, and entrust the full oversight of the study with the IPHRC. The study is to focus on identifying areas of similarity between legislation criminalizing hate speech /incitement to hatred including cases of denial of the holocaust, anti-Semitism and Nazism on the one hand and criminalizing hate speech against Islam and Muslims on the other.

- Combine the fight against extremism in the Muslim world and criminalizing of incitement to hatred against Islam and Muslims in the West and other affected regions, in an attempt to bridge the gap in the perspectives of the Muslim world and these Western countries/regions;

- Insisting on the criminalization of incitement against hatred based on religions within the framework of resolution 16/18, as the best way forward to tackle the issue of defamation of or discrimination based on religions.

- Establishing cooperation with the Special Rapporteur for freedom of religion and belief and the Special Rapporteur for combating all forms of racial discrimination to develop a legal framework for preventing incitement and discrimination on the basis of religion and belief and create a list of indicators/ risky practices leading to incitement to hatred and violence, which could serve as a yardstick to deal with any potential cases of incitement and discrimination ;

- Engaging with the Special Rapporteur for freedom of religion and belief with a view to ensuring that all religions and beliefs as well as their followers are treated impartially and given same protection.

- Devise a comprehensive strategy for engagement with media as it plays a crucial role in building perceptions. The strategy should focus both on presenting the true and moderate image of Muslims and Islam as well as for promoting cultural and religious diversity for peaceful coexistence within multicultural societies and among followers of different religions.

- This report may also be shared with the OIC Missions in New York and Geneva for its wider circulation among OIC Member States for information and appropriate use during relevant discussions. On its part the IPHRC will remain seized of this matter under the framework of its Working Group on Islamophobia in close cooperation with relevant departments of OIC General Secretariat and other regional and international human rights organizations.

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