**NGO input: Report on Anti-Muslim Hatred and Discrimination**

**(Case study : African countries)**

**Report presented by:** Maat association for Peace, Development and Human Rights) in Special Consultative Status since 2016).

**Submitted to**: Special Rapporteur on freedom of religion or belief

**Submitted in respect of:** Preparation for the report to the 46th Session of Human Rights Council

**About the NGO**: Maat for Peace, Development, and Human Rights

Maat was established in 2005 as a non-partisan, non-profit civil society organization, the Foundation is registered at the Egyptian Ministry of Social Solidarity under the number 3166 of 2008 amended to 7829 of 2010.Maat is in Special Consultative Status with the UN Economic and Social Council, is the Northern Africa Coordinator in the NGO Major Group for Africa affiliated to UNDESA, the Foundation was the Head of National Network of the Euro-Mediterranean Anna Lindh for the Dialogue Between Cultures, as well as being a founder and member of a broad number of local, international and regional networks. Moreover, Maat is a member in the General Assembly of the African Union Economic, Social and Cultural Council.

Maat's vision is" A citizen aware of his rights, a homeland based on human rights respect and good governance practices, and a genuine global partnership for peace and sustainable development."

Maat has five main working fields:

1. Decentralization and Good Local Governance.
2. Social Peace and Marginalized Groups Development.
3. International Mechanisms to Protect Human Rights.
4. Elections and Supporting Democracy.
5. International Cultural Dialogue and Solidarity for Peace and Development.

* This report focuses on question 1, 2, 3 and 5 to assess anti-Muslimism hatred and discrimination in countries in Africa.

***1. Please provide information on what you understand by the terms Islamophobia and anti-Muslim hatred; on the intersection between anti-Muslim hatred, racism and xenophobia and on the historical and modern contexts, including geopolitical, socio-and religious factors, of anti-Muslim hatred.***

Islamophobia is the most common term used to describe discrimination against Muslims and anti-Muslim hate. It a rejection of Muslim groups and Muslim individuals on the basis of prejudices and stereotypes.[[1]](#footnote-1) Islamophobia could also be understood as a "modern epidemic of an age-old prejudice towards Islam".[[2]](#footnote-2) However, this definition would be an oversimplification to explain the contemporary hostility toward Muslims because the present-day sentiments against Muslims are much more contingent. Hence, although voiced through a religious discourse the current issue of Islamophobia today is fueled and shaped by a myriad of contemporary issues of exclusion, segregation, prejudice, xenophobic violence, failed integration, and discrimination.[[3]](#footnote-3)

Anti-Muslim hatred has also been suggested to describe the phenomenon of discrimination against Muslims. However, as afore mentioned anti-Muslim hatred is rarely expressed through a purely religious dimension and Islam is hardly ever the only force at work.

Islamophobia is not a phobia in the clinical sense of an individual anxiety disorder, but rather, the suffix ‘phobia’ is used in the same way as xenophobia and homophobia to connote social, cultural and political prejudice, aversions and discrimination against specific socially constructed categories of people (in this case Muslims).[[4]](#footnote-4) Islamophobia, xenophobia and racism intersect on the basis of a socially constructed otherness based on arbitrary traits such as being a certain color or having a certain appearance. Put simply Islamophobia, racism and xenophobia are not based on biology but rather on cultural norms and social structures.[[5]](#footnote-5)

*2.****Discrimination in law and practice***

*Please provide details of specific legal provisions, policies and practices on the following:*

*a) Restrictions on the exercise and manifestation of the right to freedom of religion of belief in private or in community with others. For example, restrictions on:*

* *the display of religious symbols or dress codes at work or in public places.*

The term "hijab" or “headscarf” refers to the head covering worn by Muslim women in accordance with their religious beliefs.[[6]](#footnote-6) It is generally worn to completely conceal a woman's hair, neck and ears, whilst leaving the face exposed.[[7]](#footnote-7)  While it may be accepted as just another item of clothing when worn by non-Muslim women, it has become the subject of much controversy when worn by Muslim women This debate regarding has resulted in an increasing number of states banning the wearing of the hijab.[[8]](#footnote-8)

**Nigeria**

Although section 38(1) of the Constitution makes provision for the citizen’s ‘freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.’,[[9]](#footnote-9) Nigeria has been reported to be one of the countries where Muslim women are stereotyped for their faith.[[10]](#footnote-10) In a 2016, the Court of Appeal ruled the wearing of hijabs and headscarves to qualify as a human right under the country's Constitution.[[11]](#footnote-11) However, the last three years has seen an increase in hijab-related crises across the religiously mixed southwest region especially in the Lagos, Ogun, and Oyo states,[[12]](#footnote-12) During the celebration of World Hijab Day on February 1, 2019, Nimatullah Abdul-Quadri, head of the Al-Mu'minaat, or the Believing Women, confirmed that discriminations against women wearing hijabs and headscarves still persists in schools and work places.[[13]](#footnote-13) Girls' right to education is being curtailed by being either shut out of schools because they wear hijabs or taunted and punished for their beliefs;[[14]](#footnote-14) On December 12, 2017, a Muslim female law graduate Firdaus Amasa was denied entrance to the International Conference Centre Abuja where her she was to be called to the bar with her colleagues for refusing to remove her hijab.[[15]](#footnote-15) This triggered a spate of protests from the Muslim community and a debate over the country's controversial secular status. She was later called to the bar in 2018 with her hijab after the country's council on legal education backed down.[[16]](#footnote-16)

In response to the discrimination against women wearing the hijab, Lakin Akintola, head of the influential Muslim Rights Concern, announced in 2019 the setting up of a Hijab Task Force (HITAF) and Hijab Control Room (HICOR) through which victims of discrimination will report cases of discrimination. The task force is charged with ensuring that Muslim girls and women are given their legal rights to wear hijabs, in view of the appeals court ruling.[[17]](#footnote-17)

**Kenya**

Similarly, in Kenya, East Africa, while the Kenyan constitution upholds the freedom of conscience, religion belief and opinion; in fact article 32 (3) states A person may not be denied access to any institution, employment or facility, or the enjoyment of any right, because of the person’s belief or religion,[[18]](#footnote-18) the Supreme court ruled on January 21, 2019 that every school had the right to determine its own dress code, overturning a 2016 judgment allowing Muslim students to wear the hijab in non-Muslim schools.[[19]](#footnote-19) This ruling has led to nationwide protests calling for respect for the religious rights of their women and girls.[[20]](#footnote-20)

*3.****Social attitude, hate speech, attacks and violence against Muslims***

*Please provide descriptions, reports or data of*

* *Sectarian hatred or violence by State or non-State actors, including in situations of armed conflict or political instability.*
* *Acts of violence or incitement to violence by individuals or political, vigilante, or paramilitary groups that target Muslims due to real or perceived religious identity.*

**Central African Republic CAR**

The population of CAR is estimated to be more than 5.9 million, with the 89 percent of the population being Christian, and a minority of 9 percent being Muslim.[[21]](#footnote-21) Historic ethnic, religious, and socioeconomic tensions in the country were significantly amplified in March 2013 with the overthrow of then President Francois Bozizé, a Christian, by predominantly Muslim Séléka militias.[[22]](#footnote-22) In the process, the militias perpetrated mass violence against non-Muslim populations, including Christian actors and churches, prompting the formation of mainly Christian armed groups known as anti-balaka.[[23]](#footnote-23) Anti-balaka conducted reprisal attacks on Muslim civilians, killing and displacing thousands. Within this context, in January 2014, Amnesty international reported ‘Ethnic cleansing’ of Muslims being carried out in the western part of the Central African Republic, the most populous part of the country.[[24]](#footnote-24) Entire Muslim communities were forced to flee in large numbers, and hundreds of Muslim civilians who were not able to escape were killed by the loosely organized militias known as the anti-balaka.[[25]](#footnote-25) The group identified the attacks against Muslims as intended to forcibly displace these communities from the country because Muslims in the country were vied as “‘foreigners’ who should leave the country or be killed”.[[26]](#footnote-26)

**Nigeria**

Reports of systemic repression of members of Nigeria’s Shiite Muslim group have been continuously reported.[[27]](#footnote-27) Apart from their activities being banned in December 2015, 347 Muslims were killed after a clash with Nigerian soldiers at the Islamic Movement Nigeria IMN headquarters in the city of Zaria Nigeria. Those killed included women and children some of whom were burnt alive and thrown into mass graves.[[28]](#footnote-28) In 2019, the Nigerian federal government continued to detain the leader of the IMN, Sheikh Ibrahim El Zakzaky, despite a 2016 court order demanding his release. As a result of clashes with police in July 2019, the IMN and media reported that more than nine people were killed and the Nigerian government officially banned the IMN, but the group continued to organize religious occasions and protests around the country calling for Zakzaky’s release.[[29]](#footnote-29) During the religious Ashura processions in September 2019 the IMN stated that Nigerian police killed more than one dozen followers.[[30]](#footnote-30) In October 2019, at least nine IMN members were reportedly acquitted of charges including of being members of the IMN and unlawful assembly; an unknown number of others remain in prison.[[31]](#footnote-31)

5. ***Good practice in identifying and tackling anti-Muslim hatred, undertaken by civil society and international organizations:***

*Please elaborate and provide examples of*

* *Promotion of interfaith dialogue, peace or youth projects and other initiatives*

**The World Hijab Day**

The World Hijab Day is an initiative of the activist Nazma Khan, first commemorated in 2013, which encourages women of all faiths and backgrounds to wear and experience the hijab in a bid to end negative stereotypes about Muslim women wearing the religious covering.[[32]](#footnote-32) The day is commemorated every Feb. 1 in at least 140 countries around the world. On February 1, 2019 the World Hijab Day was commemorated with the theme “Breaking Stereotypes: Shattering Boundaries” in Johannesburg, South Africa. Many Muslim women in Nigeria also marked the occasion of World Hijab Day to reflect on the situation that exists for them; the unwarranted hostility and discrimination being suffered by women and girls in expressing their Islamic faith.[[33]](#footnote-33) Disu Kamor, executive chair of the Muslim Public Affairs Centre Nigeria, said the day is a great idea to empower, enlighten, and break down barriers.[[34]](#footnote-34)

**Demonstrations in South Africa to Condemn Islamophobia and Racism**

On March 26, 2019, in Johannesburg, South Africans of different faiths condemned rising incidents of Islamophobia and racism globally in the wake of the recent attacks on mosques in Christchurch, New Zealand where at least 50 Muslims were killed and many injured in March 2019, when a terrorist identified as Australian-born Brenton Tarrant entered the Al Noor and Linwood mosques, and shot worshippers in cold blood, including four children younger than 18.[[35]](#footnote-35) Pauline Naidoo, president of the Hindu Maha Sabha community, reportedly said ‘‘Islamophobia should be addressed by all religious and racial groups because Muslims now live in fear wherever they go”.[[36]](#footnote-36) She called on leaders in western countries to educate their citizens about the cultures of religious communities living in their midst to help stem the increasing hatred and attacks.[[37]](#footnote-37)

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3. Ibid. [↑](#footnote-ref-3)
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5. Ibid. [↑](#footnote-ref-5)
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7. Osman, F. (2014). Legislative prohibitions on wearing a headscarf: Are they justified? *PER: Potchefstroomse Elektroniese Regsblad*, *17*(4), 1318-1349. Retrieved November 21, 2020, from http://www.scielo.org.za/scielo.php?script=sci\_arttext&pid=S1727-37812014000400005&lng=en&tlng=en. [↑](#footnote-ref-7)
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13. Ibid. [↑](#footnote-ref-13)
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22. Ibid. [↑](#footnote-ref-22)
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