Strasbourg, 23 November 2020

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| **ANNEX -** **COMPILATION OF ECRI COUNTRY MONITORING FINDINGS AND RECOMMENDATIONS ON ANTI-MUSLIM HATRED/ISLAMOPHOBIA** **(fourth, fifth and sixth monitoring cycles)** |  |  |

# FINDINGS AND RECOMMENDATIONS[[1]](#footnote-1)

**ECRI`s 6th monitoring cycle – (2019-present)**

6th monitoring cycle – *recommendations* are highlighted in grey

*ECRI Report on Germany (published on 17 March 2020)*

* In 2018, the German Press Council received 112 complaints concerning § 12 of its Press Codexthat prohibits discrimination (2017: 164, 2016: 162). In a recent global research Germany was among the countries showing the highest degree of social hostility and ranked 3rd on a social hostility index among the 47 Council of Europe member states, and its hostility score has increased in recent years. According to this research Muslims are the most targeted religious group in Germany.Such high levels of Islamophobia are confirmed by another recent survey, in which almost half of all Muslim respondents from Sub-Saharan Africa (48%) reported having experienced harassment due to their ethnic or immigrant background at least once in the 12 last months. (§ 37)
* ECRI regrets to note that German public discourse has become increasingly xenophobic in recent years, and that hate speech has become more common. In October 2014, the nationalist, anti-Islam PEGIDA-movement started weekly demonstrations in Dresden that gathered up to 25 000 people. During the same year, the National Democratic Party of Germany (NPD) used election posters with racist slogans.Networks of international and domestic far-right activists and some foreign media used social media networks to spread one-sided content on issues such as migration, foreign policy and the war in Syria and to promote anti-migration themes in order to influence voters and media and undermine trust in institutions. Studies revealed that such small groups of extremists gained considerable influence over the online discussion and subsequently over the public debate, traditional media and elections in the Federation and the *Länder*.In 2015, the Federal Minister of Justice as well as the German Chancellor publicly asked Facebook to take stronger action against hate speech. (§ 38)
* Against this background, ECRI highlights very positively that many Germans warmly welcomed, on the initiative of the Federal Chancellor, the extraordinarily large number of about 890 000 asylum seekers who arrived during the autumn of 2015. This “welcome-culture” mobilised hundreds of thousands of individuals who contributed to accommodating and assisting the new arrivals, many of whom were refugees from Syria. Muslim communities played an important role in this context. (§ 39)
* Other parts of the population,however, showed concern about the wave of migration. Hostile and xenophobic attitudes increased and the public debate worsened. The political party “Alternative for Germany” (AfD), which was founded in 2013, took a strong position against migration. The AfD politician Beatrix von Storch for example expressed on Facebook the opinion that border guards could use firearms against migrants that arrive at the border and do not respect the injunction to stop. Issues such as the investigation of large numbers of complaints of sexual assault and theft after the New Year’s celebrations of 2015/2016 in Cologne and the suspicion that many asylum seekers were among the suspects, sparked a huge public debate, affected the general sense of security and contributed to increasing islamophobic and xenophobic sentiment and hate speech.Repeated public and media attention to other offenses allegedly committed by asylum seekers, the attack by an Islamist terrorist on the Berlin Christmas market on 19 December 2016 and other similar attacks in neighbouring countries further amplified fears, xenophobia and racism. The AfD gained 12.6% of the vote in the 2017 federal elections and, for example, 15.1% in the elections in Baden-Württemberg, 20.8% in Mecklenburg-Western Pomerania and 24.3% in Saxony-Anhalt. (§ 40)
* The constant Islamo- and xenophobic discourse emanating from the extreme right also had an impact on the mainstream political discourse. During the election campaign in Bavaria, the federal Minister of the Interior publicly stated in March 2018 in Germany’s biggest tabloid that “Islam does not belong in Germany”.In a press conference on 10 July 2018 he acknowledged that 69 Afghans had been deported on his 69th birthday.In ECRI’s view, this implicit presentation of the deportation of 69 migrants as a birthday present and the use of their fate to please the minister promotes the denigration of the persons concerned on grounds of their ethnic origin. In August 2018, a heated public debate started over whether events in Chemnitz should be qualified as a hounding of migrants and pogroms committed by a mob, after racist and xenophobic slogans were yelled during the manifestations following a murder, allegedly committed by an asylum seeker (see also § 65). While the President of the BfV was removed from office for belittling the events, the Minister of Interior stated in the context of the riots that “migration is the mother of all political problems”*64*. ECRI noted with satisfaction that he later toned down his rhetoric when organising an Islam-conference in November 2018.(§ 43)
* Among the terrorist attacks with an Islamist background, the one committed on 19 December 2016 on the Berlin Christmas market caused the highest number of fatalities. The perpetrator, who killed 11 people and injured about 100 others when driving a truck into the crowd, recorded a video in which he pledged allegiance to Daesh and called for supporters to take revenge against “crusaders” bombing Muslims. (§ 66)

*ECRI Report on Belgium (published on 18 March 2020)*

* ECRI notes that the question of wearing headscarves at school is the focus of intense debate in Belgian society. In a federal state like Belgium, the regulations provide for a highly complex apportionment of powers at the level of the communities. In ECRI’s view, this should not prevent the principle of neutrality from being clarified further with a view to making the regulations more uniform. The general ban on wearing headscarves in higher education establishments has been condemned by the Council of State, which has ruled that such a ban is possible in such establishments but must be justified by the specific context of the establishment, not by a directive to all higher education establishments. According to the information ECRI has received, there has not yet been any follow-up to this judgment, as many higher education and social advancement establishments belonging to the various education networks (official, subsidised independent, confessional or non-confessional) have internal regulations which prohibit their students from wearing religious symbols. Two legal cases concerning the wearing of headscarves are still under way with some universities. (§ 20)
* ECRI recommends that the Belgian authorities take all possible measures to ensure that decisions taken by schools regarding the wearing of religious symbols or clothing at school and in higher education establishments respect the principle of lawfulness and are free of any form of discrimination. Particularly when faced with adult students, the principle of neutral education should be compatible with their freedom to express their religious beliefs. (§ 21)
* As mentioned above, nearly all Belgium’s integration programmes are aimed at new arrivals who are not necessarily Muslims; yet political debate in the country is often targeted at certain ethnic and religious groups, in particular at Muslims and their practices, such as their dress practices, ceremonies and food related practices, even though the vast majority of this group is made up of Belgian citizens or long-term residents. It is true that some of the Belgian Muslim community suffer problems of access to employment, housing and education (concerning education see paragraphs 20-21). Nevertheless, this blanket association of the terms integration and Muslim reflects a misguided understanding of integration as a one-way street in which migrants and Belgian nationals of migrant origin will adapt to the majority society. ECRI therefore wishes to emphasise once again that integration does not simply refer to migrants’ responsibility to integrate, but is rather a two-way process in which the majority population also has responsibilities. (§ 82)
* ECRI recommends that the authorities strengthen their integration courses for immigrants by adding elements concerned with promoting cultural diversity and combating discrimination, thus making integration policies more effective by encouraging equality and intercultural dialogue (§ 83)

*ECRI Report on Switzerland (published on 19 March 2020)*

* Another official source of data is gathered by the Network of Counselling Centres for Victims or Racism, which recorded 301 racist incidents in 2017. Incidents are recorded in the following categories: acts of violence, communication (such as threats, insults, gestures), exclusion (including unequal or denigrating treatment, harassment, racial profiling) and extreme-right propaganda. The most frequent type of racist incident involved xenophobia (112 incidents), followed by anti-Black racism (95 incidents), hostility towards Muslims (54) and anti-Arab racism (36). Three incidents involved hostility towards Yenish, Sinti/Manouch and Roma, and three involved multiple discrimination including sexual orientation or gender identity. 223 incidents fell under the communication category, of which 93 were insults, 20 threats and 44 other disturbing claims or illustrations. In total, of those victims who communicated their sex, 126 were men and 119 were women. (§ 28)
* Unofficial data are gathered by civil society organisations including via reporting mechanisms on their websites or dedicated telephone hotlines. The Foundation against Racism and Anti-Semitism (GRA) has been collecting and categorising data on racist incidents since 2005 and has a “report an incident” page on its website. In 2018, out of the 39 incidents reported up to and including September, 29 could be considered hate speech. Of these, over a third targeted Black people; they were presumed to be “African” and were told to “go home”. Others, some of a violent nature, targeted asylum seekers and migrants. Nearly a quarter of incidents were antisemitic, some of which were particularly violent and involved praise of the Holocaust. Muslims and presumed Arabs were also told to “go home”. Other targets of hate speech were Travellers, Roma and Eastern Europeans, as well as Chinese students. (§ 29)
* ECRI also notes a sharp rise in intolerant discourse against Muslims particularly in the media. This is believed to be linked to legislation or legislative proposals that affect Muslims in particular.The FCR commissioned a study which was carried out by the University of Zurich from 2014-2017 on the quality of media coverage of Swiss Muslims in 18 print media outlets. It noted that 25% of articles concerned religious symbols in the public space (such as the construction of minarets or wearing the headscarf or Burqa) and 21% concerned radicalisation, while only 2% reported on the daily life of Muslims and 2% covered successful integration.The study looked in depth at media coverage of three events, namely the prohibition of the burqa in Ticino (145 articles); the refusal of two male pupils in Therwil (Basel) to shake hands with a female teacher (64 articles) and the case of the An’Nur mosque in Winterthur, which had been the subject of allegations of radicalisation (241 articles).The reporting predominantly condemned a lack of will to integrate and a tendency to radicalisation among Muslims and called for more controls and sanctions. Another study entitled “Notes on experienced, but barely registered hate crime”, conducted by the Swiss Institute gfs.bern, showed that 85% of Muslim respondents experienced the representation of Islam in the media as rather or very negative. Further, 88% were particularly clear on the responsibility of the media for the deteriorated attitude of non-Muslims towards Muslims (§ 32)
* Regarding Muslim women, ECRI notes that Ticino became the first canton with a legal ban on burqas, which has been in force since 1 July 2016 following a popular initiative of 2013. In September 2018, St Gallen became the second canton to ban facial coverings, including Islamic veils such as the burqa and niqab, in public spaces.The Islamic Central Council of Switzerland condemned the ban as “another sign of the social Islamophobia that is rampant” in the country. However, five other cantons rejected proposals to ban the burqa.On 10 February 2019, Geneva voted in favour of a controversial new “secularism law”, which will ban elected officials and public employees from wearing visible religious symbols. Critics claim the law will have an oppressive and discriminatory effect especially for Muslim women wearing the headscarf, with some condemning it as Islamophobic.ECRI notes that Muslim women wearing visible religious symbols are particularly vulnerable to hate speech due to the intersectionality of gender and religion, leading to isolation and hindering the building of inclusive societies. (§ 33)

*ECRI Report on Austria (published on 2 June 2020)*

* ECRI notes that the issue of wearing headscarves in primary schools is the focus of intense controversy in Austrian society, especially following a recent amendment to the School Education Act, prohibiting pupils under the age of ten from wearing “ideologically or religiously influenced clothing which is associated with the covering of the head”. The Parliamentary Sub-committee on Education further issued an explanatory statement. indicating that only such headgear that covers the hair fully or in large parts shall be prohibited, explicitly exempting from the application of the rule the Jewish Kippa or the Sikh Patka. The legislation thus seems to apply to Muslim girls only, as the exemption of religious headgear potentially worn by other pupils makes clear. Whilst acknowledging the significant discretion of states on matters of religion in the sphere of teaching and state education as well as the special role of schools in the process of social integration as confirmed by the European Court of Human Rights, ECRI recalls that such legislation, which introduces a blanket ban, must respect the principles of lawfulness and neutrality, pursue a legitimate aim and be free of any form of discrimination. Reiterating the importance of equality of treatment of all religious groups, ECRI’ considers that singling out a certain group - as effectively done with this amendment – could have an adverse effect on the inclusion of the particular community concerned and result in intersectional discrimination, with a considerable risk of impeding Muslim girls’ access to education and marginalizing them*.* (§ 17)
* ECRI recommends that the authorities review the provision of the School Education Act concerning the wearing of headgear in order to ensure that it respects the principle of neutrality, pursues a legitimate aim and is free of any form of discrimination against any particular group of pupils. (§ 18)
* Unofficial data on racist incidents is gathered by civil society organisations including via reporting mechanisms on their websites or dedicated telephone hotlines. Among others, the annual racism reports published by the NGO Civil Courage and Anti-Racism Work (ZARA) constitute an important source of data on hate speech. According to ZARA’s report for the year 2017, out of 1 162 reported racist incidents, 44% concerned online hate speech, with a significant increase from 31% in 2016.58 This trend continued in 2018 and three out of five incidents recorded in that year took place on the internet; on Facebook in particular. Of these incidents, reports claim that a majority targeted Muslim people and asylum seekers and migrants. There were also antisemitic incidents, some of which were particularly violent and involved praise of the Holocaust. Other frequent targets of hate speech were Black people, Roma and LGBTI persons. (§ 33)
* ECRI notes with concern that Austrian public discourse has become increasingly xenophobic in recent years, and political speech has taken on highly divisive and antagonistic overtones particularly targeting Muslims and refugees. The arrival of asylum seekers in large numbers during the European migration crisis in 2015 also saw an escalation of anti-immigrant and anti-Muslim sentiments, portraying newcomers as a threat to security, national identity or culture. This adversarial discourse has been especially intense during election periods. In the 2017 national election, the Freedom Party of Austria (FPÖ) a far-right party, which has openly advocated ideas of “natural” dominance by “true-born” Austrians and expressed hostility towards refugees as well as other minority groups, gained 26 % of the votes and became a coalition partner in the federal government. (§ 34)
* ECRI is concerned about the sharp rise in intolerant discourse against Muslims. Two different studies conducted in 2017 suggest that 28% of the Austrian population would not want Muslim neighbours and 65% of them were strongly opposed to further migration from Muslim states. Such high levels of Islamophobia are confirmed by a FRA-EU survey, in which 32% of Muslim respondents reported having experienced harassment due to their ethnic or immigrant background in the last year. Certain politicians and media persist in portraying Muslims in a negative light. Claims about a presumed lack of integration of Muslims in Austria and about their alleged opposition to “fundamental Austrian values” leading to violent extremism remain common in public discourse and contribute to a climate of mistrust and fear of Muslims. Research indicates that this trend has further been exacerbated by legislative initiatives, often in connection with security concerns, that affect Muslims, such as the Islam Act of 2015 and the Anti-Face Veiling Act of 2017. Civil society groups indicated to ECRI that all this has created a feeling of anxiety within Muslim communities although the authorities claim to be opposed to “political Islam” but not to these communities. In ECRI’s view, generating polarised discussions and reinforcing extreme positions on minority groups may also increase the marginalisation of such groups and deepen social divides and even make these communities more receptive to extremist views. (§ 38)
* The data provided by the NGOs indicate higher numbers of cases of hate crimes. According to the Dokustelle, 540 cases of violence and threats against Muslims, particularly targeting women which often involves pulling off face veils and headscarves or being spat at, were recorded in 2018 (compared with 309 cases in 2017). ECRI always calls for strong actions to prevent or punish such attacks, since public humiliation of this kind undermines human dignity, creates fear and isolation as well as hinders integration. The Forum Against Anti-Semitism also reported 503 antisemitic cases in 2017 and 477 cases in 2016. Recently, an exhibition in a Viennese park featuring the portraits of Holocaust survivors was vandalised three times which caused a public outcry. (§ 58)
* ECRI recommends that the authorities facilitate closer cooperation and institutionalise a continuous dialogue between the police and groups at risk of hate-motivated crime, in particular Black and Muslim communities. (§ 60)
* Several reports draw attention to the allegations of police misconduct, including racial profiling. Representatives of the Black and Muslim communities have raised concerns about a possible profiling of persons with repeated identity checks. The EU-FRA survey shows that 66 % of respondents with Sub-Saharan African background were stopped by the police in the five years before the survey and 37% of them perceived it as racial profiling, which was the highest among participant countries (EU-28 average was 8%).(§ 99)
* ECRI recommends further training for the police on the issue of racial profiling and on the use of the reasonable suspicion standard. (§ 101)

**ECRI`s 5th monitoring cycle – (2013-2019)**

5th monitoring cycle – *recommendations* are highlighted in grey

*ECRI Report on Belgium (published on 25 February 2014)*

* A problem of interpretation of the terms “religious and philosophical belief” arises when private companies impose limitations on the right to wear religious symbols at work (in particular the headscarf) in order to preserve their “neutrality” which they claim to be an essential characteristic of their business ethos.[15] (§ 12)
* The [Centre for Equal Opportunities and Opposition to Racism (the Centre)] also reported that in 2011 out a total of 198 cases relating to “racism and discrimination on religious or philosophical grounds”, half of them concerned hate speech statements on the Internet or other media targeting the Muslim or Jewish Communities. (§ 60)
* ECRI recommends that the Belgian authorities step up their efforts to counteract the presence of racist expression on the Internet, in line with the recommendations of its General Policy Recommendation No. 6 on combating the dissemination of racist, xenophobic and antisemitic material via the Internet. ECRI also recommends that authorities co-operate at international level with other states to avoid any legal loopholes that would make it possible to disseminate such material. (§ 63)
* With regard to articles published and reports broadcast in the media, cases of racism are rare in the traditional media. However, discussion fora hosted by newspaper websites are not immune to the current climate of hostility and intolerance towards groups such as the Muslims and immigrants. Raad voor de Journalistiek (Council for Journalism), the independent body for self-regulation of the Flemish press established in 2002, and the recently created Council for Ethical Journalism for the French and German-language media play a significant role in the area of deontology and self-regulation of the profession. They are particularly active on the issue of journalists’ behaviour in combating the dissemination of hate speech through the media. (§ 67)
* A number of hate crime incidents against Muslims and Christians are also reported by various sources.[43] The Centre reported one physical assault and one case of property damage against a “mixed-race” couple in Schaerbeek, carried out by a non-identified group of persons in 2011. (§ 79)
* The overall picture provided here below shows that ethnic and religious groups, in particular Muslims, continue to face in general many disadvantages, including discrimination in key fields of life. (§ 112)
* In the public debate, Muslims are often represented in a negative way as the part of the population that is most unlikely to integrate; this provides fertile ground for prejudice and discrimination. A segment of the Belgian population and some authorities at local level have openly shown their opposition towards some of the ways in which Muslim religion manifests itself, in particular the use of headscarf in school, in the civil service and even in the private sector. The law banning the full veil[70] and the failure of a number of local authorities to authorise the opening of mosques have further strengthened the Muslim Community’s feeling that they are the target of discrimination. The Centre reported that in 2011 out of a total of 164 cases alleging racism or discrimination against Muslims in 58% there were real signs of “Islamophobia” and in almost 25% of these cases there was a violation of the anti-discrimination legislation. (§ 114)
* In particular, discrimination in employment and access to goods and services affects Muslims. A number of cases where national courts considered the right to wear a headscarf in employment situations either in the context of claims of religious discrimination or claims of breach of Article 9 of the ECHR (freedom of religion) have sparked a heated public debate echoed by the media.[71] They highlight the presence of structural obstacles to integration via employment in particular for Muslim women. This can be attributed to the absence of a legislation regulating matters related to the wearing of religious symbols at work. (§ 115)
* For example, on 23 December 2011 the Antwerp Labour Court of Appeal confirmed a Labour Court’s judgment that there had not been direct discrimination in a case where an employee was dismissed for wearing a headscarf because this was incompatible with the neutrality that the company pursued.[72] A more recent headscarf case[73], concerning a former employee of the Belgian branch of Hema, a Dutch street retailer, was decided in favour of the employee. However, ECRI notes that in its reasoning the domestic court gave again considerable weight to the question whether the company had or not a neutrality policy, thus confirming a contrario the approach of the previous judgement.[74] (§ 115)
* ECRI reiterates its recommendation that the authorities consider collecting data broken down according to categories such as citizenship, ethnic origin, language and religion and to ensure that this is done in all cases with due respect for the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group. Such a system should be drawn up in close co-operation with all those concerned, including civil society organisations, and should take into consideration the possible existence of multiple discrimination. (§ 122)

*ECRI Report on Germany (published on 25 February 2014)*

* Whereas the rate of enrolment of children from migrant backgrounds in pre-school facilities is on the increase (as mentioned above), it remains far below the average, as does their rate of enrolment in the Gymnasium, the highest of the three secondary education streams. The parents’ standard of education still heavily influences their children’s educational success[88], and this again affects children from migrant backgrounds. The latter are over-represented among students forced to repeat a year.[89] Cases of discrimination against immigrants from Africa and Muslim girls wearing headscarves have been recorded.[90] 70 % of the German population consider that the issues of tolerance, diversity and respect for persons from migrant backgrounds should be more intensively covered at school.[91] (§ 77)

*ECRI Report on Bulgaria (published on 16 September 2014)*

* In its fourth report, ECRI strongly recommended that the Bulgarian authorities ensure that the legislation on incitement to racial hatred is applied to all politicians making racist and/or xenophobic speeches or remarks. ECRI notes that racist and intolerant hate speech in political discourse continues to be a serious problem in Bulgaria and the situation is worsening. The main targets of racist hate speech are Roma, Muslims, Jews, Turks, and Macedonians. The last election campaign was marked by strong anti-Gypsyism. There has been a pronounced increase in incitement to Islamophobia. Much of the problem centres on one nationalist political party, Ataka, which is represented in Parliament[11]. Its leader is well-known for his out-spoken racist views. He has rallied against the “gypsification” of Bulgaria, systematically linking Roma with criminals; he has called for a ban on the construction of mosques to halt the spread of Islam and he has published two antisemitic books (see also the section on Racist violence). (§ 31)
* ECRI notes that the situation concerning hate speech on the Internet and in the media has not improved since its last report and, according to several sources, has in fact deteriorated. Expressions of racism and xenophobia against foreigners, Turks and Muslims are commonplace, as is abusive language when referring to Roma … (§ 35)
* The Chief Mufti’s Office has documented incidents of harassment and violence against the Muslim community, including threats against Muslim women with headscarves, setting dogs on them, spitting on them, throwing liquids on them; painting the walls of religious schools and mosques with the slogans Death to the Turks and Bulgaria for the Bulgarians; desecrating and setting fire to mosques; damage to mosque property; and physical attacks on imams and mosque guards. Some of these are clearly of a racist nature. On 20 May 2011, a group of 150 supporters of the political party Ataka organised a protest outside the Banya Bashi Mosque in Sofia against the use of loudspeakers to broadcast the call to prayer. They chanted insults and threw eggs, stones and bottles at the worshippers and set carpets on fire outside the mosque. Five worshippers were injured. (§ 53)
* ECRI notes with regret that racist violence is seldom prosecuted under the criminal law provisions specifically enacted for this purpose. ECRI is not aware, for instance, of any prosecutions so far involving murder committed with racist motives or causing bodily harm with racist motives. As highlighted above, Article 162 (2) of the Criminal Code on the use of violence against another person or damage to his/her property on account of his/her race, nationality, ethnicity, religion or political opinion has resulted in very few convictions. Furthermore, in more than 110 documented cases of attacks on Muslim property or places of worship in the past 20 years, no perpetrator has ever been brought to justice (see also § 53). (§ 58)
* ECRI encourages the authorities to make full use of the Criminal Code provisions specifically targeting racist violence in all cases where this is appropriate. (§ 60)
* Apart from the inadequate criminal law response to racist or homo/transphobic violence, ECRI also regrets the inertia of the authorities in condemning it (see also § 48). In the case of the Turkish man brutally attacked in the street in November 2013, as far as ECRI is aware no condemnation was issued by the Government even though the incident made the headlines and despite a Turkish minority party being part of the ruling coalition. In one notable exception, following the attack on Banya Bashi Mosque by members of the Ataka party in 2011, Members of Parliament from all parties (with the exception of Ataka) voted in favour of a declaration condemning the actions as an attempt to undermine religious peace and tolerance in Bulgaria. (§ 62)

*ECRI Report on Switzerland (published on 16 September 2014)*

* … During its fifth visit to Switzerland, ECRI could but note the extremely harmful consequences of this trend: Muslims,[31] Black people, the Yenish and the Roma[32] perceive a considerable deterioration of their situation and of the political climate … (§ 20)
* ECRI recommends that the public prosecution services should take firm action in the event of any statement by a politician that comes under Article 261bis of the Criminal Code, making use of all the interpretation possibilities opened up by the Federal Supreme Court. It also recommends that the authorities ensure that the immunity of politicians using racist discourse is lifted. (§ 23)

*ECRI Report on Slovenia (published on 16 September 2014)*

* Police ill-treatment (and generally speaking abusive behaviour) towards Roma have also been reported by the media, civil society and international organisations (IOs).[48] A study of the International Office for Migration (IOM)[49] shows that foreign migrants are also victims of violence and have few contacts with the State institutions to report such violence or to receive support. This experience is more frequent among members of visible minorities, such as Africans, or among the Muslim community. Low awareness of existing legal tools by vulnerable groups, combined with a generalised distrust of the police, make underreporting of racist violence, as well as racist verbal abuse, perpetrated by police, an acute problem in Slovakia.[50] (§ 69)

*ECRI Report on Greece (published on 24 February 2015)*

* During its visit to Greece, ECRI’s delegation was informed by various interlocutors that the widespread problem of hate speech had increased substantially since 2009, in particular in the context of the rise of Golden Dawn. These views were confirmed by a review of media, internet blogs and political discourse. Hate speech is mainly directed against migrants, Muslims and Roma, but also against Jews and LGBT persons. Moreover, there have been borderline incidents against those whose countries are perceived as being responsible for the economic crisis and the austerity measures taken in response thereto. The exact number of these incidents is difficult to ascertain in the absence of systematic data collection. Furthermore, there are no detailed statistics on the few cases that reach the courts, since there is no central hate crime database. Each court is supposed to compile its own data, without standardised criteria. (§ 34)
* ECRI recommends that the Greek authorities set up a national monitoring mechanism for incidents of hate speech. This should also include, but not be limited to, a centralised database for court cases. (§ 35)
* The anti-terrorism discourse in the media also often targets immigrants and refugees, as well as the Muslim community in general. Media play a significant role in linking criminality and terrorism with immigration, further fuelling hate speech. In December 2011, for example, the extreme-right newspaper Stohos openly referred to Muslims and immigrants coming from Turkey as “terrorists”.[28] Islamophobia has dramatically increased since the far-right press began to link Islam to terrorism.[29] On 9 April 2011, the offices of a Somali community association in Athens were vandalised. This incident followed the publication in ultra-conservative Eleftheri Ora of an article with the title “Somali pirates with a mosque in Fylis street” and the subtitle “Christianity v. Islam”. Its author stated that “the Somali are the most dangerous Islamists in the world”.[30] References to “Islamic terrorism” can also be found on many extremist Internet-blogs - such as Greek National Pride or Hellas - where contributors often remain anonymous.[31] (§ 51)
* ECRI recommends that Law 927/1979 is always applied to cases of hate speech in the media. It also recommends that the authorities encourage, without encroaching on the independence of the media, the creation of an effective self-regulatory mechanism for the media industry to prevent racist comments in newspapers, on television and on the radio. Furthermore, it recommends that Greece ratifies the Additional Protocol to the European Convention on Cybercrime, as stated in the 2014-2016 Human Rights National Action Plan. (§ 52)
* In 2012, the RVRN registered two racially motivated murders[39] and 154 incidents.[40] Most occurred in inner-city Athens or in the surrounding prefectures. The majority of incidents occurred in public places, including on public transport.[41] There were also attacks on an Afghan restaurant and a Somali community centre.[42] Even in private homes people were not safe, as was evident by an attack on the house of the Imam of the Pakistani community in Sepolia. (§ 63)
* The majority of victims were Muslim. The attacks were often accompanied by verbal insults and threats through which the racist motive of the attack was clearly expressed. The vast majority of the perpetrators were believed to be Greek, although there have also been some attacks in which ethnic Albanians reportedly participated. Examples of involvement of Albanian youth with Golden Dawn at the local level, for example in schools, have also been reported by other civil society organisations that ECRI’s delegation met. In only six out of the 154 incidents, did the perpetrator act alone. According to testimonies given by victims to RVRN, in 91 cases, the perpetrators were believed to be associated with Golden Dawn. In several cases, victims or witnesses either clearly recognised persons belonging to the local branch of Golden Dawn or the perpetrators wore the party insignia. Attackers acted in an organised manner and in groups, moving either by motorcycle or on foot, often accompanied by aggressive dogs. They were dressed in black or in military-style clothing, wearing helmets or with their faces covered. Victims spoke of areas in Athens which had become inaccessible to them due to fear of being attacked. Most incidents occurred after dark or in the early morning hours. The recording of incidents by RVRN has revealed not only that the level of violence in the attacks has increased, but also that there is greater tolerance or fear by witnesses who do not intervene to assist victims during the attacks. In many cases victims reported the use of weapons, such as clubs, crowbars, folding batons, chains, brass knuckles, sprays, knives and broken bottles, while the use of large dogs has been repeatedly reported in the areas of St Panteleimon and Attica square. The victims often suffered multiple injuries such as fractures, sprains, contusions, lesion injuries, abrasions, eyesight and hearing damage, and/or symptoms of post-traumatic stress.[43] One victim had his whole back scarred with the initials “XA”, the Greek initials of Golden Dawn.[44] (§ 64)
* ECRI regrets that the Athens Mosque has not been built yet[66], in spite of some progress made. Most Muslim worshippers[67] meet in private premises, which are often unsuitable. ECRI has been informed that there have been many problems with the registration of such locations as places of worship. A circular was issued by the authorities in May 2014 to provide guidance on this matter. However, ECRI considers that the authorities should take a proactive stance towards resolving the problem of Muslim worship. (§ 94)
* ECRI reiterates its recommendation that the Greek authorities remove any administrative obstacles towards building a mosque in Athens. (§ 95)

*ECRI Report on Norway (published on 24 February 2015)*

* In its fourth report on Norway which was adopted in June 2008, ECRI noted that the expression of anti-immigrant views in public debate, including politics, had become more common in Norway in recent years; in particular, Muslims were increasingly associated with terrorism and violence. In 2009, the Progress Party, a right wing party, gained 22.9% of the votes at the national elections. Media, academics and political parties continued to appeal to the public in an increasingly populist fashion and spread fear about immigration, migrants and integration.[24] Hate speech was targeted at Muslims and migrants, Jews and Roma. In March 2011 CERD expressed concern about “racist views expressed by extremist groups, some representatives of political parties and in the media, which might lead to acts of hostility against certain minority groups”.[25] (§ 22)
* … Islam-related issues like forced marriage, genital mutilation and protection against terrorism were again in the focus of public debate … In September 2013, a mosque in Oslo received a letter signed by a group of men threatening to burn all mosques in Norway before the end of the year; its authors claimed that the act had been under preparation for seven years. Recently, the head of a pig was placed in front of the entrance of the biggest mosque in Norway.[31] … (§ 23)
* In July 2013, a Norwegian Muslim author of Somali origin received approximately 150 threatening messages after having come out as a lesbian and taken part in the Oslo Pride Parade … (§ 24)
* In June 2012, a survey of verbal and physical assaults against Jewish students was released. About half of the 1 522 participants responded that they had experienced antisemitism at school, at work or in other contexts. Children were most affected. Another study confirmed the existence of stereotypical notions of Jews in Norwegian society and that overall, 12.5% of the population can be considered being significantly prejudiced against Jews. The research shows that even more people are prejudiced against Muslims, Somalis and Roma: while 3% of the respondents would strongly dislike to have Jews as neighbours, this figure was 12% for Muslims, 19% for Somalis and 27% for Roma. (§ 25)
* Another survey from 2009 concludes that Norwegian media coverage about migration and integration has a tendency to overdramatise, is sensationalist and focuses on conflict, drama and crime. Journalism’s fascination with such issues and the many “stories” that result therefrom create a problematic image for migrants and have negative effects on their integration. The impact of this reporting is considerable, as many people do not have personal contacts with migrants but experience them primarily through the media. Reports about immigration and integration were often about Islam and Muslims, but other groups, such as Sami and Jews, had previously been in the media’s spotlight. Somali immigrants were used to illustrate how integration was failing and got three times more coverage than the twice larger Polish community. Interestingly, the groups receiving most negative media attention are the same ones that claim to be subject to discrimination in Norway.[35] (§ 26)
* Hate speech is also present on the Internet. A recent study shows the devastating effects of hate speech and hate crime on entire population groups.[36] It also contains empirical evidence on the contribution of online hate speech to the radicalisation of xenophobic extremists. It highlights that these extremists make extensive use of Internet and recalls that Breivik was quite active in the virtual world of extremists prior to his attacks.[37] Indeed, one of Breivik’s main sources of ideological inspiration was the islamophobic blogger Peder Nøstvold Jensen.[38] The police investigation after the attacks contributed to increase Jensen’s notoriety and the large media coverage of his and other racist blogs. Jensen continues to post comments and articles on islamophobic websites elsewhere in Europe, with repeated calls for right-wing violence against Muslims in Norway.[39] Extreme right-wing circles all over Western Europe consider him now a leading voice.[40] In addition to the broad media coverage, Jensen was granted 75 000 NOK (about 9 000 Euro) from a private foundation in 2013 for his project to write a book about Breivik and his islamophobic attacks.[41] (§ 27)
* Given the results of the study cited in § 27 on online hate speech, ECRI is very concerned about the fact that, the attacks of July 2011 notwithstanding, the police do not systematically monitor racist content and the activity of racist groups on the Internet. ECRI was informed that, on the contrary, the police focus on Islamic fundamentalists (as they had done before Breivik’s attacks) rather than extremists motivated by racism. (§ 29)
* ECRI strongly recommends the Norwegian police and prosecution authorities to take stock of hate speech present on the Internet, open investigations whenever section 135a of the Criminal Code has been breached, have empowerment conversations with extremists using such Internet sites and close down those that operate within Norwegian jurisdiction. (§ 31)
* ECRI also strongly recommends the authorities to give one or more police units responsibility for combating hate speech on the Internet along with appropriate technical and human resources. (§ 32)
* ECRI also notes that some progress has been made concerning the public debate about immigration and Islam (see § 23). ECRI welcomes the fact that the former Prime Minister and other members of the government spoke out against racist comments[49] and that persons with a migrant background can now express their views more frequently in the media. At the same time, ECRI encourages the authorities to shift the focus of the immigration debate so that it would also stress the contribution of immigrants and the need of the aging Norwegian society and its prosperous economy for immigration and integration. (§ 34)
* ECRI recommends the Norwegian authorities to stress in the public debate the positive aspects of immigration and the contribution of people with migrant backgrounds to Norwegian society and economy. (§ 35)
* On 22 July 2011, Norway was shaken by the terrible attacks of Anders Behring Breivik which caused 77 deaths. Most of them were young persons. Oslo District Court found that Breivik was sane and sentenced him to 21 years of containment, a special form of prison sentence that can be extended indefinitely. ECRI considers that this case raises important questions about racist motivation; while it is not disputed that Breivik committed these offences out of hatred, the victims did not belong to a vulnerable group. It is clear that the Oslo court devoted to the motivation issue as much attention as it could in a case involving personal criminal responsibility. However, ECRI regrets that some of the broader questions – for example the possible influence of hate speech and Islamophobia in the public debate on Breivik’s motivation - were not addressed in the report of the commission discussed in § 45. (§ 38)
* The Police Security Service (PST) stated, in its 2013 annual threat assessment on politically motivated violence, that the most serious threat still came from individuals and groups having an al-Qaida inspired outlook on the world. However, Breivik would continue being an inspiration. As several islamophobic groups excluded members supporting violence, the threat from right-wing extremism would first and foremost be connected to individuals and small groups operating independently. Others would get inspiration from conspiracy theories or believe being among the chosen few. They might quit the organisations they might be belonging to, arm themselves and secretly prepare violent attacks. While Internet would be their most important forum, they would, as Breivik had done prior to his attacks[62], take care to not disclose their violent intentions.[63] (§ 40)
* ... Some parents fear that their children do not learn enough about Islamic culture and values, as there are no Muslim schools in Norway ... (§ 60)

*ECRI Report on Poland (published on 9 June 2015)*

* ECRI also notes a rise in Islamophobic sentiment, as reflected in the content of the Polish Defence League’s (Polska Liga Obrony) website, its presence on YouTube and the continuous, rapid increase in the number of supporters of its Facebook site. (§ 33)
* ECRI would like to stress that the city of Bialystok and the surrounding area have also been the scene of outbursts of racist violence in recent years. In August 2011, a fire was started at the entrance to a Muslim cultural centre … (§ 53)

*ECRI Report on the Czech Republic (published on 13 October 2015)*

* ECRI has been informed from numerous sources that intolerant political discourse is not infrequent, especially around election times. Roma and immigrants are the most common targets, but recently also Muslims have become victims of increased Islamophobia. (§ 29)
* Furthermore, in January 2015, Dawn published on Facebook its “Instruction for protection against Islam”, in which the party encouraged people to keep dogs and pigs and to walk them in the vicinity of mosques, as well as advised against eating kebab sold by Muslim vendors.[18] (§ 32)
* Although there are a small number of Muslims in the Czech Republic,[22] there has been an increase in Islamophobia recently. Even the President is considered to hold openly anti-Islamic views; he is reported to have said in a 2011 magazine interview that “a moderate Muslim is contradictio in adjecto, or a contradiction, just like a moderate Nazi is contradictio in adjecto”. He also stated that “Islam is not a religion of love, and by no means of tolerance, but a religion of hatred”.[23] Furthermore, a heated political debate was sparked in 2014 after the Public Defender of Rights declared as discriminatory a nursing school’s decision to ban two Muslim students from wearing the hijab headscarf in the classroom.[24] Politicians across the political spectrum, including the President, criticised her statement, arguing that foreigners should respect Czech cultural traditions. (§ 36)
* ECRI notes that a flurry of anti-Muslim hate speech also appeared on social media following the widely publicised case of a medical school’s ban on Muslim girls wearing the hijab in class (see § 36). (§ 46)
* … [A]s far as ECRI is aware, no other political or public figure has condemned Dawn’s leader for his anti-immigrant, anti-Muslim and anti-Roma comments. ECRI considers that where intolerant statements do not reach the level required for criminal sanctions,[40] political and public figures should take a strong stand against them by means of counter speech. (§ 59)
* ECRI stresses the importance of a properly functioning independent specialised body to combat racism and intolerance at national level. It is therefore concerned about the current discord within the institution; the Deputy Public Defender has openly contradicted certain statements made by the Public Defender. The two recently clashed over a medical school’s ban on Muslim students wearing headscarves (see § 36). The Public Defender spoke out in September 2014, stating that her Deputy had a habit of expressing opinions at variance with official statements released by her office. ECRI considers that this friction seriously undermines the institution’s credibility. (§ 115)

*ECRI Report on Austria (published on 13 October 2015)*

* Concerning hate crime in general the Austrian police refer to the statistics in the report on the Protection of the Constitution. In 2013, 574 acts committed with bias motivations were recorded (2012: 519). 10.6% of these were classified as racist and xenophobic (2012: 11.4%), 6.5% as antisemitic (2012: 5.2%), 2.1% as islamophobic (2012: 0.8%)[39], and 64.6% as right-wing extremist (2012: 56.4%). Out of these, charges were brought for incitement to hatred under Article 283 CC in 152 cases (2012: 83).[40] As for the prosecution services, they have informed ECRI that in 2013 162 (2012: 117) known persons were prosecuted under Article 283 CC; 77 (2012: 51) cases involved unknown persons. There were 13 final convictions (2012: 15). ECRI notes that there are no official statistics on homo- and transphobic offences. Moreover, the authorities have informed ECRI that they cannot provide an estimate of the number of unreported cases; they are in the process of reviewing their statistics as recommended in ECRI’s 4th report. (§ 29)
* Experts and civil society consider that hate speech is generally under-reported.[41] In a recent study on the life situation of Blacks in four Austrian cities 52% of the 717 participants responded having been insulted or harassed during the last 12 months on the ground of their skin colour or ethnic origin.[42] According to the Fundamental Rights Agency (FRA) LGBT-survey conducted in 2012, almost all LGBT persons got harassed during the previous 12 months; 93% did not report the incidents.[43] 29% of Austrian LGBT persons are of the opinion that offensive language about LGBT persons by politicians is fairly or very widespread. Roma, Jews, Muslims and asylum seekers also figure among the main targets of hate speech.[44] A 2011 study on antipathy towards migrants shows that the Austrian scores have considerably worsened during the last decade; Austria scored highest among the 16 western European countries covered. (§ 30)
* ECRI recommends that the authorities set up an IT-based system for recording and monitoring racist, homo- and transphobic incidents, and the extent to which these incidents are brought before the prosecutors and are eventually qualified as racist or homo/transphobic offences (§ 12 of General Policy Recommendation No. 11 on combating racism and racial discrimination in policing). (§ 32)
* In its fourth report ECRI reiterated its call for the adoption of ad hoc measures to combat the use by political parties or their representatives of racially inflammatory or xenophobic discourse. Since then, many hate motivated public statements have been made - in particular during election campaigns - and nourish everyday racism and neo-fascism in Austria.[46] The far right – the FPÖ (Austrian Freedom Party) and the BZÖ (Alliance for Austria’s Future[47]) - is openly hostile to historical ethnic, religious and linguistic minorities, migrants, refugees and asylum seekers.[48] In its Handbook for Liberal Policies the FPÖ quotes documents accusing migrants of causing crime and unemployment, spreading diseases and being responsible for rising real estate prices. As a solution, "negative immigration" is suggested, i.e. the removal of foreign nationals to their countries of origin. In March 2012 the FPÖ used an election poster with a racist statement[49], in December 2012, a Viennese local FPÖ politician and police officer issued an islamophobic press release[50] and in 2014 an FPÖ candidate employed racist terms in the European elections race.[51] Members of the centre right Austrian People’s Party also succumb to the temptation of using hate speech.[52] (§ 33)
* The Service for the Protection of the Constitution (SPC) reports that a new generation of right wing extremist organisations has appeared, which present racist views through “more diplomatic propaganda” and aim at recruiting young people to a large extent from universities and student fraternities (Burschenschaften). For example, the IBÖ (Austrian Identitarian Movement) campaigns for maintaining the Austrian identity and states that Austria needs to be protected from mass immigration and “Islamisation”. Music is also used to spread neo-Nazi ideas. [53] (§ 34)
* … Mosques and shelters for asylum seekers are also targets of attacks. In 2010 several shots were fired in front of the mosque in Freistadt and in 2011 there was an arson attack on the mosque of Kufstein. In October 2014, five shots were fired next to a shelter for asylum seekers near Kitzbühel.[88] (§ 54)
* The regulatory framework for the exercise of religion also raises important integration issues. Until now, Muslims could set up associations, religious communities[104] and religious societies, which are composed of one or more communities of worship.[105] The 2015 Islam Act brings considerable improvement such as state protection for Islamic holidays, the right of religious societies to provide Islamic spiritual care in public hospitals and other institutions and regular university studies in Islamic theology. Concerns have been raised about several other provisions which, for example, ban ongoing foreign funding of Islamic religious societies and provide for the dissolution of a considerable number of associations whose purpose is to spread the doctrine of a religious society already recognised under the Islam Act (Articles 6.2 and 31.3).[106] ECRI recalls that freedom of religion needs to be fully guaranteed (Article 9 ECHR) and that the authorities need to ensure that Muslim communities are not discriminated against as to the circumstances in which they organise and practice their religion.[107] The Venice Commission has stated that a blanket prohibition on all foreign funding is arguably unreasonable and not necessary in a democratic society. Also, consideration should be given to prescribing a range of sanctions of varying severity, before taking the harsh step of liquidating a religious organisation, which should be a measure of last resort.[108] According to the ECtHR, State’s power to protect its institutions and citizens from associations that might jeopardise them[109] must be used sparingly and correspond to a pressing social need.[110] (§ 69)
* ECRI recommends that the authorities ensure, in view of the sustainable integration of important parts of the population, that any restriction and differential treatment with regard to practice of Islam is in line with the European Court of Human Rights case law. (§ 70)

*ECRI Report on France (published on 1 March 2016)*

* The data on hate speech provided by the Ministry of the Interior with regard to threats[19] recorded by the police indicate an overall increase of 6% in the number of instances in the last three years (1,193 in 2012, 1,010 in 2013 and 1,256 in 2014). Racist acts, excluding anti-Muslim and antisemitic acts, have gone down by 5% (606 in 2012, 528 in 2013 and 577 in 2014). Anti-Muslim acts fell by 48% (149 in 2012, 164 in 2013 and 78 in 2014). On the other hand, antisemitic acts rose by 39% (438 reports in 2012, 318 in 2013 and 610 in 2014). ECRI is disappointed that it has received no information on reports of homophobic/transphobic acts, but notes that the government plans to produce such statistics with effect from 2016. (§ 20)
* Muslims are also regularly stigmatised. Examples of this are the exploitation by various politicians of the issue of the distribution of halal meat raised by Marine Le Pen in the run-up to the 2012 presidential elections and the announcement of the organisation by the UMP of a convention on French Islam and Islam in France (see also paragraph 26). ECRI is concerned about this situation, which is helping to trivialise the stigmatisation of these vulnerable groups, the effects of which will be seen below (see paragraph 24). (§ 22)
* In its 4th report, ECRI recommended that the authorities pursue and step up their efforts to combat online forms of racist expression.[25] Many organisations, such as the National Observatory against Islamophobia and LICRA (the International League against Racism and Antisemitism), draw attention to the significant rise in cyber-hate. This development is reflected in the statistical part of the PHAROS platform concerning online xenophobia, which shows a 41% increase in the number of reports in three years, with 9,431 reports of racist acts in 2012, 12,916 in 2013 and 13,295 in 2014, while in the same period the total number of cases reported to PHAROS rose by 36%. For ECRI, the situation, as evidenced by particularly striking examples of hate speech, remains a concern … (§ 23)
* In the 4th cycle, ECRI strongly recommended that the French authorities combat all manifestations of racism against Muslims and maintain and reinforce their vigilance to ensure that Islamophobic acts do not go unpunished. It notes that the situation with regard to Islamophobic hate speech still gives cause for concern and points out that the rejection of Muslims is fuelled by the discourse of certain political leaders. It would refer for example to the statements by Marine Le Pen (December 2010) comparing street prayers to the German occupation, by the President of the UMP (October 2012) on the snatching of pains au chocolat from youngsters by Muslim hooligans during Ramadan, and by the mayor of Nice (July 2013) on whether Islam was compatible with democracy. It would also mention the statements made by the mayor of Venelles (May 2015) on his Twitter page calling for a ban on the Muslim faith in France as a reaction to the announcement of the UMP convention on Islam in France. (§ 26)
* The data provided by the Ministry of the Interior on reports to the police of acts of racially motivated violence indicate an overall increase in such acts of 14% over the last three years (349 in 2012, 264 in 2013 and 397 in 2014). Racist acts excluding anti-Muslim and antisemitic acts have fallen by 14% (118 reports in 2012, 97 in 2013 and 101 in 2014). However, anti-Muslim racist acts have risen by 2% (54 reports in 2012, 62 in 2013 and 55 in 2014) and antisemitic racist acts by 36% (177 reports in 2012, 105 in 2013 and 241 in 2014) … (§ 45)
* Similarly, acts of violence by extremist groups are continuing to take place, as shown for example by the case of Clément Méric, an antifascist activist who died in June 2013 from blows inflicted by a skinhead. ECRI also notes a large increase in the desecration of cemeteries and places of worship. According to information supplied by the Ministry of the Interior, cases in which Christian places of worship were targeted rose from 527 in 2011 to 673 in 2014, those targeting Muslim places of worship went up from 50 to 64 over the same period and those involving attacks on Jewish places of worship from 44 to 70. (§ 48)
* ECRI notes that the authorities took immediate steps to deal with the most serious attacks. Significant assets were deployed to ensure the swift identification, search for and arrest of the criminals. Measures were taken to protect the population. In 2013 and 2014, the state allocated some €500,000 for securing Jewish places of worship. After the January 2015 attacks, this protection was reinforced by a military presence in all 717 Jewish schools and places of worship as well as in over 1,000 mosques. ECRI understands that the Ministry of Defence has to this end launched a plan to recruit nearly 10,000 individuals for a period of three years, and the Ministry of the Interior has given a Préfet the task of co-ordinating this effort. (§ 51)
* ECRI also notes that the authorities strengthened their co-operation with civil society on the now well-established partnership model between the Jewish Community Protection Service (SPCJ) and the Ministry of the Interior by establishing similar co-operation with the French Council of the Muslim Faith (CFCM) and LICRA. These partnerships make it possible to share information thereby helping to improve the authorities’ detection of racist incidents, to provide better initial care of victims and, where necessary, advise them on how to lodge a complaint … (§ 53)
* Civil society has drawn attention to the fact that the integration of Muslim women poses a particular problem, especially from the point of view of wearing a headscarf. In its 4th report, ECRI recommended that the French authorities carry out an information and awareness-raising campaign vis-à-vis public service employees and the majority population so as to prevent unlawful and discriminatory requests that Muslim women wearing the headscarf either remove it or refrain from entering a public place. The French authorities have given an assurance that they have taken steps in this regard. The promotion of the “diversity award” also helps to support these measures. (§ 68)
* With regard more particularly to the case of Muslim women asked to remove their headscarves when participating in school outings as accompanying parents, ECRI notes that the Conseil d’État issued an opinion in December 2013 stating that accompanying parents are not public service employees and therefore not obliged to observe religious neutrality. However, Circular No. 2012-056 which recommended prohibiting mothers wearing a headscarf from accompanying school outings has not been withdrawn or amended following this Conseil d’État opinion, and ECRI notes that schools have broad discretion regarding the implementation of these provisions and that similar incidents continue to take place on a regular basis. (§ 69)
* ECRI recommends that the French authorities clarify the regulations concerning the wearing of a headscarf by mothers who accompany school outings and take steps to ensure that decisions taken by school authorities are in no way discriminatory, including by providing for the appropriate sanctions if necessary. (§ 70)
* In its 4th report, ECRI drew attention to the discussions on banning the burka or the niqab in public. In October 2010 Law No. 2010-1192 prohibiting the concealment of the face in public was passed. ECRI takes note of the judgment of the European Court of Human Rights in S.A.S. v. France, application no. 43835/11, in which the Court considered this ban justified with regard to the French objective of promoting “living together”. (§ 71)
* In its 4th report, ECRI referred to problems resulting from the misinterpretation of Law No. 2004-228 of 15 March 2004 concerning, in application of the principle of secularity, the wearing of signs or clothing displaying religious allegiance in state primary, lower secondary and upper secondary schools. ECRI notes that there have been repeated cases of this nature, for example in April 2015 in the town of Charleville-Mézières, where a girl turned up at a school in a skirt that the school authorities considered too openly showed religious affiliation. ECRI notes that in both this and other cases the Ministry of Education reacted by reminding those involved of the applicable provisions and of their own obligations. (§ 72)
* In its 4th report, ECRI also stressed the problem of discrimination in the field of employment. Here, too, several cases of dismissal in which wearing a headscarf was a factor have contributed to the development of case-law in this area. In the “Baby Loup” case, the Court of Cassation confirmed in a judgment delivered in June 2014 the conditions under which a private undertaking or an association can limit an employee’s freedom to demonstrate his or her religious convictions. In another case, in April 2015 the Social Division of the Court of Cassation referred a request for a preliminary ruling to the Court of Justice of the European Union on whether the wishes of a company’s client no longer to see any services provided by an employee wearing a Muslim headscarf may or may not constitute an occupational requirement exception referred to in Directive 78/2000/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.[54] The Court’s reply will help further clarify the question of the discrimination of which women wearing a headscarf may be victims. (§ 73)
* As the French authorities have no system for collecting data on discrimination, the ECRI delegation looked at these cases during consultations with organisations that represent the different religious or non-faith-based communities and with various NGOs, in particular in the département of Seine-Saint-Denis and in Clichy-sous-Bois. These unanimously agreed that the republican system, the principle of the equality of all citizens and the secular organisation of society were values that fostered peaceful co-existence. (§ 74)
* ECRI believes that two situations can jeopardise this balance in the republican system. First, as already pointed out in connection with hate speech, politicians may, by adopting a narrow conception of secularity, come up with proposals perceived as giving rise to discrimination. ECRI would refer for example to the decision taken in March 2015 by the mayor of Chalon-sur-Saône to stop offering alternative meals containing no pork in his municipality’s canteens, and to various bills, such as the “Ciotti” bill to extend the headscarf ban contained in the 2004 law to classrooms and to teaching and research locations in public higher education establishments, and the “Laborde” bill to impose the principle of secularity on private facilities that look after small children. ECRI notes that the National Consultative Commission for Human Rights (CNCDH), the National Observatory of Secularity and the National Economic, Social and Environmental Council are calling for this bill to be withdrawn. ECRI once again reiterates here its recommendation concerning the exploitation of racism in political discourse (see paragraph 39). Lastly, ECRI notes that the concept of secularity is the subject of intensive debate in French society, but finds that measures 24 to 27 of the 2015 plan aiming to equip schools with the means of transmitting and giving full effect to the values of the Republic will help clarify this at the level of the school system and understands that measures 6 to 8 of this plan will make it possible to meet a similar objective among French society as a whole. (§ 75)
* ECRI further notes that certain groups use ethnic or religious identity as a means to promote demands, which may go as far as denying the country’s values enshrined in Article 1 of the Constitution,[55] or opposing the law. The study carried out jointly in 2014 with the Observatory of Religious Practice in the Workplace (OFRE) and the Randstad Institute shows, for example, that employees’ religion-related requests concern: a wish not to work with a woman (about 8%), not to work with colleagues who are not of the same faith (about 8%), not to work under a woman’s orders (about 5%), and the refusal to work with a colleague on other religious grounds (about 3%). ECRI considers it important here to remind all sections of society of the fundamental principles of human rights and is surprised not to find any evidence of such a measure in the 2015 action plan. (§ 76)
* ECRI recommends that the French authorities expand the 2015 action plan to combat racism and antisemitism by including in it a new measure (or clarifying an existing measure) to conduct an awareness-raising campaign on the human rights principles applicable with regard to racial discrimination and on the laws to be complied with in this area. (§ 77)
* Lastly, ECRI notes that the integration of Muslim women must also be promoted through the way in which they are depicted in school textbooks, as it had already observed in its 4th report,[56] and that this question also concerns very broadly all vulnerable groups comprising persons from the former colonies. It considers that responses to these questions will reinforce its recommendations above with regard to education (see paragraph 44). (§ 78)
* ECRI recommends that the French authorities pursue their efforts to remove from school textbooks and syllabuses all references encouraging prejudice and stereotyping in respect of vulnerable groups. (§ 79)
* In a context where the official position is opposed to the collection and processing of ethno-racial data on equality but where this is the subject of intense public debate and in practice takes place anyway under certain conditions, ECRI is concerned that the matter has still not been resolved. It believes that the lack of a decision on this is leading to exploitation by politicians and inevitably resulting in the stigmatisation of vulnerable groups, as evidenced by a recent case from May 2015 in which the mayor of Béziers was involved in a scandal concerning the counting of children assumed to be Muslim in the municipality’s schools. (§ 114)
* ECRI recommends that the French authorities take action to lay down the parameters of a comprehensive policy for the collection of ethno-racial data on equality and propose legislative provisions in this regard. (§ 115)
* ECRI recommends that the French authorities ensure that these new systems incorporate the possibility of breaking down data by vulnerable groups and the possibility of tracking proceedings over time and linking the outcome of judicial proceedings with the cases that have led to them being brought, whatever the duration of these proceedings. (§ 119)

*ECRI Report on Georgia (published on 1 March 2016)*

* Islamophobic hate speech is also growing. Fear of violent Islamists, related to real or perceived security threats emerging from the region (Syria, Iraq), is often voiced in the context of a local discourse on ethno-religious identity that sees religious minorities as potentially disloyal to Georgia. Such mistrust is expressed, for example, when Adjara’s Muslims are portrayed as Turkish agents. In January 2015, the weekly magazine Kviris Chronika wrote: "[the former President] gave Georgian passports to about 10,000 foreign Muslims, and turned Adjara, already facing the danger of Turkization, into a Turkish share. Today everyone knows that a certain part of these citizens fights under Islamic State in Syria …".[17] Obiektivi TV has long pursued an anti-Turkish editorial policy, visible in its talk shows through comments made by presenters and the choice of guests.[18] It also led a campaign against a new mosque in Batumi. Irma Inashvili, founder of Obiektivi and leader of the Alliance of Patriots party, stated: “First and foremost, they realise that threat which the construction of a new mosque, or to be more precise, erecting a symbol of might of Turkey in the center of Batumi can cause.”[19] (§ 30)
* Since ECRI’s last report, frequent attacks against religious minorities and violent interference with their freedom of religion continued to occur. Muslims and Jehovah’s Witnesses were particularly affected. In October 2014, Muslims in Mokhe protested against the destruction of an old mosque, which the authorities wanted to turn into a library. In spite of assurances to resolve the dispute amicably, protesters were dispersed violently by the police, who allegedly abused them physically and verbally during arrests.[31] In September 2014, the opening of a new boarding school facility for Muslim children in Kobuleti was prevented by violent protests from residents. They blocked the entrance and threatened employees and children. A pig’s head was nailed to the school’s door.[32] In April 2013, three military policemen threatened residents in a village near Kobuleti and stopped cars in the search for Muslims. They demanded to see if people wore a cross, as proof that they were Christians.[33] (§ 49)
* In August 2013, the removal of a minaret in Chela resulted in violence between the police and local Muslims. The authorities alleged that it had been imported from Turkey in violation of customs rules. The village was sealed off by the police and the minaret removed.[34] Several local Muslims, protesting against the disproportionate action, were arrested. Three months later, the minaret was re-erected.[35] In Samtatskaro (2013), and in Nigvziani and Tsintskaro (2012), Orthodox residents attacked Muslim worshippers and clerics, and blocked places of worship. Some Georgian Orthodox clergy and municipal officials supported them.[36] (§ 50)
* In so far as the Chela case (mentioned in § 50) is concerned, the focus of the investigation was on the behaviour of the protesters as opposed to allegations of police misconduct.[53] The violent events in Tsintskaro and Nigvziani included interference with religious rites, but the authorities did not intervene to guarantee the rights of the Muslim community and no investigations were launched. The authorities supported dialogue between religious groups, instead of applying the law.[54] Following the events in Mokhe, the Chief Prosecutor’s office investigated accusations of abuse of force and unlawful arrests, but whether this amounted to an effective investigation of police conduct remains questionable.[55] (§ 59)
* A very limited number of cases resulted in judicial proceedings. The case of the three military policemen, who had stopped cars near Kobuleti to search for Muslims, was an example of perpetrators being tried.[58] In December 2014, the Ministry of Internal Affairs issued a circular concerning more effective measures against hate crime. Police officers were tasked to record information on possible hate motivations when investigating alleged offences. ECRI welcomes this initiative, although it remains to be seen how it will be implemented. (§ 61)
* ECRI recommends close monitoring of whether the police investigates potential racist and homo-/transphobic motivations. Furthermore, ECRI recommends that racist and homo-/transphobic motivations are considered from the outset of judicial proceedings. (§ 62)
* The failure of the authorities to react appropriately to violence against religious minorities and LGBT persons often led to the repetition of such acts. In spite of the state’s positive obligation, repeatedly confirmed by the European Court of Human Rights[65], the situation remains problematic in the absence of an effective deterrent. This leads to an atmosphere of intimidation and a growing number of attacks. Local authorities often played a negative role and in several cases sided with violent protesters.[66] Although the Prime Minister met with Muslim leaders after the Chela incident in order to calm tensions, the government informally delegated the issue to the Patriarchate[67] of the Georgian Orthodox Church. Negotiations to settle the dispute took place between the Patriarchate and the Muslim leadership.[68] The authorities neither attempted to establish whether Muslims’ freedom of religion had been violated, nor did they investigate the officials who allegedly abused their powers and discriminated against Muslims in Chela. (§ 71)
* ECRI recommends that the islamophobic incidents, especially those in Chela, Kobuleti and Mokhe, as well as other hate crime cases are fully and independently investigated and that perpetrators are prosecuted. ECRI also recommends that in the future, the authorities protect the rights of religious and other minorities against violent protesters. (§ 74)
* Religious intolerance and rising tensions are a serious problem, as shown by the above examples of hate speech and violence. Although the Constitution provides for freedom of religion, the general situation is characterised by a close relationship between national and Georgian Orthodox identity. Such an ethno-religious identity nexus portrays adherence to the Georgian Orthodox faith, to which more than 80% of the population is affiliated, as essential for being Georgian. Minority religions are often viewed as alien and potentially dangerous to the cohesion and survival of Georgian society, especially when they are associated with ethnic groups that have ties to neighbouring countries. Sunni Muslims in the Adjara region are seen as affiliated with Turkey, Shiite Muslims with Azerbaijan, and Armenian Apostolic Christians with Armenia.[92] These assumed ties fuel the radical nationalistic idea that minorities are likely to be disloyal to the Georgian state. New Christian groups, such as Jehovah’s Witnesses, are often seen as an outside influence capable of undermining the dominance of the Georgian Orthodox Church and its close ties with the nation. (§ 93)
* Religious minorities also experience problems when it comes to building new places of worship. The construction permit for a new Catholic church in Rustavi has been pending for over two years, in spite of a court judgment instructing the municipal administration to issue the permit. For many years, the Muslim community in Batumi remained unable to secure permission for a second mosque. Several hundred Muslims are regularly unable to fit into the existing mosque for Friday prayers and have to pray in the open in adjacent streets. Eventually the municipality agreed to the construction of a new mosque, but under the condition that it will be built at a considerable distance from the city centre … (§ 95)
* In 2014, the Georgian authorities set up a new State Agency for Religious Issues.[94] However, religious minorities or the Public Defender were not consulted during this process. The mandate of the Agency is not entirely clear yet and neither is its procedure for developing recommendations, which is one of its functions. It is also unknown how the agency will cooperate with the Council of Religions, which has been operating under the Public Defender since 2005, or how it will involve religious minorities in its work. Representatives of different religious communities expressed their disappointment that the agency has not attempted to meet with them. So far the agency worked mainly on three issues: financial allocations to religious groups; setting up of local conciliation mechanisms following islamophobic attacks; and developing a new strategy for a state policy on religion. (§ 97)
* The agency decided on funding for four religious groups as partial compensation for injustices and damages suffered during the Soviet era.*[[95]](https://hudoc.ecri.coe.int/eng%22%20%5Cl%20%22_ftn96%22%20%5Ct%20%22_self)* The Muslim community received GEL 1 100 000 … (§ 98)

* ECRI recommends amending the strategy for the development of a religious policy to focus on the rights of religious minorities, the principle of non-discrimination and the promotion of religious tolerance from a perspective of inclusion and integration. Furthermore, the concept of integrating religious minorities into a state policy should be clarified in line with full protection of the rights of religious minorities. (§ 101)
* ECRI was informed that the mediation mechanisms set up by the State Agency for Religious Issues in the aftermath of islamophobic incidents, such as the one in Chela (see section I.3), excluded experts from the Public Defender’s Tolerance Centre, which has gained vast experience on the subject of religious tensions through its Council of Religions. It seems incomprehensible that this valuable expertise is not utilised when dealing with inter-religious strife. (§ 102)
* ECRI recommends that the Georgian authorities scale up their support for the Council of Religions, which operates under the auspices of the Public Defender’s Tolerance Centre. The authorities should in particular task the newly created State Agency for Religious Issues to cooperate with the Council of Religions and utilise the Council’s expertise and recommendations in order to tackle the problem of religious intolerance. (§ 103)

*ECRI Report on Azerbaijan (published on 7 June 2016)*

* Among the cases of violence relating to religion are several cases of supposedly radical Sunni Muslims being forced to have their beards shaved. In 2012, police officers allegedly beat and forcibly shaved a 51-year-old man who refused to shave his beard before being photographed for his identity card.[65] A video of another case on 4 July 2014 shows the victim being punched on the market place and his beard being forcibly cut off in public. A police investigation was opened not only in this case,[66] but also following an arson attack with a Molotov cocktail thrown into the Sunni Qaracuxur mosque in the suburbs of Baku on 26 November 2014. Observers also consider that the attack and subsequent death of the journalist Rafiq Tagi on 23 November 2011 could be linked to religious reasons. In an interview given after the attack and before his death in a hospital, Mr Tagi said that Iranian clerics had issued a fatwa against him following the publication of an article in which he had criticised the Iranian authorities for their religion-based policies and suppression of human rights. On 8 January 2014 the Prosecutor General’s Office informed Tagi’s relatives that the investigation into the killing had ended; no further explanation was given.[67] (§ 39)
* ECRI is particularly concerned about various additional reports of discrimination on the ground of religion. As already pointed out in § 65, the Venice Commission and ODIHR hold the opinion that several aspects of the legislative framework on religious freedom are contrary to international standards. Core recommendations made in their report are to include in the definition of “freedom of religion” the right to manifest a religion in private or public and in worship; to allow missionary work, teaching, practice and observance; to reform the system of state registration by allowing individuals and religious communities to practise religion without state registration; and to remove undue restrictions on the right to freely disseminate religious literature. At present, unjustified restrictions in these fields often affect minority Muslim communities and non-traditional religious groups, thereby leading to discrimination against them. (§ 68)
* Such interference in religious freedom and potentially discriminatory practice can be seen from a number of reports on the detention mainly of Sunni Muslims. While 65% of Muslims in Azerbaijan are Shia, the minority of 35% are Sunni, and a considerable number of Sunni Muslims belong to the historical ethnic minority of the Lezghi.[108] These reports refer, among others, to the detention of a considerable number of participants of the “Freedom for hijab” protest on 5 October 2012, the arrest of about 200 Muslims in Nakhchivan in mid-November 2014, the pre-trial detention, since February 2015, of five Sunni Muslims who were later convicted under Article 167.2.1 CC for having distributed religious literature without authorisation and the arrest of about 85 followers of Said Nursi in Baku on 22 September 2015. Other reports concern the closing of Sunni mosques, the ban on praying outside mosques (Article 12.1 LFRB), an obligation for imams to wear a uniform, and police actively preventing worshippers from entering mosques. The head of the SCWRO announced new restrictive amendments to the LFRB on the activities of clergy having studied abroad and on the use of religious flags and religious ceremonies in the streets.[109] (§ 69)

*ECRI Report on Cyprus (published on 7 June 2016)*

* Racist statements in the public sphere continue to be a common phenomenon … Muslim migrants were especially targeted and depicted as a threat to the demographic composition of the country.[15] (§ 18)
* Concern has been expressed about racially motivated attacks against Turkish Cypriots. In March 2014, around 100 ELAM members attempted to interrupt and stop a reunification conference in Limassol, in which one of the speakers was the former Turkish Cypriot leader of the northern part of the island.[30] It was reported that members of ELAM broke through the police lines, smashed a window and threw a flare into the conference hall; a Turkish Cypriot journalist was slightly injured. In April 2012, arsonists attacked the Koprulu Haci Ibrahim Aga Mosque in Limassol. (§ 39)
* ECRI welcomes the reaction of the authorities to some of the violent incidents mentioned above. As concerns the attack on the Koprulu Haci Ibrahim Aga Mosque (see § 39), the Government and the Archbishop of the Orthodox Church of Cyprus publicly condemned the act and the Limassol municipality helped to restore the building. Regarding the attack by ELAM supporters at a reunification conference in Limassol (see § 39), the government spokesman strongly denounced the group's “unlawful actions” and three arrests were made.[36] … (§ 46)

*ECRI Report on Italy (published on 7 June 2016)*

* A number of incidents of hate speech by politicians have targeted immigrants, Roma, Muslims and LGBT people … (§ 35)

* Political extremism in Italy with strong xenophobic and islamophobic connotations has become a source of concern in the current migration context. At the present time Casa Pound is the most active of the extremist groups: it claims to have 4,000 militants and has been officially registered as a charity organisation since 2008; it occupies around ten buildings all over Italy, which have been transformed into socio-cultural centres, and it is very present in the cultural field, especially in music and theatre. About ten local elected representatives say that they are close to this group. (§ 38)
* The 4th ECRI report noted persistent anti-Islamic prejudices in Italian society. Several surveys continue to indicate that much of the Italian population distrusts this religious minority.[95] In addition, Muslims, who make up only 4% of the Italian population,[96] also continue to be stigmatised in the statements and political agendas of certain parties (see section on Hate speech). In 2012 ECRI recommended that the Italian authorities pursue a regular, constructive dialogue with the representatives of the various Muslim communities in Italy and, if necessary, reinforce the structures established to permit such dialogue. ECRI is pleased to see that the Council for Italian Islam,[97] an advisory body set up to promote dialogue between the State and the Muslim community at the national level, has resumed its meetings and is proposing concrete measures in favour of integration. (§ 89)
* One of the main questions raised in connection with the integration of Muslims is the strong opposition encountered by applications to build new mosques.[98] For example, the Lombardy Regional Council passed a law (L.R. 2/2015) at the beginning of 2015 regulating the construction of new places of worship.[99] While it is true that the law applies not only to mosques but also to Catholic churches, synagogues and other places of worship, the wording of the text makes it virtually impossible to build a mosque.[100] In the meantime the Italian Government was successful in its appeal to the Constitutional Court for the abrogation of this law which affects freedom of worship in violation of Articles 3, 8 and 19 of the Constitution and of Article 117, c), which gives the State exclusive authority in matters of relations between the Republic and religious faiths.[101] (§ 90)
* In this context ECRI draws attention to its General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims, recommending that particular attention be directed towards removing unnecessary legal or administrative obstacles to both the construction of sufficient numbers of appropriate places of worship for the practice of Islam and to its funeral rites. (§ 91)

*ECRI Report on the former Yugoslav Republic of Macedonia (published on 7 June 2016)*

* On 21 July, an Imam was attacked after a religious service in a village predominantly inhabited by Christian Orthodox residents in the area of Stip.[47] (§ 36)
* It seems that the police investigated most of the incidents reported to them. MHC reports that the police located suspected perpetrators connected to a minimum of 27 incidents which occurred in 2013. In a number of cases, however, criminal proceedings were not initiated. Examples include the Islamophobic attack mentioned in § 36, in which the police identified the perpetrators, but merely warned them that they might be prosecuted if they repeated such acts.[59] According to MHC, only one case was brought before a court in 2013.[60] In September 2015, the prosecution service informed the ECRI delegation that four cases were pending before the courts. (§ 43)

*ECRI Report on Armenia (published on 4 October 2016)*

* In its 3rd report,[19] ECRI noted that in Armenia there was no overt hostility vis-à-vis ethnic minorities or non-nationals, including those who are not ethnic Armenians. It also noted that there was no evidence of anti-Muslim sentiment. During its contact visit to Armenia, ECRI’s delegation met with various organisations representing ethnic minorities, which confirmed that the latter were not targeted by racist hate speech. ECRI’s concerns focus mainly on hate speech experienced by people belonging to the LGBT community or to non-traditional religious groups. (§ 24)

*ECRI Report on the United Kingdom (published on 4 October 2016)*

* Muslims are similarly portrayed in a negative light by certain politicians and as a result of some government policies. Their alleged lack of integration and opposition to “fundamental British values”, leading to radicalisation and extremism, is a common theme and contributes to a climate of mistrust and fear of Muslims. For instance, UKIP’s leader, Nigel Farage, warned that “there is rising public concern about immigration partly because people believe there are some Muslims who want to form a fifth column and kill us”.[21] In January 2016, the Prime Minister launched a £20 million language fund to enable an estimated 190 000 Muslim women to learn English in a drive to build community integration; while ECRI applauds this programme, it regrets that the Prime Minister associated it with countering “backward attitudes” and extremism. Some Muslim groups accused him of “disgraceful stereotyping of British Muslims”.[22] ECRI also refers to the counter-terrorism strategy Prevent described in §§ 85-88 below. (§ 35)
* ECRI calls upon all political parties to take a firm stand against intolerant discourse and instruct their representatives to refrain from making derogatory comments targeting a group of persons on grounds of their “race”, religion, citizenship, language, ethnic origin, sexual orientation or gender identity. (§ 39)
* The Sun newspaper has also published inflammatory anti-Muslim headlines, such as its front page of 23 November 2015 which read “1 in 5 Brit Muslims’ sympathy for jihadis”, along with a picture of a masked terrorist wielding a knife. Unscrupulous press reporting targeting LGBT is also of concern. In March 2013, a trans schoolteacher committed suicide after being outed by the Daily Mail tabloid newspaper.[31] (§ 41)
* As concerns Internet hate speech, ECRI notes an upward trend. On-line hate speech targeting Muslims in particular has soared since 2013. This trend has been documented in a paper on Islamophobia and Twitter[32] as well as a recent report of the organisation Tell MAMA (Measuring Anti-Muslim Attacks).[33] Analysis of Tell MAMA’s 2014-2015 data found that of the 548 Islamophobic incidents reported, 402 took place on-line.[34] There is also evidence that anti-Muslim hate targeting Muslim women has increased on-line, via social networking sites such as Facebook, Twitter and Instagram.[35] According to the above-mentioned report, this has resulted in a permanent sense of vulnerability, fear and insecurity among Muslims. (§ 42)
* Further, far-right groups are increasingly using on-line platforms as primary sites for organising, recruitment, and communication. Facebook in particular is a key site for movements such as Britain First, which is a political party formed in 2011 by former members of the British National Party, with an anti-immigration and anti-Muslim agenda. According to a study by Faith Matters,[36] based on comments taken from Britain First’s Facebook posts on 26 August 2014, the day the Rotherham scandal[37] was first published in the press, derogatory discourse denigrated the Muslim community as a whole, painting all Muslims as rapists and paedophiles by nature. The term “scum” came up 207 times, while words calling for direct action against Muslims, such as “hang” came up 61 times and “death” 34 times. The study states that Britain First’s Facebook page opens a site in which extreme anti-Muslim attitudes circulate largely unchallenged. (§ 43)
* Regarding under-reporting, a number of steps have been taken. One of these is the introduction of third-party reporting sites which provide the public with alternative methods of reporting a criminal offence. Partnerships have been established, for example, with Traveller liaison officers, and data-sharing schemes between the police and organisations such as Tell MAMA and the Community Security Trust have been established for incidents involving anti-Muslim and antisemitic hate. These are effective since many people feel more comfortable talking about traumatic incidents with members of their own community. Some forces have provided for a 24-hour telephone advice service, such as via Stop Hate UK which operates the Stop Hate Line for reporting hate crime. Further, the True Vision website,[40] a joint initiative between the police and the Government, was launched in December 2010 to publish hate crime data and to enable victims and third party organisations to report hate crime on-line directly to the relevant police agency. (§ 48)
* ECRI welcomes the above initiatives and particularly applauds the third-party reporting and data sharing systems which it highlights as best practice. Further, it welcomes the fact that from spring 2016 the police will provide a breakdown of religion-based data, including anti-Muslim hate crime, which should increase consistency and provide a broader evidence base for tackling hate crime. (§ 49)
* ECRI recommends that the authorities review the provisions on incitement to hatred with a view to making them more effective and usable. (§ 51)
* ECRI regrets that a way has not been found to establish an independent press regulator and that, as a result, certain tabloids continue to publish offensive material, as indicated above. ECRI urges the media to take stock of the importance of responsible reporting, not only to avoid perpetuating prejudice and biased information, but also to avoid harm to targeted persons or vulnerable groups. ECRI considers that, in light of the fact that Muslims are increasingly under the spotlight as a result of recent ISIS-related terrorist acts around the world, fuelling prejudice against Muslims shows a reckless disregard, not only for the dignity of the great majority of Muslims in the United Kingdom, but also for their safety. In this context, it draws attention to a recent study by Teeside University[50] suggesting that where the media stress the Muslim background of perpetrators of terrorist acts, and devote significant coverage to it, the violent backlash against Muslims is likely to be greater than in cases where the perpetrators’ motivation is downplayed or rejected in favour of alternative explanations.[51] (§ 55)
* As regards ethical standards, the Editors' Code of Practice provides that the press “must avoid prejudicial or pejorative reference to an individual’s race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability” (clause 12 on discrimination). The Code was amended in 2015 to include also gender identity. However, breaches of clause 12 can only be related to an identified individual who can bring a complaint as a victim, but it cannot concern groups. For example, while ECRI is satisfied that the large number of complaints against the anti-Muslim headline in the Sun newspaper (see § 41) were upheld by IPSO in respect of clause 1 (accuracy) of the Editors’ Code of Practice, it notes that clause 12 was not considered as there was no pejorative or prejudicial reference to any individual … (§ 57)
* ECRI recommends amending the Editor’s Code of Practice to ensure that members of groups can submit complaints as victims against biased or prejudicial reporting concerning their community. (§ 58)
* An important means of tackling hate speech is through confronting and condemning it directly by counter-speech that clearly shows its destructive and unacceptable character. In its fourth report, ECRI underlined that political leaders on all sides should take a public stance against the expression of racist and xenophobic attitudes. ECRI notes that in this respect verbal racist or homophobic attacks frequently receive a broad and immediate response … Moreover, ECRI takes note with satisfaction that senior politicians have made important statements or speeches on the contribution of Black and minority ethnic communities and Muslims to British society.[54] (§ 59)
* ECRI notes that a particularly high number of violent racist incidents occurred in 2013 with a sharp rise in anti-Muslim violence. Incidents included two murders, one victim being an 82-year-old man returning from Friday prayers,[55] several physical assaults and threats against Muslim women (many involving attempts to remove their headscarves), pigs’ heads or bacon placed outside family homes, damage to mosques and Muslim graves, two attempted bombings and several arson attacks on mosques and one against a Muslim school which resulted in two boys requiring treatment for smoke inhalation. Many of these incidents occurred in the wake of the brutal killing of a British soldier by two converted Islamists in Woolwich on 22 May 2013, provoking an anti-Muslim backlash across the country. On 27 May - five days after the killing – the organisation Hope not Hate reported 193 Islamophobic incidents, including attacks on 10 mosques. Tell MAMA reported a 373% increase in reports of anti-Muslim incidents in the week after the soldier’s murder as compared to the week before it. The total number of anti-Muslim incidents recorded by Tell MAMA in the year 2012-13 was 734,[56] while data for 2014-2015 revealed a drop in such incidents, down to 548 in total.[57] Of these, seven were categorised as extreme violence; 21 involved assault, 29 threats and 15 damage to Islamic institutions and personal properties. (§ 61)
* ECRI welcomes the reaction of the authorities to some of the violent incidents mentioned above. Following the incident in which a soldier was beheaded in the street in Woolwich, an additional 1 200 police officers were deployed across London to prevent revenge attacks on Muslim communities. The attack itself was condemned by all major political and religious leaders, including the Prime Minister, the Archbishop of Canterbury, the Christian Muslim Forum and the Muslim Council of Britain. (§ 70)
* Finally, ECRI notes that the integration of Muslims[83] has been called into question in recent times. They have come under increasing focus in public debate as a result of terrorist acts around the world as well as national scandals such as the Trojan Horse affair.[84] The popular reaction is to associate all Muslims with extremism and terrorism. As observed previously, this has led to a large increase in hate speech and violence against Muslims. Added to this are a number of policies which may have the effect of further stereotyping Muslims, albeit indirectly. One of these is the Prevent Strategy, which is part of the United Kingdom Government’s counter-terrorism strategy.[85] It aims to stop people becoming terrorists or supporting terrorism and defines extremism as “vocal or active opposition to fundamental British values including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs”. (§ 85)
* In July 2015, a statutory duty in England and Wales was placed on schools, prisons, local authorities and hospitals to have due regard to preventing people being drawn into terrorism. According to Government guidance, the day-to-day responsibilities of teachers, even at nursery-school level, now include identifying children at risk of radicalisation and referring them to the Government’s anti-radicalisation programme, Channel, set up to protect vulnerable individuals from being drawn into terrorism. From 2007-2013, 2 653 people were referred (547 from the education sector), almost half of them under 18, with the youngest being three years old.[86] Since 2012, over 4 000 people have been referred for de-radicalisation, 57.4% of whom were Muslims (prior to this it was 67%). Fears have been raised that the strategy fuels discrimination against Muslims. (§ 86)
* ECRI is concerned that all this has created a feeling of anxiety and insecurity within Muslim communities. ECRI considers that it may also lead to increasing marginalisation and alienation of Muslims by the majority population. It recalls the recommendation it made in its fourth report to pursue and strengthen dialogue with representatives of Muslims on the causes of Islamophobia, emphasising the need for an overall strategy against it. ECRI welcome’s the United Kingdom Government’s funding, since 2012, of Tell MAMA which is considered to be a successful project. However, ECRI notes that other initiatives, such as the All-Party Parliamentary Group on Islamophobia, which was re-established in Parliament in 2011, and the cross-Government Working Group on Anti-Muslim Hatred set up in 2012, have had little impact.[87] ECRI considers that the authorities and Muslim community organisations should take inspiration from the successful partnership between Jewish community organisations and the Government on shared priorities and work to improve dialogue in a similar way. Indeed, ECRI is pleased to note that Jewish organisations have expressed positive views about the relationship of trust with the Government and the police in tackling antisemitism.[88] Moreover, Muslims should be involved in the development of policies which could adversely affect them, such as Prevent. (§ 87)
* ECRI strongly recommends that the authorities establish a real dialogue with Muslims in order to combat Islamophobia. They should consult them on all policies which could affect Muslims. (§ 88)

*ECRI Report on Bosnia and Herzegovina (published on 28 February 2017)*

* Ethnic antagonism also leads to violence against religious buildings and graveyards associated with an ethnic group. The Interreligious Council reported 20 such attacks from November 2014 to October 2015 (11 of them against the Islamic community, 5 against the Serb Orthodox Church and 4 against the Catholic Church).[51] The OSCE Mission reported 21 such incidents (15 against various Christian sites and six against the Islamic community) for 2013,[52] and 42 cases (24 against Christian sites and 18 against Islamic sites) in 2012.[53] (§ 41)

*ECRI Report on Iceland (published on 28 February 2017)*

* Hate crime data are collected by the National Police Commissioner. In 2014, two cases were recorded by the police under Article 233 a, both involving Muslim victims. In one case no further action was taken and the other is still under investigation. In 2015, ten cases were recorded, all of which involved homophobic hate speech and are still pending (see § 23 below). At the time of writing this report, there have been no prosecutions or convictions for hate speech under Article 233 a. (§ 17)
* ECRI notes that there is increasing racist public discourse in Iceland, focused in recent years largely on Muslims.[10] The decision of Reykjavík City Council to grant permission for the construction of Iceland’s first mosque in September 2012, as well as to allocate a prime plot of land (free of charge, in accordance with the general practice when religious associations are granted land on which to build places of worship) to the Muslim Association of Iceland in January 2013, was criticised by many, some of whom feared that a mosque would be a breeding ground for radical Islam, and would irreparably change the face of Reykjavík and Icelandic society.[11] The protest took a particularly hostile turn in November 2013 when three pig heads and bloodied pages of the Koran were found scattered across the plot of land. A poll in 2014 found that 42.4% of those surveyed opposed the construction of a mosque, while only 29.7% were in favour.[12] (§ 18)
* The local elections of June 2014 were characterised by heated anti-Muslim rhetoric. The Progressive Party made opposition to the mosque, and to Muslims in general, its main campaign issue and its candidate for Reykjavik mayor announced that she would reverse the decision to grant land for the building of a mosque. Prior to these statements, polls had suggested that the party would not gain any seats in Reykjavík, but following the comments support for the party surged and it went on to win two seats out of 15 on the city council. (§ 19)
* Since then, several political figures have made intolerant and prejudicial public comments about Muslims, in particular portraying them as terrorists. In January 2015, an Independence Party MP asked, on his Facebook page, whether Icelanders are safe from terrorist attacks and wanted to have the background of the 1 500 Muslims living in Iceland investigated to see if they had attended terrorist training camps. In March 2015, a municipal representative of the Progressive Party repeatedly posted on his Facebook page strongly anti-Muslim material, depicting Iceland’s Muslims as “rapists and perpetrators of violence”, and going so far as to call for the deportation of all of Iceland’s Muslims.[13] ECRI considers that such remarks from politicians have contributed to creating a climate of mistrust and fear of Muslims and to the increasingly negative general attitude towards Muslims in Iceland. (§ 20)
* ECRI notes that the private television channel called Omega, which it commented on in its fourth report, continues to engage in hate speech against Muslims. In addition, ECRI is aware of a radio station called Saga which disseminates hate speech targeting immigrants, Muslims and LGBT persons. (§ 21)
* As regards Internet, as indicated above, there has been a noticeable increase in Islamophobic comments on social media. The founder of the Muslim Association of Iceland stated in 2014 that hate speech had recently been flaring up on the Internet, sparked by the publication of articles concerning developments over the mosque. Some particularly harsh remarks were directed at the founder and the Chair of the Association.[14] (§ 22)

* As concerns criminal law, ECRI has already observed that there have been few investigations and no prosecutions or convictions under the hate speech provisions of the Criminal Code. It particularly regrets that no investigation was carried out into the incident mentioned above involving pigs’ heads and bloodied pages of the Koran left on the site of Reykjavik’s future mosque.[15] (§ 25)
* As for prevention, ECRI is pleased to note that a police officer has been appointed to a newly created position for the investigation of hate crime in the area of Reykjavik. A data base has been set up to monitor on-line hate speech and in particular the growing incidence of anti-Muslim sentiment. The activities of certain extremist groups, such as the Soldiers of Odin, which are active on-line but not out in society, are also being monitored. ECRI welcomes this initiative which responds to its fourth report recommendation to take steps to monitor the Internet and prevent it from being used to disseminate racist or xenophobic comments and material. The hate crime officer will also provide training to police students as well as serving police officers, in particular on recognising hate crime. ECRI notes that this initiative was taken largely in response to recognition of the police failings over the pigs’ heads incident and determination to ensure that hate-motivated offences are properly investigated. (§ 28)

* ECRI also regrets to note a considerable rise in Islamophobia in Luxembourg.[31] A link is often made between Islam, terrorism, disrespect for women, and refugees. Women wearing a head-scarf are insulted and even spat on. During the days after the January 2015 attacks in Paris (Charlie Hebdo and Hyper Cacher) two cases of Muslim pupils being verbally attacked by teachers with words like “Are you satisfied now?” or “When you’re grown-up, will you do the same?” were reported. (§ 30)
* ECRI recommends that the police and judicial authorities set up a regular round table to enable a dialogue with civil society and bodies specialising in combating racism and homophobia/transphobia. (§ 37)
* An important means of tackling hate speech is through confronting and condemning it directly by counter-speech that clearly shows its destructive and unacceptable character. In this respect, ECRI is pleased to note that the anti-Muslim comments mentioned in § 20 of the present report met with immediate condemnation from other politicians, including the Foreign Secretary, who emphasised respect for human rights and equality, and the Minister of the Interior, who stressed the need to respect Muslims in Iceland as equal citizens … ECRI welcomes such action and counter narratives which send a clear public message that intolerant views are expressed by a minority and are not held by all. (§ 36)
* In its first interim follow-up recommendation, ECRI strongly urged the authorities to grant permission for the Muslim communities to build mosques and allocate land in order for them to exercise their right to manifest their religion in worship, as guaranteed under Article 9 of the European Convention on Human Rights. In its conclusions adopted on 9 December 2014, ECRI welcomed the fact that Iceland’s Muslims had been granted both permission to construct a purpose-built mosque and land on which to build it and concluded that its recommendation had been implemented. (§ 73)
* ECRI regrets that the mosque issue has given rise to a great deal of intolerant Islamophobic hate speech (see §§ 18-20 above). It also notes that, although plans for the mosque have been approved following an international competition, construction has been delayed due to financing problems. ECRI is concerned that the country may again be gripped by anti-Muslim hostility when building does eventually start. It urges the authorities to be prepared to take a firm stand and counter any such intolerance. (§ 74)
* A few rare cases of xenophobic violence have, however, been reported.[43] In particular, ECRI was informed about several violent attacks against Muslim women wearing a headscarf. In one case, two Luxembourg women intervened and called the police. According to the Muslim community, the police intervention was, as in other cases, appropriate and the victim chose not to make a complaint. According to the results of an opinion poll published in 2011, 1% of people originating from former Yugoslavia and living in Luxembourg also said they had been victims of possibly racially motivated in-person crime over the past twelve months (attacks, threats or serious harassment).[44] (§ 50)
* … Cape Verdean nationals, applicants for international protection and persons of Muslim religion encounter in particular problems on the labour market. In the building sector, for example, working conditions are very hard … (§ 76)
* In order to ensure the successful integration of religious minorities, it is crucial for the authorities and members of every religious community to promote tolerance and respect fundamental rights and freedoms, including the right to equality. ECRI accordingly welcomes the signing on 26 January 2015 of an agreement between the state and the Muslim community to regulate their mutual relations. At the same time, ECRI regrets that, according to the authorities, it will take two years to have the necessary amendments to the Constitution adopted to release the funding provided for by the agreement for the benefit of the Muslim community. Moreover, several Muslim associations are still subject to tax and the Muslim community encounters many problems in the case of plans to renovate or build new mosques. In many localities, there are still no appropriate facilities for Muslim funerals. ECRI considers that the authorities should speed up the implementation of the agreement and remove any remaining structural discrimination. (§ 83)

*ECRI Report on Denmark (published on 16 May 2017)*

* In 2012, ECRI encouraged the Danish authorities to ensure that politicians act responsibly when addressing issues pertaining to groups of concern to ECRI.[20] However, the situation is still problematic and hate speech against different groups, especially Muslims and refugees, is becoming even more widespread in Danish society in general and political discourse in particular. In 2014, the Commissioner for Human Rights of the Council of Europe (henceforth: the Commissioner) expressed his concern about the growing trend of hate speech and negative stereotypes in Danish politics.[21] In 2015, the UN Committee on the Elimination of Racial Discrimination (CERD) noted an increase in xenophobia and political statements targeting non-citizens, especially before general elections.[22] Certain members of the Danish Peoples Party (DPP) in particular, are on record for having made islamophobic public statements. In 2014, for example, a DPP politician and former MP and MEP posted an islamophobic comment on Twitter: "On the situation of the Jews in Europe: Muslims continue where Hitler ended. Only the treatment Hitler got will change the situation.”[23] In 2013, another former MP for the DPP published a photo on her Facebook page, comparing Muslim women to rubbish.[24] (§ 22)
* In its fourth report, ECRI recommended that the authorities take initiatives, jointly with the media, to prevent the development of a climate of hostility towards vulnerable groups of concern to ECRI and to provide anti-racism training to media professionals.[32] It also strongly recommended that the authorities encourage a debate within the media industry on the responsibility to avoid perpetuating prejudice against Muslims.[33] However, ECRI has not received any information about initiatives taken by the authorities in this respect. On the contrary, the Commissioner in 2013, and CERD in 2015, expressed their concern over the fact that stigmatising attitudes towards groups of concern to ECRI, especially towards Muslims, continue to appear in the media, for example by describing Islam as a “barbaric”, “tyrannical” and “fundamentalist” religion.[34] (§ 27)
* There are also several organisations spreading hate speech via the internet in Denmark, particularly through social media, such as Facebook. Islamophobic content is common and is propagated, inter alia, by groups such as the “Danish Defence League” and the campaign “Stop Islamization of Denmark”. In 2013, the Police received a complaint about a user of the latter’s Facebook group, who had expressed his desire to fight against Muslims and to find a group that would wage war against them.[35] Insults of Jews via social media also make up a large proportion of cases of antisemitic hate speech referred to in paragraph 25 above.[36] (§ 28)
* ECRI reiterates its recommendation that the authorities impart to the media the need to ensure that their information does not contribute to hostility towards members of groups subjected to hate speech. The authorities should also encourage and support initiatives by the media industry to (i) provide anti-racism training to journalists, and (ii) debate the image they convey to the public of Islam and Muslim communities. (§ 29)
* In February 2016, the High Court upheld the 2015 judgment of a District Court, which had convicted the DPP politician who had posted an islamophobic comment on Twitter (see paragraph 22) of a violation of Article 266(b) and fined him DKK 8 000 (€ 1 080).[37] For the publication of the names of persons about to become Danish citizens mentioned in paragraph 23, the Copenhagen City Court ordered the DPP to pay each of the 15 plaintiffs DKK 10 000 (€ 1 350). In 2015, the East Jutland police opened an investigation into more than 40 hate speech posts on Facebook directed against Muslims.[38] (§ 31)
* ECRI recommends that the authorities provide training on how to handle hate crime cases to police and prosecutorial staff on an ongoing basis across the country. Cooperating partners in this training should also include the DIHR, the Jewish, Muslim and Black communities, ethnic minority associations, refugee support groups and the LGBT community. (§ 34)
* The government initiated the development of a new national strategy on the prevention of radicalisation and extremism, which was launched in September 2014. In October 2016, it was followed-up by a new national action plan on preventing and countering extremism and radicalisation. Both focus on strengthening cooperation with and support to civil society. However, they have a very broad reach, without emphasising the emerging key areas, such as islamophobic hate speech, in particular. (§ 35)
* ECRI recommends that the authorities integrate, into the national strategy on the prevention of radicalisation and extremism, and the follow-up national action plan, specific measures to combat islamophobic hate speech, inter alia, by making use of ECRI’s General Policy Recommendations No. 5 on combating intolerance and discrimination against Muslims and No. 15 on combating hate speech. (§ 36)
* The collection of data on racist and homo-/transphobic violence has been subject to the same changes and shortcomings as for hate speech (see paragraph 18 in section I.2). The DSIS reported 14 incidents of racist violence in 2012, and 17 in 2013. There was no reliable data for 2014. The DNP registered 28 incidents in 2015. However, acts of vandalism are not included in this figure, but were registered separately in the broader category of “non-violent” incidents, together with acts of hate speech, and cannot be disaggregated (cf. paragraph 19 in section I.2). The DIHR points out that, although incidents of racist violence had already occurred previously, the threat level in particular against Muslims and Jews in Denmark increased since 2015.[43] Examples of such acts of violence include the below mentioned cases. (§ 41)
* In August 2015, an arson attack on an Islamic centre in Copenhagen took place.[46] In June 2015, the Muslim cemetery in Brøndby, near Copenhagen, was vandalised and some 50 graves were desecrated and tombstones damaged or destroyed.[47] A similar act of vandalism took place in the city of Odense on 2 September 2015, when some 60 graves and tombstones were vandalised.[48] In September 2016, the cemetery in Brøndby was once more vandalised and graves desecrated. (§ 43)
* ECRI recommends that the authorities facilitate closer cooperation between Muslim communities and the police to prevent and combat islamophobic violence. (§ 44)
* Concerning the arson attack in 2015 on an Islamic centre in Copenhagen, ECRI was informed that the police investigated a potential racist motive, but could not establish one. The perpetrator has since been convicted and committed to a psychiatric institution. With regard to the vandalism of Muslim gravesites, it has been noted that the police regarded the first act of desecration of the Muslim cemetery in Brøndby initially as a mere act of hooliganism committed by youngsters without any hate-motivation. A potential islamophobic motivation was only later considered by the police.[52] (§ 52)
* ECRI recommends that, in cases of vandalism of religious sites, the police take hate motivations into consideration from the beginning of their investigation. (§ 53)
* Following the desecration of a Muslim cemetery in Odense in 2015, the country’s Prime minister, Lars Løkke Rasmussen, condemned the vandalism in a Facebook post. In addition, the city’s mayor organised a demonstration to show public support for the city’s Muslim community.[56] The vandalism of a Jewish school in August 2014 was condemned by several political leaders. The incident concerning a reporter wearing a Jewish skullcap in the Nørrebro area was followed by a protest during which dozens of political leaders, as well as ordinary citizens, walked through Nørrebro wearing Jewish skullcaps as a sign of solidarity.[57] (§ 57)
* In several respects, members of the Muslim communities, in particular those who adhere to a traditional religious code, face the largest obstacles to integration. This is, inter alia, also the result of widely held views which doubt the ability and willingness of Muslims to integrate into Danish society. Such fears are further fuelled by a growing islamophobic political discourse (see section I.2). This in turn results in frequent experiences of discrimination, especially among young Muslims, many of whom have grown up in Denmark, master the language and successfully completed their education. The perception that they will not be accepted as equal members of Danish society merely due to their religion, can easily lead to a vicious circle of marginalisation and radicalisation. (§ 87)
* … NGOs also informed ECRI about existing forms of multiple-discrimination faced by some Black persons, in particular Muslims and women of African descent. (§ 88)

*ECRI Report on Serbia (published on 16 May 2017)*

* In addition, various interlocutors informed ECRI that regional tensions in the area of former Yugoslavia have risen sharply in recent months.[31] According to observers, the nationalist rhetoric and widespread use of terms such as foreign mercenaries, traitors, foreign agents, spies and “Šiptars”[32] in current public discourse are reminiscent of the kind of hate speech used before the recent wars in the region.[33] Relatedly, publications with nationalist and even racist content continue to receive wide attention.[34] There has been a resurgence in support for Second Word-War ideologists, pro-fascist groups and persons indicted or convicted for genocide and racial war crimes, who are publicly cast in a positive light. Islamophobia is also raising. Respondents to the survey cited in § 20 believe that political parties, the government, parliament, media and the judiciary are the main sources of this kind of intolerance and discrimination. The government is considered both the most discriminatory institution and the key to resolving this issue.[35] (§ 22)
* Hate speech is increasingly disseminated via the Internet. Various interlocutors informed ECRI that hate speech targeting vulnerable groups on Internet forums and in social media is on the rise. The MIA’s High Technology Crime Department found, for example, that 30 people had threatened the organisers of the 2015 Pride Parade and posted hate speech on social networks. Antisemitic and islamophobic postings are also frequent.[49] In many cases, hate speech of this sort can be posted anonymously, which hampers criminal investigation. According to a recent study on digital violence, two thirds of all secondary school students had at least once been exposed to digital violence, including hate speech. The study also points out that there is a strong link between digital and “traditional” violence.[50] (§ 29)

*ECRI Report on Montenegro (published on 19 September 2017)*

* … [R]eports indicated that the [Serbian Orthodox Church] expressed intolerant speech against Muslims,[14] criticising the revival of Islamic influence in the Balkans. (§ 18)

*ECRI Report on Sweden (published on 27 February 2018)*

* The available data for the above-mentioned four categories shows a marked increase in reported racist and xenophobic hate speech incidents, which includes hate speech against migrants/refugees, against Black persons and against Roma. Hate speech against religious groups, such as islamophobic and antisemitic hate speech, is recorded separately (see §§ 23 and 27 below). (§ 20)
* In its 2012 report on Sweden (§ 122), ECRI recommended that the authorities step up their measures to combat Islamophobia. However, Muslims are still often victims of stereotyping and negative attitudes. Cases of islamophobic threats/molestations doubled from 2011 to 2015 (123 and 247 cases respectively), islamophobic defamation cases were up from 38 to 68 cases (a 79% rise), islamophobic criminal damage /graffiti increased from 16 to 76 cases (375%) and the number of incidents of agitation against Muslims rose from 45 to 102 (127%).[19] (§ 23)
* Representatives of different Muslim organisations informed ECRI that islamophobic comments and insults in day-to-day public life are increasing, in particular against women wearing a headscarf. According to the same sources, Muslims often do not believe that reporting such incidents to the police would lead to any meaningful outcome, potentially leading to significant underreporting of islamophobic hate speech. (§ 24)
* Furthermore, public discourse about Islam is dominated by associating followers of the religion with terrorism and threats to freedom and democracy. The Office of the Equality Ombudsman carried out a media analysis during October and November 2014, reviewing how Muslims were portrayed in 11 newspapers and three broadcasters in the country. The study concluded that the coverage was characterised by negative stereotypical representations and a strong discourse of “us” and “them”, juxtaposing Muslims with Swedish society and values.[20] (§ 25)
* ECRI strongly recommends that the authorities, without encroaching on editorial independence, encourage debate within the media on the image which they convey of Islam and Muslim communities and on their responsibility in this respect to avoid perpetuating prejudices, as recommended in ECRI’s General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims. (§ 26)
* Brå recorded a substantial number of reported cases involving violence against persons[46] with racist and xenophobic hate motivation, although the number has decreased from 703 cases in 2011 to 588 cases in 2015 (a decline of 16%).[47] … islamophobic attacks increased from 39 cases in 2011 to 46 cases in 2015, with a peak of 60 cases in 2014.[50] (§ 43)
* Examples of the above-mentioned trends include the case of a 14-year-old Muslim girl who was attacked outside a school in Borås in 2016.[51] The assailant reportedly tried to remove the girl’s veil forcibly, before threatening to kill her for being a Muslim … (§ 44)
* Attacks on mosques are also of concern. In late 2014, three arson attacks were carried out against mosques in Eskilstuna, Eslöv and Uppsala over a two-week period.[53] Muslim organisations reported to ECRI 12 arson attacks against mosques in 2016 and mentioned that no arrests had been made by the police in this respect. (§ 45)
* Public condemnation by the political leadership of violent attacks have been numerous and include the participation of the Minister for Culture and Democracy, Alice Bah-Kuhnke, in a 2015 protest march following the above-mentioned series of arson attacks against mosques. (§ 54)

*ECRI Report on Spain (published on 27 February 2018)*

* … The Spanish Federation of Islamic Religious Entities recorded an eleven-fold increase to 534 attacks targeting the Muslim community including online abuse, and the Citizens’ Platform against Islamophobia documented 278 cases of Islamophobia in 2015 … (§ 30)
* Several studies show the underlying levels of prejudice towards different vulnerable groups … In another survey, the groups towards which the greatest percentage of respondents exhibited attitudes of rejection were Roma and Muslims ... Concerning Muslims, 22.6% responded in a similar manner, concerning immigrants 16.4%, concerning transsexuals 10.5% and concerning homosexuals 8.3%.[40] The authorities point out that a series of surveys on attitudes towards immigration shows improving attitudes towards migrants[41]. A fourth survey from 2016 shows a considerable increase of negative opinions about Muslims (50 % after 42% in 2015) … (§ 31)

* These surveys and civil society statistics also point to a considerable number of hate speech cases that are still not reported to the police services. During ECRI’s country visit to Spain, civil society representatives confirmed such underreporting and suggested several reasons for it: lack of awareness among members of vulnerable groups that hate speech is punishable, lack of awareness and training of police officers about the need to investigate hate speech cases, lack of confidence in the police among members of certain vulnerable groups, and a tendency among certain police officers to dissuade victims of hate speech from lodging complaints.[44] According to a study, among cases of Islamophobia only 18% were reported to the authorities.[45] The rate of reported homo- and transphobic incidents should be similarly low.[46] (§ 32)
* While open hate speech is not common in the Spanish mainstream political discourse, anti-immigrant and anti-Roma discourse nourishes fears and thus fuels xenophobic and racist sentiments. In particular during the economic crises, which hit Spain in 2008 and reached a peak in 2012, some politicians resorted to xenophobic statements … During a 2015 election campaign in the same region, the Islamophobic rhetoric of politicians from different groups promising, among others, the closing of mosques led to the posting of comments on gassing Muslims and references to the showers of Nazi death camps.[48] The Muslim population in this region still suffers from the xenophobia which was sparked by this and other racist politicians and the Barcelona hate crime prosecutor registered increasing numbers of Islamophobic incidents … (§ 33)
* … The frequent use of the expressions “Islamic terrorism” and “Jihadist terrorism” contributes to increase Islamophobia and to influence the public perception of Muslims, transforming them into “suspects”. Mass media do not sufficiently separate terrorism and the overwhelming majority of peaceful Muslims in Spain. The idea that the bodies of deceased Muslims should be repatriated to their countries of origin, so that no Islamic cemeteries would be needed, perpetuates the idea of Muslims being foreigners, even though 40% of the Muslims living in Spain are Spanish citizens.[62] In this context, ECRI takes positive note of the existence of 28 public cemeteries with specific plots for Muslims.[63] (§ 37)
* … The number of cyber hate cases treated by the prosecution rose from 40 cases in 2015 to 99 in 2016.[66] A group of journalists, which screened eight Internet sites in early 2017, found within only one month 308 items they classified as hate speech: 186 of these were registered as racist/xenophobic, 126 as Islamophobic and 47 as anti-Gypsyism or hatred against Catalan people.[67] Another study concluded that many cyberhate incidents are directed against Muslims and that social network providers only remove a small percentage of them. Out of a hundred hate messages that researchers presented to Facebook, only 9 % were removed.[68] In the 2017 monitoring exercise conducted by the EU, IT companies and civil society on the implementation of the Code of Conduct on combating illegal hate speech online, in Spain only 17.2% of the reported items were removed.[69] According to civil society, there are more than 1 000 Spanish xenophobic and intolerant Internet sites, some of which openly incite to violence against Jews and Roma.[70] (§ 38)
* Migrant women, in particular women of African descent and Muslim women, but also Spanish women of African descent, suffer from lack of recognition of professional qualifications obtained in their countries of origin,[120] precarious working conditions and salary discrimination.[121] (§ 75)

*ECRI Report on Croatia (published on 15 May 2018)*

* ECRI notes that despite the general positive attitude in welcoming refugees, who are dominantly Muslims, this trend has slightly deteriorated. Reports suggest that media facilitated an increase in islamophobic sentiment among the population[36] by resorting to a sensationalist approach which describes their arrival as an 'invasion'.[37] Stereotypical portrayals of Muslim refugees persist implying that they ‘would change Croatian culture with their different mentality’.[38] (§ 29)

*ECRI Report on Malta (published on 15 May 2018)*

* Certain organisations also engage in the systematic use of hate speech, notably the Maltese Patriots, a nationalist, anti-immigration and anti-Islam party with a small following (it obtained only 0.4% of the votes in the 2017 elections and has no seats in Parliament). Its activities include calling protest events and inciting racial hatred, often by stoking the still-present “fear of Muslim invasion”, which is deeply related to Malta’s historical context and its Roman Catholic identity.[20] For example, in September 2014, during an anti-immigration march, the leader of the Maltese Patriots stated that immigrants carry infectious diseases and are members of terrorist groups.[21] Its spokesperson has also warned that the Muslim population in Malta would explode as Muslim women, like rabbits, “breed at a fast rate” with the sole intention of taking over the island, and that the “Maltese race” would be destroyed.[22] Members of the organisation demonstrated against an application to open a Muslim prayer room in Bugibba,[23] and on the occasion of a protest against Muslims praying in the street due to lack of space in the single Mosque in Malta, they caused offence by distributing pork sandwiches.[24] (§ 27)
* In this context, ECRI observes that Islamophobia is prevalent in Maltese society in general. It is experienced not only by migrants of North African or Middle Eastern descent and Sub-Saharan Africans, but also by Maltese Muslims,[25] who note that the terms “Arab”, “Muslim”, “North African” and “immigrant” are often used synonymously and are generally framed in a negative light. (§ 28)

*ECRI Report on Liechtenstein (published on 15 May 2018)*

* The press as such is not known for using offensive language. However, ECRI is concerned that hate speech was reported in several readers’ letters (“Leserbriefe”), which were published in daily newspapers. While some contained hate speech denigrating and containing negative stereotypes[19] about Muslims[20] and migrants,[21] another letter alleged that a young girl living at the Refugee Reception Centre had been raped by several refugees of African origin … (§ 22)
* Civil society also informed ECRI about cases of verbal abuse and intersectional discrimination against women wearing a headscarf in public places, or when looking for accommodation or a job.[23] The Muslim community informed ECRI about racist and discriminatory discourse during an assembly of the Cooperative Association of Vaduz, which was asked to vote in favour of the transfer of a plot of land for setting up a Muslim cemetery.[24] (§ 23)
* ECRI notes with great concern that hate speech and discriminatory remarks against vulnerable groups such as migrants, Muslims, foreigners and LGBT persons are disseminated by Internet fora such as the public Facebook group “Stammtisch Liechtenstein” … (§ 25)
* ECRI recommends that the authorities commission a study about the problems that the different groups of migrants (including non-German speaking migrants, refugees, religious minorities, Muslims and cross-border commuters) face and develop a new strategy and action plan on the integration of migrants and people with migration backgrounds in all areas of life. The new national integration action plan should specify the actual measures to be implemented to achieve the goals set. Each goal and measure should be accompanied by indicators, base lines, target values, a timetable and an authority or person responsible for their implementation. Implementation should be assessed on a regular basis. The authorities should reach agreements with the employers about their contribution to this plan. (§ 40)
* During its country visit, ECRI’s delegation visited a Muslim prayer room located in an industrial area and noted with concern the problems of different Muslim communities in having access to appropriate premises for practising their religion.[60] Against this background, ECRI welcomes the publication of a study on “Islam in Liechtenstein”, which was commissioned by the government and published in October 2017.[61] The study is an important contribution to the recommendation made by ECRI in its fourth report to effectively fight prejudice against the Muslim community. ECRI also notes the efforts made in recent months to identify and acquire a suitable place for a Muslim cemetery. As described in § 23 above, the first attempt did not succeed and Islamophobic comments were made during the discussions. As freedom of religion includes the right to manifest one’s religion in worship, practice and observance (Article 9.1 ECHR), ECRI considers that creating a Muslim burial site is a matter of great urgency and strongly encourages the authorities to find a solution for building such a burial site as soon as possible (§ 3 of ECRI’s GPR No. 5 on combating intolerance and discrimination against Muslims). (§ 58)
* ECRI recommends that the authorities strictly respect their duty of neutrality and impartiality in regulating matters of religion and abolish discriminatory regulations and practices in this regard. They should ensure that Muslim communities find adequate prayer rooms and bring the project of a Muslim burial site to a positive conclusion. (§ 59)

*ECRI Report on the Republic of Moldova (published on 2 October 2018)*

* The 2016 presidential campaign, particularly before the runoffs between the male (Igor Dodon) and female candidate (Maia Sandu), was also marked with several derogatory public statements, including xenophobic, sexist as well as homophobic language.[24] A striking example was the false information[25] spread through the distribution of ﬂyers, claiming that Ms. Sandu would bring in massive numbers of refugees if elected. These flyers included statements such as “aggressive Muslims’ will spread all over the country, rape women and girls and rob locals”. According to the OSCE, the authorities, including the Central Electoral Commission, failed to react against these practices … (§ 30)
* Various interlocutors indicated that Islamophobic rhetoric has been employed by politicians, mostly during election campaigns, as a tool for reinforcing Christian unity.[34] NGOs have documented incidents of verbal harassment and insults against the Muslim women wearing headscarves in the public space.[35] ECRI considers that Muslim women wearing visible religious symbols are particularly vulnerable to discrimination due to the intersectionality of gender and religion, which can fuel feelings of isolation within a larger community and hinder the building of inclusive societies.[36] (§ 34)

*ECRI Report on the Russian Federation (published on 5 March 2019)*

* Reports indicate significant amounts of racist hate speech expressed by public officials and politicians, especially during election campaigns.[14] The main targets are migrants from the Caucasus and Central Asia, Muslims and Ukrainians. Similarly, homo/transphobic hate speech features regularly in the discourse of public figures, politicians and religious leaders. (§ 20)
* Anti-Muslim hate speech continues to be expressed in public discourse. It is manifested in the association of Islam with terrorism[21] or rallies and petitions opposing the construction of mosques in various regions of Russia.[22] ECRI is concerned that building projects have been put on hold or refused by local authorities as a result of such protests, for example in Kaliningrad and Ulyanovsk.[23] (§ 24)
* As concerns the Internet, ECRI notes that a large amount of hate speech can be found on the Russian social networking site VKontakte (similar to Facebook). The authorities informed ECRI that since VKontakte is used on a daily basis by more than 460 million people, most of the online extremist offences are committed on this site. It seems that Muslims as a religious group are a constant target of ultra-right hate on VKontakte.[33] (§ 30)
* The Federal List of Extremist Materials maintained by the Ministry of Justice currently contains some 4 200 items, including books, videos, websites, social media pages, and musical compositions.[47] Recent entries include Islamic religious literature, a book about Christian women persecuted for their faith, Jehovah's Witnesses’ brochures, an Orthodox fundamentalist pamphlet, atheist materials, and publications by political opponents.[48] (§ 46)
* … Muslims are rarely attacked on account of their faith but rather because they are perceived to be migrants.[64] (§ 57)

*ECRI Report on Latvia (published on 5 March 2019)*

* Following the terrorist attacks in France (2015) and Belgium (2016), an increase in Islamophobic rhetoric and hate speech was also noted in Latvia.[27] In 2015, an Islamic cultural centre was targeted with graffiti.[28] In the context of discussions about Latvia accepting EU quota refugees, further Islamophobic comments were observed, also equating refugees to terrorist threats and targeting migrants in general.[29] (§ 30)
* Extreme examples include the case of a Latvian entrepreneur who used the Internet for inciting racial hatred against dark-skinned persons and stating that he was prepared to shoot them. In another case, comments were posted calling for the burning of persons who have converted to Islam.[32] The Jewish community also informed ECRI about a number of antisemitic Internet postings. (§ 32)
* According to the 2012-16 hate crime data reported to ODIHR (see § 19 above), 17 hate crime prosecutions took place and 16 sentences for hate crime offences were handed down by courts during this period.[36] On 6 June 2014, for example, the Riga City Latgale District Court sentenced a person to four months imprisonment for inciting national, ethnic and racial hatred as per Article 78(2) of the Criminal Law.[37] Examples of judicial follow-up also include a case of Islamophobic hate speech which was referred to court and in which a punishment of 140 hours of community service was imposed on the offender. (§ 35)

*ECRI Report on Ireland (published on 4 June 2019)*

* ECRI notes that the number of hate crimes recorded by the police is only about a half or a third of those recorded by NGOs. The European Network Against Racism (ENAR) Ireland has been operating a recording system since 2013 called iReport for people to report hate-motivated incidents directly to their website or through a partner organisation. iReport logged 330 reports of hate-motivated incidents just for the period January to June 2017. Of these, 13 incidents involved threats of death or serious harm, 18 racist graffiti and 33 involved verbal abuse. These incidents were directed mainly against Travellers and Roma, people of perceived African origin, and people perceived to be Muslims. The discrepancy in data with those of the police is also addressed in §44. (§ 24)
* There is no far right, racist, anti-immigrant or homo/transphobic political party in Ireland. In 2017 a youth movement called Generation Identity UK and Ireland was launched, one of whose core aims is to “stop the Islamisation of Europe”. While significant instances of hate speech in political discourse are rare, in September 2017 a local government councillor (member of the main party in the Government) disseminated anti-Muslim messages on social media. (§ 27)
* On the other hand, hate speech involving verbal abuse in public places is quite common. Within the first six months of 2017, 31 such cases were reported. People who are visibly different from the majority population, in particular regarding skin colour and dress, appear to be the most targeted. For example, a Black man was subjected to verbal abuse and threats by a group while using public services in Limerick; an African woman was threatened on public transport in Dublin; a Muslim man from a Black/African background was threatened and verbally assaulted in a shopping centre in a rural town; a Muslim woman and her children were verbally assaulted and threatened on several occasions in a Dublin playground; and an Indian woman was verbally assaulted on a train in Limerick. (§ 28)
* There were 18 reports of racist graffiti in the first half of 2017, including swastikas sprayed in a children’s playground and on a Dublin street, and “Muslims out” graffiti painted on a shopping centre. “White pride”, anti-refugee and “multiculturalism is genocide” stickers were distributed around city streets. (§ 29)
* … According to a recent report, there is also considerable anti-Muslim abuse on Internet. The report cites comments made on Facebook advocating the “elimination of Muslims” in the same way that Hitler eliminated Jews, and suggesting that Muslim refugees would commit sexual violence in Ireland. (§ 32)
* Finally, ECRI places great importance on tackling hate speech through confronting and condemning it directly by counter speech that clearly shows its destructive and unacceptable character. Public figures can make an especially important contribution because the esteem in which they are held gives their voice a considerable influence over others. ECRI is pleased to note that members of the Government, including the Prime Minister, took to social media to distance themselves from the anti-Muslim remarks made by a local government councillor (see §27). One stated that the comments were “completely unacceptable, and completely against the inclusive Ireland that I stand for”. In addition, the party imposed sanctions on the councillor (removal of the whip for twelve months ). ECRI welcomes these reactions which send a strong signal to the public that racism and intolerance will not be tolerated. (§ 41)
* … Within the first six months of 2017, ENAR Ireland recorded 19 racist assaults and 12 cases of racist criminal damage. One of these included an attack on a mosque in Galway City where rocks were thrown at the windows during evening prayers. Reports also emerged in 2017 of Muslim women being harassed in public places, with their veils removed, faces slapped or being spat at …(§ 44)
* ECRI recommends that the authorities develop a new and updated strategy against racism, with a strong focus on reducing prejudice against the most vulnerable and targeted communities, including Travellers, Roma, migrants and Muslims (§ 57)
* ECRI is particularly concerned about one aspect of the MIS: the single reference to Muslims is in the context of “radicalisation leading to terrorist activity”. ECRI considers that this could reinforce stereotypes and further stigmatise Muslims. Discrimination against Muslims in education, employment, access to goods and services and in treatment by the Garda Síochána was highlighted in research published in 2016. Community groups described a situation of “normalisation” of anti-Muslim prejudice and multiple discrimination faced by Black Muslims. Muslim women wearing visible religious symbols are particularly vulnerable to discrimination and violence due to the intersectionality of gender and religion (see §44), which can lead to feelings of isolation and hinder the building of inclusive societies. ECRI recalls its recommendation in §57. (§ 94)
* ECRI recommends that the Migrant Integration Strategy is updated to include a budget allocation for each action along with targets and impact indicators. The reference to Muslims in the context of radicalisation should be removed. (§ 103)

*ECRI Report on the Netherlands (published on 4 June 2019)*

* According to the joint 2017 Report on Discrimination Figures drafted by the Police, the ADVs, the Hotline for Discrimination on the Internet (MiND) and the NIHR, the police registered 3499 discrimination cases (20% less than in 2016), the ADVs 4 691 (1% less), MiND 1 367 (49% more) and the NIHR received 416 requests for an opinion (10% less) and 4 259 questions (over 30% more).[25] Ethnic origin remained the most frequent ground; the police registered 41% of all cases on this ground, 27% on sexual orientation, 8% on antisemitism and 5% on Islamophobia. 603 of the police cases involved violence and another 472 threats. Among the cases registered by MiND, 37% concerned social media, 18% blogs and opinion sites and 37% other websites.[26] (§ 23)

* The prosecution dealt in 2017 with 144 specific discrimination offences. 42% were registered as based on skin colour, ethnicity and national or ethnic origin, 41% on antisemitism (mostly antisemitic chants of football hooligans), 8% on sexual orientation and 7% on Islamophobia. 42% occurred during sports events, 19% on the internet and 13% in streets or public places. In 44% of the cases, an indictment was issued and in another 17% a punishment order. 71% of the indicted cases led to a criminal sentence. Under general criminal law, another 187 discriminatory offenses were registered.[27] The Dutch Press Council has not received any complaints of hate speech in recent years. (§ 24)

* ECRI takes positive note that the 2017 government coalition agreement states that there is no room in the Dutch society for homophobia, antisemitism, Islamophobia, […] hate speech or violence against minorities. A new National Antidiscrimination Programme (see also § 87 below) was adopted in 2016 and leading politicians such as the Minister of the Interior and Kingdom Relations (MIKR) have publicly condemned hate speech. Despite these positive developments, ECRI observes that the mainstream political discourse continues to be strongly influenced by a xenophobic,[32] fear-fuelling rhetoric driven by the Party for Freedom (PVV) and the Forum for Democracy (FvD). This divisive discourse, which can be observed since the beginning of the century,[33] is nourished by repeated Islamophobic statements[34] and actions such as the opening of websites for reporting complaints over workers from Romania, Poland and Bulgaria in 2012, regarding asylum seekers in 2015 and of a Muhammad cartoon contest in August 2018 by the PVV.[35] (§ 27)
* According to civil society and experts, several other political parties have reacted by also engaging in divisive speech using a generalising narrative of “us and them”,[36] ranging from assigning collective responsibility to groups of people on the basis of their migrant background or religion[37] to the trivialising of prejudice and the negative representation of Muslims compared to “the ordinary Dutchman”. The 2017 election campaign was marked by foreign policy tensions with Turkey,[38] very much focused on migration and asylum, and in January 2017 the Prime Minister wrote in an open letter published online and in full-page newspaper advertisements: “We feel a growing discomfort when people abuse our freedom to mess up things here, while they have come to our country for that freedom […] I understand very well that people think: if you reject our country so fundamentally, I prefer you to leave. I also have that feeling. Be normal or go away.”[39] People belonging to minorities perceive this discourse as hostile and xenophobic.[40] (§ 28)
* As a result of this divisive and xenophobic discourse people belonging to minorities feel that it has become increasingly acceptable to make condescending and discriminatory statements, that they are considered as second-class citizens, and that they are exposed to institutionalised racism based on covert ideas of white supremacy, that come to light in statements such as the ones cited in the previous paragraph. The resulting feeling of exclusion increases divisions in society, affects the feeling of attachment of Muslims to the Netherlands [45] and can contribute to the emergence of parallel societies and radicalisation.[46] (§ 30)
* Representatives of minority groups furthermore perceive several recent legislative initiatives as targeted at them:[49] the explanatory memorandum to the recently enacted law of 27 June 2018 on the prohibition of wearing face-veiling garments in some public places makes explicit reference to the Burka and the Niqab;[50] parliamentary debates on tightening hate speech legislation were triggered by and focused on hate speech of a radical imam, but did not cover in a similar way hate speech of public figures from the majority population;[51] and the debates on a possible law on transparency of foreign financing focused on foreign funding of mosques, but not of other religions’ places of worship.[52] According to experts, such patterns reinforce the above-mentioned feeling among Muslims that double standards apply, that their thoughts and actions are viewed differently, and that hurtful statements by politicians about Muslims are seen as acceptable. This sense of injustice and moral indignation encompasses also the public discussion and media reporting on national and international political events, such as for example elections and armed conflicts.[53] (§ 32)
* People belonging to minorities feel that Dutch media contribute to their exclusion. A research on more than 600 000 news items in 2016 and 2017[55] concluded that the adjectives most used to describe Muslims are 'radical', 'extremist' and 'terrorist'; in contrast Dutch people are often described as 'known', 'average' and 'beautiful'. The Dutch also seem to 'win', 'score' and 'improve', while Muslims mainly 'insult', 'convert' and 'rape'. Where Dutch and Muslims are both mentioned, the reporting is mostly about tensions in society. In many news items dealing with Muslims, the PVV or its leader are also mentioned and the PVV’s strong language is taken up. Such repeated negative news lead to a stereotypical representation of Muslims, increase prejudice and can trigger discrimination. According to the study, media have a responsibility here, as they provide a platform for disseminating stereotypes and contribute to the fostering of these stereotypes in society.[56] Minority representatives informed ECRI that Dutch television and other media “tend to be very white and indigenous”, and that people belonging to minorities do not often have the opportunity to express themselves in these media. Such media reporting exacerbates perceptions of double standards, injustice and exclusion and motivates young people to turn to foreign media.[57] (§ 34)

* At football matches, in particular those involving Ajax Amsterdam, antisemitic hate speech continued to occur. Afrophobic “jungle sounds” also occurred and the prosecution service had to investigate a considerable number of cases in which hooligans openly incited hatred.[58] According to the Royal Dutch Football Association (KNVB), an even bigger issue is the amount of Islamophobic, homophobic and antisemitic hate speech at the level of the amateur clubs, which occurs during training and roughly in every second of the 30 000 matches they annually play. There is a huge underreporting also in this field, and homosexual players do not dare to come out. (§ 35)
* ECRI recommends that the authorities initiate, without encroaching on media independence, a process in which media and their representative organisations develop an action plan to tackle routines and reflexes that have stigmatising effects on groups such as Muslims, Black people and Roma and to ensure balanced reporting on issues relating to such groups. (§ 44)
* The wide media coverage of the strategic cases has helped to reinforce the general preventive function of the criminal law provisions against hate speech and thus contributed to preventing other potential perpetrators from using hate speech. In this context, ECRI takes positive note of the renewed prosecution of the leader of the PVV for Islamophobic comments, which resulted in a criminal sentence, which was appealed by the prosecution, as no fine or other sanction was imposed in first instance. This case could also have an impact on the public financing of the PVV (see § 14 above).[69] (§ 48)
* In 2017, 603 incidents involving hate-motivated violence were reported to the police; 329 were registered on the ground of ethnic origin and 239 on sexual orientation.[76] The figures of the prosecution are much lower: in 2017, it registered 28 cases of hate crime, most of which concerned sexual orientation.[77] Attacks on Muslims as well as vandalism and arson against mosques reached peaks in 2015 and 2016, when the number of asylum seekers sharply increased and terrorist attacks were committed in other European countries. While there is no official data about the numbers of such attacks, civil society estimates them at 20 to 25 per year. One of the most serious cases was the arson attack in February 2016 on a mosque in Enschede during prayer time, when approximately thirty people were in the mosque.[78] In December 2016, the buildings of a former swimming pool in Culemborg were burned down shortly after the local Islamic association had bought them with the intention to transforming them into a mosque.[79] According to civil society, Muslim women wearing a headscarf have also regularly become victims of racist attacks. (§ 55)
* According to the information provided to ECRI, cases of racist and homo/transphobic violence are effectively prosecuted when they are reported to the law enforcement services. ECRI takes for example positive note of the judgment against the four perpetrators of the arson attack on the mosque at Enschede who were sentenced to prison terms of four years. At the same time, it notes that the prosecution and the court did not base these harsh sanctions on the racist motivation of the attack, but on anti-terror legislation. In other cases, where anti-terror provisions could not be applied, the sentences were much lower. Following the attack on a refugee centre in Woerden for example, fifteen of the eighteen perpetrators were sentenced to community service, eight of them to 120 hours. As there is again reason to fear that such sanctions are not sufficiently dissuasive, ECRI refers back to the recommendation made in § 7 of this report to introduce a provision providing that racist motivation constitutes an aggravating circumstance. As there is also evidence for continued underreporting of hate-motivated violence,[88] ECRI refers back to the recommendation already made in § 51 of the report to further intensify the dialogue between the police, the prosecution and people belonging to minorities in order to increase confidence and ensure reporting of all cases of hate-motivated violence. (§ 59)
* … Representatives of minority groups informed ECRI that young people have already difficulties to find internships, in particular women wearing a headscarf and young Moroccan men … (§ 74)

*ECRI Report on Romania (published on 4 June 2019)*

* Despite the low number of asylum seekers coming to Romania, it was reported[26] that public opinion toward these persons switched from initial empathy to growing hostility[27] in recent years. A nation-wide poll in 2016 revealed that almost 90% of society was opposed to the settlement of refugees in the country.[28] Several media outlets also depicted asylum-seekers as invaders, while resorting to stereotypical portrayals of Muslim refugees.[29] Coinciding with this trend, the Romanian Government’s decision to approve the construction of a mosque in Bucharest in 2015 also stirred up a certain level of islamophobic sentiment, as in the example of the former President calling the mosque ‘a risk to national security’.[30] (§ 26)

* ECRI considers that the New Right (Noua Dreaptǎ) movement[34] deserves mention because of its overt use of the Iron Guard[35] legacy through holding public events with anti-Roma and antisemitic themes and engaging in the systematic use of hate discourse against ethnic Hungarians, LGBT persons and immigrants. For example, in October 2017, at the National Opera in Cluj-Napoca, members of this movement disrupted a concert in which an Islamic call to prayer was recited as part of the performance.[36] ECRI is pleased to note that the New Right is not represented in the Romanian Parliament. On a related note, ECRI welcomes the banning of the political party, ‘All for the Country (Totul Pentru Tarǎ)’ in 2015, due to its use of fascist symbols originating from the Legionary movement.[37] (§ 28)
* Civil society indicated that hateful language is prevalent in traditional and social media, mostly towards Roma, LGBT persons, the Hungarian minority, the Jewish community and Muslims.[38] Some television channels were found to contain discriminatory comments, such as the B1 TV channel, after the presenter made blatantly racist remarks in numerous episodes of his programme -Banciu’s World- targeting the Hungarian minority and Muslims. The arrest of two Hungarian extremists who attempted to detonate an explosive device on the Romanian National Day in 2015, in Târgu Secuiesc also generated negative media coverage about the entire Hungarian minority.[39] (§ 29)
* Albeit rarely, refugees have been the targets of racist violence. In 2016, two refugees speaking Arabic were attacked, resulting in injuries.[67] In addition, NGOs have documented incidents of assaults against Muslim women wearing headscarves in public places.[68] ECRI notes that Muslim women wearing visible religious symbols are particularly vulnerable due to the intersectionality of gender and religion, which can lead to feelings of isolation within a larger community and hinder the building of inclusive societies.[69] (§ 51)

*ECRI Report on Finland (published on 4 June 2019)*

* According to the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) hate crime data, based on the Police University College annual report, the 1165 hate crimes reported in 2017, included incidents of violence (see section I.3) and certain forms of hate speech. For example, 241 cases were classified as incitement to violence and 231 cases as threats.[21] ECRI regrets that no comparable data is available for previous years. Although the figures for incitement to violence and threats did not include a breakdown of the criminal offences involved, 333 of them were motivated by racism and xenophobia; 81 by bias against Muslims … (§ 26)
* The arrival of 32,400 asylum seekers to Finland in 2015 as part of the European migration crisis[27] in that year has seen an escalation in anti-immigrant and anti-Muslim rhetoric in public discourse.[28] This influx was followed by an increase in inter-ethnic intolerance and polarisation in the country.[29] Some politicians have tried to attract voters by capitalising on constituents’ fears over the costs of immigration and perceptions that foreigners are overrepresented in criminal activities or pose a threat to national identity. Certain members of the Finns Party in particular, are on record for having made islamophobic public statements. For example, in 2016, a member of Parliament stated that ‘all terrorists are Muslims’ and asked for “the removal of all Muslims from the country”.[30] Reportedly, political candidates of immigrant origin faced racist comments and threats during the municipal election campaign in 2017.[31] (§ 31)

* As for criminal, civil and administrative law responses, ECRI welcomes the reaction of the authorities to some of the incidents already mentioned. For instance, in the case of Islamophobic comments by the Finns Party MP (§ 31), the District Court of Keski-Suomi[49] convicted the perpetrator of incitement of racial hatred and ordered him to pay a fine of €1160. In 2018, the Turku Court of Appeal[50] upheld an earlier judgment of the Pirkanmaa District Court, to order the dissolution of the Nordic Resistance Movement (PVL) (§ 36).[51] Regarding the Facebook group mentioned in § 37, the authorities have taken administrative sanctions against the police officers involved.[52] Despite these decisions, many interlocutors expressed concerns to ECRI about the relatively small number of hate crimes, including hate speech incidents, that have led to prosecutions.[53] In ECRI’s view, the limited application of the relevant provisions, in particular in relation to ethnic agitation may give the impression to the public that hate speech is not a serious offence and can be engaged in with impunity. ECRI therefore urges the authorities to continue efforts to ensure that anyone who engages in hate speech is duly prosecuted and punished. (§ 40)
* Civil society representatives indicated that although sporadic incidents of racist violence had occurred previously, the number of hate crimes in Finland, in particular against refugees and Muslims, has increased since 2015. The 2017 annual hate crime report shows that the most common motivation for hate crimes was ethnic identity (69,8%), while hate crime based on religion also increased by 58% compared to 2016, mostly targeting Muslims, and constituted 20% of reported cases.[58] Examples of such acts of violence are mentioned below. (§ 50)
* Reports have also documented incidents of assaults against Muslim women wearing headscarves in public places.[63] ECRI notes that Muslim women wearing visible religious symbols are particularly vulnerable due to the intersectionality of gender and religion, which can lead to feelings of isolation within a larger community and hinder the building of inclusive societies.[64] (§ 54)

**ECRI`s 4th monitoring cycle (2008-2014)**

4th monitoring cycle – *recommendations* are highlighted in grey

*ECRI Report on Switzerland (published on 27 January 2004)*

* Over 300 000 Muslims are currently living in Switzerland, making this the second largest religious community in the country after the Christian community. Representatives of the Muslim communities have indicated that although hostility towards Muslims may not be overtly-expressed, problems exist when Muslim communities try to organise places of worship, meeting places, or burial grounds, as some local communities are reluctant to grant planning permission for such projects. There is therefore a lack of proper places of worship and centres in which Muslims can meet: this situation is reported to impact particularly negatively on Muslim women, as the existing places of prayer and meeting (rooms in flats, garages etc) are too small to allow both women and men to attend. (§ 41)
* It is further reported that Muslim women wearing the headscarf face discrimination in finding work and renting accommodation and are sometimes harassed on the streets. Prejudice and stereotypes are also manifested on occasion in the decisions made on citizenship requests at the communal level. (§ 42)
* ECRI recommends that the authorities take steps to combat prejudice and discrimination against Muslim communities, particularly as regards practical issues connected with the practice of their religion. ECRI draws attention to its General Policy Recommendation N° 5 on combating intolerance and discrimination against Muslims, which sets out guidelines in this area. (§ 43)

*ECRI Report on Bulgaria (published on 24 February 2009)*

* The authorities informed ECRI that fostering religious tolerance is not one of the activities of the Directorate of Religious Affairs under the Confessions Act. The Directorate informed ECRI, however, that it tries, among other things, to promote inter-faith dialogue. The authorities also informed ECRI that cases of religious intolerance had been observed in the media[18], particularly at local level. However, according to civil society sources, it would seem that further steps could be taken to promote religious tolerance in society, given that there is some intolerance, towards Muslims in particular.[19] The Bulgarian authorities have informed ECRI that on 11 August 2008, a National Council of Religious Communities in Bulgaria was created with the assistance of the Directorate of Religious Affairs. The objectives of this council include the preservation of inter-faith peace in Bulgaria and the elimination of possible manifestations of intolerance. (§ 20)
* The Pomaks consider that the fact that their separate identity as Muslim Bulgarians is not recognised constitutes discrimination. It would seem that there is still prejudice against them and that those who identify themselves as Pomaks appear to be discriminated against by certain officials. It also appears that no specific measures have been adopted to solve the problems facing Pomaks. (§ 100)
* ECRI recommends that the Bulgarian authorities carry out research into the situation of the Pomaks in various fields and take the necessary measures to solve the problems they face, particularly in the areas of education and employment. It reiterates its recommendation that they combat prejudice against Pomaks and make the majority population aware of the problem. ECRI also recommends that the Bulgarian authorities engage in dialogue with representatives of the Pomaks in order to address the issues concerning members of this group. (§ 101)

*ECRI Report on Norway (published on 24 February 2009)*

* In its third report, ECRI stressed that politicians should take a firm and public stance against the use of racist or xenophobic discourse in political life and pay particular attention to the risks of stigmatisation of members of minority communities. Since then however, ECRI notes that the use of this type of discourse by Norwegian political parties has continued, often in connection with security concerns. For instance, ECRI notes that during the run-up to the September 2005 general elections, the Progress Party (Fremskrittspartiet, FrP) disseminated a brochure establishing, through text and images, very clear links between serious security issues and persons of foreign origin. More generally, many civil society actors find that the expression of anti-immigrant views in political and public debate has become more common in Norway in recent years. In particular, there has reportedly been a rise in the association of Muslims on the one hand, and terrorism and violence on the other, as well as generalisations and stereotypes concerning persons of Muslim background. (§ 83)
* Civil society actors agree that Islamophobia has been on the rise since ECRI’s third report. Political, and more generally public debate has been characterised by frequent associations made between Muslims on the one hand, and terrorism and violence on the other, and by generalisations and stereotypes concerning perceived cultural features of persons of Muslim background. Although many have stressed that such a debate has had a negative impact on the general public’s perception of Muslims, generally speaking it does not seem that these perceptions have translated into acts of violence against this part of Norway’s population, at least not to any visible extent. Instances of discrimination on the basis of actual or perceived Muslim background have however been reported. For instance, there are reports of women wearing the Islamic headscarf having been refused employment or having been dismissed from their jobs. Persons with names revealing a possible Muslim background are also widely reported to experience difficulties in securing job interviews. Furthermore, plans to build Mosques have sometimes been met with unjustified resistance among the general population and local authorities. (§ 91)
* ECRI strongly recommends that the Norwegian authorities monitor the situation as concerns Islamophobia in Norway and take swift action to counter any such manifestations as necessary. It encourages the Norwegian authorities to co-operate with representatives of the Muslim communities of Norway in order to find solutions to specific issues of their concern. (§ 92)

*ECRI Report on Belgium (published on 26 May 2009)*

* Despite the measures taken in recent years, all the governmental and non-governmental observers agree that the situation is extremely worrying as regards racism on the Internet in Belgium and that recent years have seen a sharp increase in racist webpages and discussion forums that can be accessed from Belgian sites. The problem concerns racist propaganda sites that disseminate hate speech against immigrants or persons of immigrant background, in particular Moroccans, Turks, black persons and Jews. Another recurring concern is electronic chain mail, and in particular e-mails containing messages denigrating Muslims. The problem, of course, is not confined to Belgian sites, so effective action in this area requires international co-operation as well. (§ 97)
* With regard to articles published and reports broadcast in the media, ECRI notes from a recent university study on the French-language and Dutch-language media that most of the media are making an effort to provide objective reporting on minority groups and the racism and discrimination that they encounter and that cases of racism are “extremely rare”. The media are not immune, however, to the lure of sensationalism, publishing newspaper articles that promote racist stereotypes and prejudice. In 2008, for example, an article on Muslim children in Belgian schools appeared in a large-circulation Belgian newspaper under the heading: “How Islam is infecting schools” (“Comment l’Islam gangrène l’école”). On 13 November 2008, the AJP (Association of Professional Journalists) issued an opinion on this article in which it recommended "avoiding generalisations and unjustified over-simplifications, properly nuancing articles covering persons of immigrant background, and avoiding polarisation or "us and them" perspectives". It also stated: "Journalists are requested to ensure that they follow stories to the greatest extent possible, up to their final form, and including as regards the choice of headlines, illustrations and images." ECRI notes with interest that the 1994 Recommendations made by the General Association of Professional Journalists regarding information on persons of immigrant background are being revised in collaboration with the Centre. Other moves to combat racism in the media have been made in the form of seminars and training for journalists. A number of initiatives are aimed at creating more diversity among media professionals. (§ 99)
* Muslims are subject to a variety of forms of racism and intolerance, as described in several sections of this report[42]. In particular, some factions of public opinion make no distinction between terrorists, religious extremists and the Muslim population as a whole. In some cases, it is claimed that these prejudices lead to discrimination, especially in the employment sector, as Muslims are refused posts on account of the suspicion in which they are held. Women who wear the headscarf in particular encounter difficulties in access to employment, housing and goods and services available to the public. (§ 113)
* As yet, there are no general regulations on the issue of the headscarf in schools and each school is able to decide for itself whether it is to be allowed or not. In general, no particular problems have been noted but representatives of the Muslim community have commented that only three schools in Brussels allow the headscarf to be worn, which creates a difficult situation in the capital. (§ 114)
* In its third report, ECRI encouraged close co-operation between the Belgian authorities and the Belgian Muslim Executive with a view to achieving swift progress on the practical enjoyment of the rights of members of the Muslim communities in Belgium. The Belgian authorities have told ECRI that the Muslim Executive, set up in 1998, had experienced a number of problems in recent years, partly on account of ongoing investigations regarding misuse of social assets which had caused some tension within the Executive and partly because internal opposition between different groups had had an adverse effect on cohesion. These problems had led the Belgian authorities to suspend the allocation of grants. ECRI is pleased to learn that in 2008 the authorities had rescinded their decision to suspend the allocation of grants and that the Belgian Muslim Executive will carry out reflexions in order to find a new basis for ensuring its representativeness within the Muslim community on a new basis. Progress has also been made regarding the official recognition of mosques throughout Belgium; many have already been officially recognised and others are about to be so. Official recognition of a mosque brings with it entitlement to receive public grants and the right for the imam to be paid by the authorities as is the case for the places of worship and clergy of the other recognised religions. (§ 115)
* ECRI strongly recommends that the Belgian authorities pursue and step up their efforts to combat racist stereotypes and prejudices and other manifestations of religious intolerance by certain members of the majority population towards members of Muslim communities effectively. In this respect, it draws attention to its General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims, which contains detailed guidelines on measures to be taken in this field. (§ 116)
* ECRI recommends that the Belgian authorities pursue their efforts and dialogue with the Belgian Muslim Executive in order to make further progress in the field of the rights of Muslims to exercise their freedom of religion. (§ 117)

*ECRI Report on Germany (published on 26 May 2009)*

* … Thus, the Hamburg Labour Court ruled in December 2007 that a German evangelical social welfare organisation which aids immigrants had discriminated against a German citizen of Muslim faith when it refused to hire her as an integration counsellor for immigrants. The court found that the rejection of the applicant constituted a discriminatory act since in this context religious faith could not be interpreted as a genuine occupational requirement for the job. (§ 26)
* … NGOs report that some teachers display openly discriminatory attitudes in the classroom, in particular towards Turkish and Muslim children, and some may have a tendency (for example, through the misguided belief that it will simply be easier for these students to cope in the lower levels of the system) to direct such students more often towards the lower streams of secondary education, even, in some cases, where the students have the skills to complete Gymnasium … (§ 49)
* ECRI strongly recommends that the German authorities step up the provision of training programmes to teachers and other school staff, in accordance with ECRI’s General Policy Recommendation No. 10, in order to increase their understanding of a variety of cultures and equip them to work effectively in increasingly diverse classrooms, including increasing their capacity to teach German as a second language to children with a different mother tongue. (§ 53)
* NGOs report that in the labour market, visible differences – including a person’s name – are a significant factor in discrimination in access to employment, especially where such differences are linked to a perceived Muslim or Turkish background. It is still common to include photographs on CVs in Germany and women graduates, even with high marks from highly respected German academic institutions, report that they are not invited to interviews if their photograph shows them wearing a headscarf … ECRI observes that the new anti-discrimination legislation should help to provide a remedy for some individuals who have been subject to discrimination and who are in a position to make a complaint within the required time-limits. However, structural approaches to combating discrimination are also required, and increased efforts to change employers’ attitudes and promote a diversity approach in the workplace appear to be urgently needed. ECRI notes with interest that a Charter of Diversity was initiated by the business community in 2006, to which several hundred businesses have subscribed. (§ 57)
* ECRI encourages the German authorities to pursue their efforts to create a workplace free of racism, racial discrimination, xenophobia and other related forms of intolerance, including through measures such as the programme “XENOS – Integration and Diversity”. (§ 59)
* ECRI strongly recommends that, as part of their ongoing efforts towards creating a workplace free of racism, the German authorities launch an awareness-raising campaign aimed specifically at changing employers’ attitudes towards persons with an immigrant background. This campaign should focus not only on employers’ obligations and liabilities under the new General Equal Treatment Act (AGG) but also on the positive aspects of diversity in the workplace. It could form part of a regular series of such campaigns. (§ 60)
* Various studies carried out in the past have shown that on average, migrants living in Germany pay higher rent than German citizens but live in smaller houses or apartments. In some cities migrants also live mostly in specific districts, a fact that is readily used by conservative commentators to criticise migrants, and especially Muslims, for creating and living in “parallel societies”. In public debates on how to reduce the concentration of migrants in some neighbourhoods, the focus has at times tended to be on finding ways to make migrants relocate to new neighbourhoods or to prevent them from moving in to districts which already have a high proportion of migrants, rather than on, say, incentives that could be offered to German citizens to move into such neighbourhoods, or measures (such as improving schools or living conditions) to make such districts more attractive. NGOs report that a key role is played, however, by discriminatory practices of landlords and property managers, based for example on a person’s name or on their fluency in German … (§ 62)
* ECRI strongly recommends that the German authorities carry out research into discriminatory practices and barriers or exclusionary mechanisms in public and private sector housing, in order to inform targeted policy responses to any problems found. It recalls in this context its recommendation made earlier in this report that the authorities keep under review the impact of the new legislation in preventing discrimination and in ensuring that it is effectively sanctioned when it does occur, in particular as regards the provisions concerning housing (§ 64)
* While most mainstream parties have for the most part avoided racist comments or overtones, some discourse aimed at Muslims has tended to focus essentially on security issues, or on a supposed integration deficit of Muslims in German society. This approach is also of concern to ECRI. (§ 67)
* ECRI again encourages the German authorities in their efforts to ban political parties and other organisations which resort to racist, xenophobic and antisemitic actions and propaganda. It recommends that the authorities consider, in line with ECRI’s General Policy Recommendation No. 7,[23] enacting legislation to withdraw public financing from organisations that promote racism, xenophobia and antisemitism. (§ 68)
* ECRI recommends that the authorities encourage politicians to take the utmost care to avoid perpetuating hostility or negative stereotypes about non-citizens and members of minority groups; instead, they should take the lead in denouncing racism and discrimination and in ensuring that non-citizens and members of minority groups are perceived as equal and valuable members of society. (§ 69)
* The German authorities estimate that approximately 3.4 million Muslims live in Germany. The great majority are not German citizens. As with other groups, Muslims who do not have German citizenship are referred to and perceived as foreigners, regardless of how long they or their family have lived in Germany, and, unless they are nationals of another EU member state, they do not have the right to vote in elections at any level. Given the increasing diversity of the backgrounds and beliefs of Muslims living in Germany, theyreportedly do not have a strong collective identity. Few Muslims hold high-profile positions in German political parties and very few have been elected to the Federal Parliament (Bundestag). (§ 95)
* Muslims frequently experience discrimination in daily life, facing difficulties in access to employment as well as so-called “ghettoisation” in the housing sector. In the field of education, Muslim children are not only strongly affected by the phenomenon of lower school outcomes that affects children with a migration background in general, but also report cases of discrimination against them by some teachers. Nearly two-thirds of Muslims reported experiencing some form of discrimination in the past twelve months. As regards attitudes of society in general towards Muslims, when questioned about their experiences in the past year, many Muslims reported having been treated as simple or odd, treated rudely because they were perceived as foreigners, subjected to pejorative comments such as being told to “go home”, intentionally insulted or subjected to name-calling; one-fifth reported have been discriminated against by the police or other authorities, nearly one in ten reported having had property deliberately damaged or destroyed and 3% reported having been physically assaulted. (§ 96)
* ECRI notes with concern a new law on registration of personal data, which will come into force in January 2009. Under this law, Muslims, in contrast with persons affiliated to religions that are registered as corporate bodies under public law, are prohibited from registering their faith. ECRI is concerned that this may be a violation of the principle of equal treatment. (§ 97)
* As regards practising and learning about the Muslim faith, it may be noted that religious education in schools is permitted in Germany, but Muslim religious education in schools is at present a relative rarity. In March 2008, the third official Islam Conference agreed to add Islam to the school curriculum in public schools. However, this initiative has been hampered by a lack of qualified Muslim teachers with sufficient knowledge of German to teach the Muslim faith in schools. With respect to practising the Muslim faith, the construction of mosques has often been surrounded by controversy, and in some cases used by extreme right-wing parties to push their own anti-Islam agendas. In response to plans to build one of Europe’s largest mosques in Cologne, a single-issue anti-mosque movement was created and won 5% of votes (as well as 5 seats) in recent local elections. The movement invited nationalist groups from around Europe to join a rally and congress in Cologne in mid-September 2008 to fight what it called the "Islamisation and immigration invasion" of Germany and Europe; however, the demonstration was stopped by several thousand anti-right demonstrators who blocked access to the square where it was planned. Not all such projects have been controversial, however: in a number of instances political leaders and the majority of the population have given their support to the building of a mosque. In Duisburg, Germany’s largest mosque – combined, in an unprecedented move in Germany, with a local community meeting centre open to all members of the community – opened in October 2008 with general support. (§ 98)
* A major point of difficulty for Muslim women is the impact, in particular on their chances of finding employment, of the choice to wear a headscarf. Following a decision by the Land of Baden-Württemberg in 2000, prohibiting a female Muslim teacher from wearing a headscarf, in 2003 the Federal Constitutional Court – finding in favour of the teacher in that case – ruled that it was up to the Länder to legislate to define which religious symbols could be worn in which circumstances. Since then eight Länder – Baden-Württemberg, Bavaria, Berlin, Bremen, Hesse, Lower Saxony, North-Rhine-Westphalia and Saarland – have passed laws that explicitly prohibit the wearing of headscarves in schools. In Hesse, all civil servants are banned from wearing headscarves. The public discussion about headscarves is reported to have had even more detrimental effects than the laws themselves for Muslim women, who were portrayed in public discourse as oppressed and dependent. Muslim women moreover report that it has also become increasingly difficult to find employment in the private sector since these laws were passed, as they have sent the message that it is reasonable to reject an applicant solely because she wears a headscarf. (§ 99)
* Civil society actors continue to report that since the events of 11 September 2001, media coverage of Muslims in Germany has tended to be one-sided. One study found, for example, that police announcements concerning raids on mosques were invariably published as front-page news, yet the fact that virtually all such raids produced no results was not mentioned. Some commentators blame Muslims themselves for the discrimination they experience, suggesting that it is their fault because they do not want to integrate – for example, because they watch satellite television in the language of their country of origin. Likewise, political discourse has also frequently been negative. Muslims have increasingly been identified, both by the press and by the authorities, with crimes, and more specifically with terrorism. Political discourse concerning Muslims frequently revolves around “internal security issues”, and the strong focus of the authorities, in particular the German Intelligence Agency (Verfassungsschutz), on identifying radical Islamist groups, may result in even moderate groups being denied access to public funding and excluded from policy-making. While it recognises the legitimacy and importance of ensuring internal security, ECRI is concerned that an approach in which the non-violent individuals who form the vast majority of the Muslim community are simply equated with the few who may be prepared to resort to violence may stigmatise all Muslims in the eyes of the general public, and in the long run, alienate more than it reassures. ECRI emphasises that messages sent by the authorities and by the media are of central importance in building confidence and strengthening dialogue in order to foster a society based on trust rather than mutual suspicion or fear. (§ 100)
* Against this background, ECRI welcomes the creation by the Ministry of the Interior of the German Islam Conference (DIK), intended to create a permanent space for dialogue between the authorities at all levels and Muslims in Germany. Such a space had previously been lacking, in part due to the authorities’ insistence on seeking a single partner for dialogue, to represent the full breadth and diversity of the country’s more than 3 million Muslims from Europe, Northern and sub-Saharan Africa, the Middle East and Asia. The Conference is thus an important symbol of change for the authorities. The authorities have indicated that the goal of the Conference is to promote inclusive and constructive forms of community, and to ensure better integration of Muslims in Germany. It is intended to show by example that Muslims have become a part of German society, to counteract segregation of Muslims in Germany, and to prevent Islamism and extremism. ECRI observes that the exercise at stake is a delicate one: as much as the new dialogue between Muslims and the authorities may send a positive message to society as a whole, this message risks being obscured by the focus on security issues. The risk is that the latter focus may create the false impression that extremism is a generalised phenomenon amongst Muslims, and a problem solely of Muslims. How this issue is managed will therefore have a strong influence on whether the Conference is able to achieve its goals.  (§ 101)
* ECRI strongly recommends that the German authorities intensify their efforts to combat and prevent racism and discrimination vis-à-vis Muslims in Germany effectively. It draws the authorities’ attention once again to its General Policy Recommendation No. 5 on fighting intolerance and discrimination against Muslims, which proposes a range of legislative and policy measures governments can take to this end. (§ 102)
* ECRI recommends that the German authorities take all necessary steps, in the field of registration of personal data, to ensure that persons practising  the Muslim faith are treated on an equal footing with persons practising religions that are registered as corporate bodies under public law. (§ 103)
* ECRI strongly recommends that the German authorities make every effort to differentiate, in their own work and in the messages sent to society as a whole, between the small number of Muslims who may, as in any group, hold radical views, and the vast majority.   It draws the authorities’ attention to its General Policy Recommendation No. 8, which proposes a range of legislative and policy measures governments can take to fight effectively against terrorism while at the same time effectively combating racism. (§ 104)
* [C]ertain Länder have introduced controversial tests that some or all applicants were required to pass in order to obtain citizenship … the Ministry of the Interior in Stuttgart was reported as holding the view that “in general”, it was to be doubted that Muslims who verbally committed to German constitutional principles were “really internally” committed to them. Citizens of the 57 member States of the Organisation of the Islamic Conference (OIC) and anyone else appearing to be Muslim were thus to be subjected to the test. Following considerable criticism of the test and of the discriminatory attitudes it revealed towards Muslims, a new test was distributed from June 2007 onwards, to be applied to all applicants for naturalisation. Another test introduced in Hesse contained 100 questions, many quite complex. (§ 144)

*ECRI Report on Switzerland (published on 15 September 2009)*

* Various studies conducted over the past few years report problems of direct discrimination in access to housing, affecting a range of groups including immigrants, especially those without long‑term residence status, Blacks, Muslims and persons from the Balkans.[18] Everyone acknowledges that there are cases of direct discrimination in this area, the difference being that some, particularly the anti-racist NGOs, deplore the fact whilst others take the view that there is nothing illegal about it. In housing matters, the widely prevailing view is that a private landlord is entirely free to choose and may do so on any grounds whatsoever, including for example a person’s skin colour or religion. In other cases, discrimination exists but is concealed under specious arguments. It may also take the form of price-fixing or unfavourable conditions for foreign tenants or purchasers. For instance, the studies show that non‑nationals usually pay higher rents for property of less good quality than Swiss tenants. (§ 64)
* ECRI urges the Swiss authorities to take steps to combat racial discrimination in access to housing, along the lines of the “urban projects”, while taking care to ensure that these measures are designed to guarantee equal opportunities for vulnerable groups such as persons of immigrant origin in access to housing. Such measures should be accompanied by awareness campaigns on the problem of discrimination aimed at the key stakeholders in housing. (§ 67)
* In its 2007 study on “Discrimination in naturalisation”, the Federal Commission against Racism described several cases of arbitrary and discriminatory decisions taken directly by voters or by a municipal assembly. For example, applications by persons from the former Yugoslavia region and persons of Muslim religion are rejected more often than others because of persistent prejudice against them, regarding them as not “integrated”. Federal legislation requires verification that applicants for naturalisation have become integrated into the Swiss community and accustomed to the Swiss lifestyle and practices. In several cases where naturalisation was refused by direct democracy, the courts have intervened to sanction discrimination. In the light of its study and of the courts’ case‑law, the Federal Commission against Racism advised providing for an executive body elected by the cantonal parliament or the municipal assembly to take decisions on naturalisation and establish specific naturalisation criteria which leave no room for arbitrary choices. (§ 81)
* There have been many occasions in recent years on which the UDC has promoted intolerant images and remarks in recent years. There have been excessive and discriminatory generalisations on the basis of isolated cases, trivial news items or approximate, manipulated statistics. The main targets of these methods are foreigners, especially young foreigners, asylum seekers, Blacks, Muslims and Roma. Foreigners as a whole are accused of abusing social welfare benefits and being the main perpetrators of crime in Switzerland. In particular, young foreigners, especially those from the Balkans, are accused of all forms of crime ranging from very minor to most serious offences, on the basis of occasional incidents relayed by the media. Asylum seekers are generally accused of not being real refugees and abusing the asylum procedure and social welfare benefits. Blacks are generally described as drug traffickers. Prejudice against Muslims is reflected in allegations that there is a risk of Switzerland being “swamped” by Islam, and Muslims are frequently categorised as fundamentalists or terrorists. More recently, Roma were also targeted by intolerant remarks during the campaign for the federal referendum on the extension of the free movement agreements with the European Union to Bulgaria and Romania. The UDC poster in favour of the “no” vote showed huge black crows tearing Switzerland to pieces above the words “Open the door to abuse? No!”. (§ 89)
* ECRI urges the Swiss authorities urgently to pursue and reinforce their efforts to combat racism in political discourse. It refers on this point to the recommendations made above on the application of Article 261bis prohibiting racist remarks, which should be applicable to elected political representatives who make such remarks or deliberately disseminate images with racist connotations. (§ 96)
* … The Swiss Press Council can receive complaints if a journalist breaches this Declaration. In 2005, for example, it intervened in connection with an islamophobic reader’s letter, pointing out that “in the current climate of hostility to Islam and Muslims, editors must be particularly vigilant with regard to readers’ letters containing discriminatory material, even in latent form … (§ 100)
* ECRI encourages the Swiss authorities to pursue and reinforce their efforts to alert the media, without infringing their editorial independence, to the need to prevent reports from contributing to an atmosphere of hostility and rejection towards members of minority groups. It recommends that they initiate a discussion with the media and the members of the relevant civil society organisations on the best means to use for the purpose. (§ 102)
* Muslims, who are estimated to number between 350 000 and 400 000 in Switzerland, encounter manifestations of racism and intolerance, which are described in several parts of this report. The Swiss authorities themselves consider that there was a significant increase in acts of intolerance with regard to members of Switzerland's Muslim communities between 2002 and 2006. (§ 118)
* In particular, ECRI is concerned to learn that, in recent years, some political parties, including the UDC, have considerably exploited and encouraged prejudice and racist stereotypes concerning Muslims within the majority population, not only in their rhetoric but also in political campaign posters.[37] As a result some parts of public opinion may equate the entire Muslim population with terrorists and religious extremists. The fear of seeing Switzerland "swamped by Muslims" is also exploited. In some cases, this prejudice apparently leads to discrimination, notably in employment, since Muslims are refused jobs because of the suspicion surrounding them. In particular, women who wear the Islamic headscarf encounter difficulties of access to jobs, housing and goods and services for the public. Muslims are also vulnerable to discrimination in matters of naturalisation. (§ 119)
* To take but one example of hostility towards Muslims displayed in recent years, reference can be made to the federal popular initiative "against the construction of minarets", aimed at adopting through referendum a new provision in the Federal Constitution, whereby "the construction of minarets is forbidden". This initiative obtained the 100 000 signatures required and will therefore be submitted to the people and the cantons. It has, however, been deemed clearly incompatible with freedom of religion by the Federal Council, and hence in breach of the Swiss Constitution and international law as binding on Switzerland, and the Federal Council has called on the people and the cantons to reject it. The Federal Commission against Racism itself has stated that the initiative "defames Muslims and discriminates against them." However, it seems that, under Swiss law, only a popular initiative to amend the Constitution which violated "mandatory international law" (jus cogens) would be invalid. ECRI regrets to learn that an initiative which infringes human rights can thus be put to the vote and very much hopes that it will be rejected. It regrets in particular the tone taken by the political discourse of the initiative's supporters with regard to Muslims, as it largely contributes to their stigmatisation and to the reinforcement of racist prejudice and discrimination against them by members of the majority community. (§ 120)
* The Muslim communities' representatives point out that, despite this hostile atmosphere maintained by certain political parties and propagated by certain media, dialogue with the Swiss authorities is generally good, and that, although there is still room for improvement, constructive discussions take place on issues relating to religious practice such as the religion's recognition, places of worship and Muslim burial grounds within cemeteries, or other questions linked to intercultural dialogue. ECRI notes, however, that it is difficult to assess the overall situation, since these matters come within the competence of the individual cantons or municipalities. (§ 121)
* ECRI strongly recommends that the Swiss authorities pursue and step up their efforts effectively to counter racist stereotypes and prejudices and other manifestations of religious intolerance by certain members of the majority population with regard to members of the Muslim communities. In this connection, it draws their attention to its General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims, which sets out detailed guidelines on the measures to be taken in this area. (§ 122)
* ECRI recommends that the Swiss authorities pursue their efforts and dialogue with Muslim representatives in order to maintain progress in the field of Muslims' rights regarding the exercise of their freedom of religion. (§ 123)

*ECRI Report on the Czech Republic (published on 15 September 2009)*

* Extreme right-wing parties are also a cause for concern … [The National Party] published sweeping verbal attacks on all Muslims on its website following the death of the Czech ambassador to Pakistan in a terrorist bombing in late 2008; legal proceedings against the party were however dismissed by the relevant court, which found that the statements were not against the law. (§ 44)
* ECRI stresses that political leaders on all sides should take a firm and public stance against the expression of racist and xenophobic attitudes, including when these expressions come from within their own ranks. It strongly recommends that the Czech authorities step up their efforts to combat racism and intolerance in political circles, not only in the capital, but also in smaller cities and local communities. (§ 46)
* … [W]hen the Brno mosque was vandalised in October 2008, the words “Stop Islam” having been sprayed on its walls and “No” on its door, the police were reported to be investigating the incident, but to consider that an extremist motive had not been clearly proved. (§ 65)
* ECRI encourages the Czech authorities in their efforts to combat illegal activities of extreme right-wing groups and recommends that the laws prohibiting all forms of racist violence or incitement to hatred be vigorously implemented. (§ 68)

*ECRI Report on Greece (published on 15 September 2009)*

* Roma, Muslims in Western Thrace and immigrants continue to lag behind and to be confronted with discrimination in [the] area [of unemployment]. (§ 46)
* ECRI urges the Greek authorities to take further measures to improve the integration of vulnerable groups such as Roma, the Muslim minority in Western Thrace and immigrants into the labour market. It recommends that combating discrimination, strengthening measures taken to provide vocational training and language lessons, and reinforcing the role of the Labour Inspectorate form part of a comprehensive and long-term strategy to that end. (§ 51)
* Since ECRI’s third report, the Greek authorities have also continued to implement the three-phase project entitled “Education of Muslim Children”[46], the last phase having been implemented from 2005-2008. The Greek authorities have indicated that books used in the Greek-speaking programme in minority primary schools were the final product of this project and that 55 books were produced for students while 15 were elaborated for teachers. The authorities have further informed ECRI that in minority primary schools, there is a total of 436 teachers for the minority educational programme and 544 of the Greek-speaking education programme, whilst for minority secondary schools, there are 70 Greek-speaking teachers and 37 minority programme teachers. ECRI notes with interest that in the 2007-2008 school year, the Greek authorities introduced Turkish as a second language, as an optional subject, in high schools. The Greek authorities have further informed ECRI that, in the framework of a broader programme entitled “Education and Counselling to Roma families / members of the Muslim Minority / expatriated people / migrants”, Greek language and civilisation courses were taught (2006 – 2007 / 2007 – 2008) to Muslim parents. (§ 59)
* Some representatives of the Muslim minority in Western Thrace have informed ECRI that the problem of the lack of properly trained teachers remains because the Thessaloniki Pedagogical Academy provides Turkish language teachers with a 2-3 year training course, while other pedagogical academies offer a training period of 4 or more years. They have expressed their approval of the quota established for Muslim students in universities (0.5%), but they consider the improvement of the quality of education to be even more important. The Greek authorities have indicated that the Ministry of Education has prepared a draft law, by virtue of which the Special Thessaloniki Pedagogical Academy is to be converted into a postgraduate Higher Education Training Centre for Intercultural Education. (§ 60)
* ECRI further notes that several issues of concern to some representatives of the Muslim minority in Western Thrace, including the lack of bilingual kindergartens and the need for additional minority secondary schools are as yet unresolved. ECRI hopes that a dialogue between the authorities and minority representatives on the situation in Western Thrace as concerns education will serve to resolve these issues as there appears to be a divergence between the authorities and some representatives’ view on progress made and on the remaining necessary measures. (§ 61)
* ECRI encourages the Greek authorities to continue measures taken thus far to improve the situation of the Muslim minority in Western Thrace in the area of education. It recommends that special attention be paid to the situation of the two other components of the Muslim minority, Roma and Pomaks, in that region. (§ 62)
* ECRI recommends that the Greek authorities open a dialogue with representatives of all Muslims in Western Thrace to find a common ground for resolving remaining issues in education, namely the quality of teacher training and the creation of bilingual kindergartens. It draws the Greek authorities’ attention to its General Policy Recommendation No. 10 which contains useful guidelines on solving these problems. (§ 63)
* Since the publication of ECRI’s third report, the issue of the appointment of Muftis in Western Thrace remains. The authorities continue to appoint Muftis and the local population elects Muftis of their own. The European Court of Human Rights[83] has found Greece in violation of Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights for having found a second applicant, a Mufti elected by “the Muslims who attended prayers at the mosques”[84], guilty of having usurped the functions of a minister of a “known religion”. (§ 122)
* Law 3536/2007 envisages the appointment by the Greek authorities of 240 professors of Islamic law, some of whom may officiate as Imams. Representatives of the Muslim minority in Western Thrace have indicated to ECRI that the selecting committee in charge of these appointments is composed of members of the Ministries of Education, Interior, Economy and Foreign Affairs and no one from the Muslim minority in Western Thrace. They have pointed out that other religious groups are free to select their religious representatives. The Greek authorities, in their turn, stressed that the selection process for teachers and preachers of the Holy Koran is conducted by the Muftis and Muslim theologians, who process the applications and assess the competence of the candidates. They have indicated that the state committee’s sole responsibility is to ensure that the chosen candidates fulfil certain formal requirements (absence of criminal record, military service, certificate of primary or secondary education etc.), a standard procedure for all public-sector appointments. (§ 123)
* As concerns the issue of private charitable foundations (wakfs), since ECRI’s third report, new legislation (Law 3647/08) allowing for the election of their three managing committees by the minority itself has been adopted. ECRI has no information, however, on the manner in which this legislation is implemented. ECRI was also informed by some representatives of the Muslim minority in Western Thrace that the legislation which previously exempted minarets from being of a certain height has been repealed. (§ 124)

* ECRI recommends that the Greek authorities open a dialogue with members of the Muslim minority in Western Thrace to find a solution to the issues of the appointment of Muftis as well as to the issue of the appointment of Imams. ECRI strongly recommends that the authorities ensure that any decisions made regarding these questions be in full compliance with international and European human rights standards. (§ 125)

* ECRI recommends that the Greek authorities take measures to ensure the implementation of the legislation concerning private charitable foundations, including the provisions concerning the election of their managing committees. ECRI also recommends that the authorities find a solution, in cooperation with representatives of the Muslim minority in Western Thrace, to the question of the height of minarets. (§ 126)
* ECRI has received conflicting reports from the Greek authorities and some representatives of the Muslim minority in Western Thrace on the identity of Roma and Pomaks in the region. On the one hand, the authorities indicated that Roma and Pomaks’ identity is not always recognised by the majority ethnic Turks in the region and that they are sometimes the victims of discrimination on their part. On the other hand, some representatives of the Muslim minority in Western Thrace refute this. On this issue, ECRI wishes to recall that the principle of voluntary self-identification should be enforced for all and measures taken to ensure respect for the identity of all the groups living in Western Thrace. (§ 127)
* ECRI recommends that the Greek authorities ensure the respect and enforcement of the right to self-identification of everyone living in Western Thrace and that measures be taken to ensure that none suffer any form of pressure or discrimination in this regard, and that steps be taken to foster dialogue and mutual acceptance among these groups. (§ 128)
* ECRI recommends that the Greek authorities consider ways of establishing a coherent, comprehensive data collection system in order to monitor the situation of minority groups, including Roma, Muslims in Western Thrace, refugees and immigrants by means of information broken down according, for instance, to ethnic origin, language, religion and nationality. Data should be collected in different public policy areas and the authorities should ensure full respect for the principles of confidentiality, informed consent and voluntary self-identification of people as belonging to a particular group. This system should also take into consideration the possible existence of double or multiple discrimination. (§ 182)

*ECRI Report on Estonia (published on 2 March 2010)*

* A number of concerns to minority groups were also brought to ECRI’s attentions: some minority representatives would like to see improvements with regard to the financing received from the government for their cultural societies, including as concerns criteria which have to be met in order to obtain this financing. As indicated above[72], minority representatives have also expressed their wish for a law on national minorities. Representatives of the Azerbaijani community further stated that they are currently encountering problems in obtaining permission to have a mosque built in Tallinn (as that is where the majority of Muslims in Estonia live), despite the fact that they have made a formal request to that end. They have also indicated that they have received complaints from Muslim prisoners who cannot exercise their religious rites and have trouble with their dietary requirements being met. However, a Mufti currently visits Muslim prisoners and carries out religious rites. (§ 124)
* ECRI recommends that the Estonian authorities open a dialogue with representatives of non-Russian minority groups to discuss issues of concern to them and to find a solution thereto, including as concerns matters relating to state funding for their cultural activities. (§ 126)

*ECRI Report on the United Kingdom (published on 2 March 2010)*

* ECRI notes that the Bill initially introduced by the Government – which included more wide-ranging protections against incitement to religious hatred – was narrowly defeated in Parliament. Some civil society actors have expressed disappointment that the new provisions governing religious hatred, as enacted, do not go as far to protect against incitement on the grounds of religion as the existing provisions against incitement to racial hatred. Muslim groups in particular have expressed the view that the provisions prohibiting incitement to religious hatred leave loopholes that can too easily be exploited by extreme right-wing groups. ECRI notes that the new provisions are an important step forward in protecting individuals in England and Wales from acts directed against them on the grounds of their religious convictions, but draws the authorities’ attention to its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, which treats public incitement to hatred against a person or group of persons on the grounds of their religion on the same footing as incitement on the grounds of “race”, colour, language, nationality, or national or ethnic origin. (§ 38)
* ECRI recommends that the authorities keep under review the existing legislation against incitement to religious hatred in England and Wales to ensure that the existence of higher thresholds for prosecution does not deprive individuals of necessary protection against incitement on religious grounds. It draws the authorities’ attention in this respect to its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. (§ 39)
* Although the electoral success of parties who have resorted to openly racist and xenophobic propaganda has remained relatively low in general elections, the pattern of voting is such that, between general elections (for example in local and European elections), votes tend to deflect significantly away from the main political parties. The British National Party (BNP), which has presented increasingly anti-Muslim and anti-immigrant views and whose leader has previously been convicted for the distribution of material likely to incite racial hatred, has built significant local support in certain areas. Against a background of considerable political volatility in the United Kingdom at the time of the June 2009 European elections, the BNP’s share of the vote in elections with a limited turnout increased marginally, but enough to secure the election of two MEPs. ECRI is deeply concerned that this combination of factors has resulted in providing the BNP with a platform that could make overtly racist discourse more common in British society. (§ 132)
* ECRI recommends that the United Kingdom authorities take particular care, when developing and explaining policies, to ensure that the message sent to society as a whole is not one likely to foment or foster intolerance. It underlines that political leaders on all sides should take a public stance against the expression of racist and xenophobic attitudes, including when these expressions come from within their own ranks. (§ 133)
* ECRI urges the United Kingdom authorities to take measures to tackle the exploitation of racism in politics. In this respect, it draws the attention of the authorities to its General Policy Recommendation No. 7, which sets out measures that can be taken to this end. ECRI emphasises once again that according to this General Policy Recommendation, “the law should provide for the possibility of dissolution of organisations which promote racism”. (§ 134)
* [ECRI] notes with concern that Muslims, migrants, asylum-seekers and Gypsies/Travellers are regularly presented in a negative light in the mainstream media, and in particular in the tabloid press, where they are frequently portrayed, for example, as being by definition associated with terrorism, sponging off British society, making bogus claims for protection or being troublemakers. ECRI is concerned not only at the racist and xenophobic messages themselves that are thus propagated by the media, but also by the fact that civil society actors have in some cases observed direct links between minority groups targeted by the media and minority groups targeted in violent attacks. (§ 137)
* ECRI strongly encourages the authorities to continue and intensify their efforts to impress on the media, without encroaching on their editorial independence, the need to ensure that reporting does not contribute to creating an atmosphere of hostility and rejection towards various minority ethnic groups, and to play a proactive role in countering such an atmosphere. ECRI again recommends that the authorities engage in a debate with the media and members of other relevant civil society groups on how this could best be achieved. It recommends that further efforts be made to ensure that successful initiatives developed at local level in this field are reproduced on a broader scale at national level. (§ 138)
* Muslim representatives indicate that the concept of Islamophobia is still not widely understood, and that phenomena of hatred or fear of Muslims tend to be conflated with simple criticism of their religion. Monitoring of crimes motivated by Islamophobia is also still reportedly quite weak, and further efforts may be needed to ensure that Muslims know where and how to report such crimes. At the same time, the categories according to which hate crimes are recorded, which are collected on the basis of geographical origin, do not clearly reflect the religious convictions of victims or offenders, making the extent of crimes motivated by Islamophobia difficult to discern. While police forces have taken steps to build confidence between Muslims and the police, including efforts to encourage Muslims to take up a career in the police force, these efforts have to some extent been undermined by other factors such as the disproportionate impact of anti-terror measures on Muslims. (§ 145)
* Public discourse about Muslims is frequently negative, whether in the mainstream (especially tabloid) press, on the internet, or in the discourse of political parties. The swift intervention of the authorities after the 2005 bombings in the London transport system was found to have deflected blame from the Muslim community as a whole and helped to prevent a media backlash at the time.[87] However, Muslim representatives underline that Muslims find their presence in the media increasingly structured by other people’s narratives, with the content of stories and the choice as to which stories to cover tending to reinforce cleavages by suggesting that Muslims want to create distinct communities within British society rather than play a full part in it; Muslims who seek equal protection under the law, in line with the human rights of all individuals, are also reportedly more likely to be presented in a negative light. One report, which analysed a sample of newspaper articles in British tabloids and broadsheets between 2000 and 2008, found that since 2000, two thirds of newspaper articles about Muslims in Britain had portrayed British Muslims as either a threat or a problem; these articles increasingly used negative and stereotypical imagery.[88] Civil society actors moreover emphasise that debates on community cohesion increasingly shift the responsibility for cohesion to Muslims, focusing attention on prevention of terrorism and at the same time suggesting that this question primarily concerns Muslim communities. (§ 146)
* ECRI notes that in parallel to these negative phenomena, Muslims face discrimination in access to the labour market, although here, as in other fields, the focus on data collection broken down by ethnic group[89] and not by religious convictions makes it more difficult to determine the precise extent to which religion is a factor in such discrimination. Some Muslim representatives point out that the lack, or reduced prospects, of employment may make young Muslims easy prey for extremist groups; they stress that effective prevention strategies must focus on providing genuine alternative aspirations and projects. (§ 147)
* ECRI again recommends that the United Kingdom authorities pursue and strengthen their dialogue with representatives of Muslims in the United Kingdom on the causes of Islamophobia and on the ways in which this manifests itself in institutions and in society in general. It emphasises the need for an overall strategy against Islamophobia which cuts across different areas of life. ECRI again draws the attention of the authorities of the United Kingdom to its General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims, which proposes a range of measures they can take in this field. (§ 148)
* ECRI recommends that the United Kingdom authorities consider ways of collecting data with respect to discrimination on the grounds of religious beliefs, with a view inter alia to building a clearer picture of the situation of Muslims in British society and to taking targeted steps to combat patterns of discrimination against them. (§ 149)
* On 19 February 2009, the Grand Chamber of the European Court of Human Rights unanimously found that there had been a violation of Article 5 § 4 of the European Convention on Human Rights with respect to four persons detained under the provisions of Part 4 of the Anti-Terrorism, Crime and Security Act 2001[116]. Since ECRI’s third report, these provisions, dealing with suspected international terrorists, have been repealed in accordance with the Prevention of Terrorism Act 2005. The latter Act set up a system of control orders, which allow the government to impose conditions on people suspected of carrying out terrorist activities, such as curfews, restrictions on persons with whom they may associate or communicate, prohibitions or restrictions on their movements to, from or within the United Kingdom or a specified place within it. The relevant provisions, which were initially in force for one year, have been renewed each year since then. ECRI notes that these provisions and their operation in practice have been strongly criticised by many actors, including the Joint Committee on Human Rights. The latter has underlined its concerns that the regime and its operation will inevitably result in breaches of the rights to liberty and due process, and has stressed its growing concern about the length of time for which a number of individuals have been the subject of control orders. The United Kingdom authorities have emphasised that the relevant legislation is not discriminatory. ECRI recognises that it is the duty of states to fight against terrorism but stresses that the fight against terrorism should not become a pretext under which racism, racial discrimination and intolerance are allowed to flourish. It is deeply concerned that the above legislation may in practice have a higher impact on some groups than others, exposing Muslims in particular to a greater risk of breaches of their rights. (§ 196)
* In its third report, ECRI recommended that the United Kingdom authorities assess the impact that their legislation and policies against terrorism may have on race and community relations in the United Kingdom, and ensure that Muslim and other communities particularly affected by the implementation of anti-terror legislation are thoroughly consulted and involved in relevant fora concerning its implementation. (§ 197)
* ECRI notes that during debates on proposed new legislation, the Equality and Human Rights Commission carried out a broad consultation with Muslim and other groups, including the majority population, to find out their reactions to legislation and policies to combat terrorism. Their research showed that Muslims felt stigmatised and alienated, and that anti-terror legislation had a particularly negative impact on young Muslims, who were regularly stopped and searched and felt increasingly marginalised. Mothers expressed fears for their children, who they saw growing up feeling that they do not belong in British society, and lacking confidence in the police and the state. (§ 198)
* ECRI notes with concern that stops and searches under anti-terror legislation – which allows individuals to be stopped and searched even in the absence of a reasonable suspicion of unlawfulness on their part – have disproportionately affected members of Black and minority ethnic communities[117]. At the same time, it appears that to date they have not led to a single conviction. The independent reviewer of the United Kingdom’s anti-terror laws, Lord Carlile, found in his 2009 report that examples of poor or unnecessary use of the powers abound, and emphasised the considerable damage that could be caused to community relations if these powers were misused. He also found evidence of cases where clearly unmerited searches of individuals had been carried out apparently with the sole purpose of balancing racial statistics, and criticised the application of the relevant provisions – intended to provide special powers to prevent terrorist attacks – on a permanent basis to the whole Greater London area. ECRI recognises that states have a vital role to play in protecting citizens against terrorist attacks. However, it stresses the need to ensure that the fight against terror does not itself lead to direct or indirect racial discrimination, and emphasises the strong risk of damaging good relations in society where measures designed to combat terror are applied, or perceived to be applied, in a manner that unfairly targets or stigmatises specific minority groups. (§ 199)
* ECRI strongly recommends that the United Kingdom authorities keep under review the legislation in force to combat terrorism. It again draws their attention to its General Policy Recommendation No. 8 on combating racism while fighting terrorism, which recommends that states review legislation and regulations adopted in connection with the fight against terrorism to ensure that these do not discriminate directly or indirectly against persons or groups of persons, notably on grounds of “race”, colour, language, religion, nationality or national or ethnic origin, and that they abrogate any such discriminatory legislation. (§ 200)
* ECRI reiterates its recommendation that the authorities of the United Kingdom ensure that anti-terrorism legislation is implemented in a manner that does not discriminate against persons or groups of persons, notably on grounds of actual or supposed race, colour, language, religion, nationality or national or ethnic origin. (§ 201)
* ECRI also reiterates its recommendation that the United Kingdom authorities assess the impact of their current legislation and policies against terrorism on race and community relations in the United Kingdom. It urges the United Kingdom authorities to ensure that Muslim and other communities particularly affected by the implementation of anti-terrorism legislation are thoroughly consulted and involved in debates concerning the implementation of anti-terrorism legislation. (§ 202)

*ECRI Report on Austria (published on 2 March 2010)*

* At the same time, while the number of discriminatory job advertisements has reportedly declined since the entry into force of Section 24 of the aforementioned Equal Treatment Act, racism and direct discrimination continue to be a feature of the employment sector in Austria. This is clear from reports received inter alia from the Fundamental Rights Agency, the Office of the Ombudspersons for Equal Treatment and NGOs. The Office of the Ombudspersons has indicated that a high proportion of the complaints of ethnic or religious discrimination which it receives concern employment (206 out of 375 in 2006; 226 out of 397 in 2007) and draws particular attention to the case of Muslims – especially women wearing headscarves – who are excluded from jobs because employers fear negative reactions from customers. ECRI notes, however, that the authorities have provided support for various projects run by NGOs and the social partners, which are aimed at combating racism and discrimination in employment and promoting diversity within firms. (§ 53)
* ECRI reiterates its recommendation that the Austrian authorities take significant steps to reduce the disparity between citizens and non-citizens in the employment sector. It also reiterates its recommendation that issues relevant to the position of non-citizens and persons of immigrant origin and other relevant minority groups on the labour market be given greater consideration in the national action plans for employment. (§ 54)
* ECRI further notes that civil society has criticised the ruling parties and politicians for failing to sufficiently condemn this sort of behaviour, and in some cases even succumbing to the use of xenophobic stereotypes themselves, for electoral reasons. ECRI notes for its part that the institutional response to this serious problem has been ambiguous. On the one hand, for example, anti-Muslim statements made by the candidate of one of the above-mentioned far-right parties in the Graz city council elections were duly and very strongly condemned by senior figures, including the President and the federal Chancellor, and Parliament lifted the immunity of the individual concerned in November 2008 so that she could be prosecuted under Section 283 of the Criminal Code; on the other hand, a member of the same party, who also belongs to a controversial far-right organisation, was elected Deputy Speaker of the Nationalrat, the lower house of Parliament. (§ 73)
* ECRI strongly recommends that the Austrian authorities systematically condemn, in the strongest possible terms, all forms of racism, xenophobia and antisemitism in political discourse. (§ 75)
* ECRI reiterates its call for the adoption of ad hoc measures to combat the use by political parties or their representatives of racially inflammatory or xenophobic discourse and, in particular, of legal provisions allowing for the suppression of public financing for parties which promote racism or xenophobia. In this respect, it draws the authorities’ attention to the relevant provisions of its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. (§ 76)
* The situation with regard to racism and discrimination against Muslims remains problematic. In particular, a number of women and girls who wear headscarves continue to encounter problems in their everyday lives, on the labour market, in schools and other educational establishments and in public areas. During election campaigns in particular, the far-right parties engage in overtly anti-Muslim rhetoric - which is neither universally nor systematically condemned by the other parties and their representatives - focusing on the alleged Islamisation of Austria. There are recurring cases of Muslim cemeteries and graves being desecrated, and practising Muslims who wish to build mosques face considerable, in some cases insurmountable, difficulties. In 2007, for example, a plan to build a Muslim centre on the outskirts of Vienna sparked a mass protest by local residents and, more recently, in Carinthia and Vorarlberg, the town planning laws were amended in what appears to be an indirect attempt to make it more difficult to build mosques. (§ 92)

* ECRI reiterates its recommendation that the Austrian authorities take steps to effectively combat and prevent racism and discrimination against Muslims. In this respect, it draws their attention to its General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims, and invites them to involve civil society, in particular the NGOs representing the interests of Muslims, in both the design and implementation of these measures. (§ 93)

*ECRI Report on France (published 15 June 2010)*

* ECRI expresses its concern at a number of reports and discrimination tests showing that the problem of discrimination on grounds of origin in the area of employment, particularly access to employment, remains significant and affects inter alia persons perceived as being of immigrant, North African or sub-Saharan African origin or of the Muslim religion. Some cases of racial discrimination in access to employment have been sanctioned by the courts, although the anti-racism NGOs consider that the penalties are not always sufficiently dissuasive, particularly where large corporations are concerned. (§ 47)
* ECRI recommends that the French authorities pursue their efforts to combat racial discrimination in all aspects of employment, including access to employment, pay and working conditions, promotions, professional training and dismissal, and to promote equal opportunities and diversity in all of these fields. (§ 53)
* In recent years, the law [on displaying religious allegiance in schools] has continued to be the subject of debate in France. ECRI notes that some pupils have been excluded from state schools by this law. The authorities underline however that its use has not caused any major problems and that those who are excluded have the possibility to continue their schooling in a different manner. Some NGOs have informed ECRI that overall there have been few difficult cases and that the application of this law generally does not cause any problems. Other NGOs consider that exclusions are not the solution and that in some cases there is no veritable dialogue preceding exclusion. They consider that the application of this law risks bringing about social exclusion of pupils and the radicalisation of their position. As in its previous report, ECRI recalls that it is important to avoid any negative consequences of this law on pupils affected, in particular young Muslim females wearing the veil, who form the majority of the population concerned. Muslim representatives have underlined the fact that this law has reinforced the stigmatisation of Muslim women who wear the veil. In addition, the erroneous interpretation of the ban on displaying religious allegiance has allegedly led to cases of discrimination against women wearing the veil. ECRI stresses that the effects of this law should be examined from the point of view of indirect discrimination and the possible stigmatisation of those concerned. (§ 61)
* ECRI recommends that the French authorities carry out an evaluation of the law on the displaying of religious allegiance at school from the point of view of issues of indirect discrimination and stigmatisation. ECRI recommends placing emphasis on the quality of the dialogue foreseen by the law to avoid where possible any exclusion of pupils when this law is being applied. (§ 64)
* ECRI notes with concern the persistence of extreme-right parties in the French political landscape since its last report. In a number of sections of this report, ECRI notes that leading political figures at all levels generally take a firm stance against many forms of racism, including islamophobia and antisemitism. This also applies to the vast majority of members of the principal political parties. In at least one case, a party member who made racist remarks has been excluded from the party leadership. In another case the leader of a political party was penalised by the courts for racist statements. ECRI welcomes the fact that openly racist statements are generally condemned in French politics and meet with strong reactions when uttered. (§ 74)
* However, it must be underlined that a number of remarks by politicians, including by elected persons and members of the government, in particular on questions of immigration and integration, have been perceived as encouragements to expressions of racism and, particularly, xenophobia. Cases of verbal excesses by leading politicians have been reported to ECRI. There is therefore a need for continuing vigilance to ensure that racist stereotypes, notably concerning groups such as immigrants, Blacks, Muslims, Travellers or Roma, are not propagated and exploited in politics[44]. This is why ECRI underlines that political leaders must be particularly careful when they are drafting and explaining their policies to make sure that the message transmitted to society as a whole does not foment or encourage intolerance. (§ 75)
* ECRI strongly recommends that the French authorities continue to take steps to curb the exploitation of racism in politics. To this end, it draws the attention of the authorities to its General Policy Recommendation N° 7, in which it details the steps which can be taken in this regard, as well as for other recommendations mentioned above. (§ 76)
* According to a number of sources, the situation in France concerning racism on the Internet is a serious cause for concern. There has reportedly been a significant increase in the web pages and discussion boards with racist content accessible from French Internet sites. This problem concerns racist propaganda sites which disseminate hate speech against immigrants or persons of immigrant origin, in particular North Africans, against Muslims and Black persons, or against Jews[47]. Chain emails denigrating Muslims or Travellers, for example, are also a recurring problem. The problem of racism on the Internet of course also concerns sites located outside France, so effective action in this area also requires international co-operation. (§ 80)
* ECRI strongly recommends that the French authorities pursue and reinforce their efforts to combat forms of racist expression propagated via the Internet. It underlines the importance of monitoring this question and informing the public on developments in this field. ECRI recommends that an information campaign targeting the general public be carried out to publicise the ban on the use of statements inciting to racial hatred disseminated via the Internet and the fact that it is possible to report content breaching this ban. (§ 83)
* ECRI notes with concern that verbal or physical attacks against persons of Muslim faith and attacks against mosques or Muslim graves continue to take place in France. For instance, the Muslim graves in the military cemetery of Notre-Dame de Lorette were desecrated on three occasions in two years (2007-2008). ECRI notes that the reaction of the highest-level authorities is to take a firm, public stance condemning this type of act. However, according to a number of sources, improved co-ordination between the public operators concerned would also allow better prevention of such acts. (§ 88)
* ECRI is concerned to note that, according to surveys conducted by the CNCDH, a degree of wariness of Muslims continues to exist in France, although it declined in 2008. ECRI regrets that this wariness sometimes takes the form of doubts about Muslims' real willingness, and even capacity, to “integrate” and to “respect French values”. In some cases racist prejudice with regard to Muslims continues to be disseminated, in particular on the Internet. Cases of discrimination have also been noted, especially in access to employment and to housing. ECRI has been informed of a number of incidents in which Muslim women who wear the headscarf were asked to remove it by either public service employees or private individuals, which is against the law. In some cases this is due to erroneous understanding of the scope of the principle of secularity, on the one hand, and of the legislation banning the wearing of conspicuous signs of religious belief in public schools, on the other. ECRI notes, for example, that there have been a few cases of mothers accompanying their children on school outings[51] or headscarf-wearing women attending training courses dispensed by vocational training organisations on public secondary school premises[52] who were asked to remove their scarves, although there is no legal basis for this, as the HALDE pointed out in a number of decisions[53]. ECRI has been informed that recent discussions on the possibility of extending the current scope of the prohibition of wearing the veil or on the possibility of introducing a ban on the wearing of burkas and niqabs in public, have increased feelings of victimisation and stigmatisation among Muslims and have reinforced the problem of discrimination or exclusion of Muslim women generally in everyday life. As already mentioned in ECRI’s third report, there has been a recent shift in anti-immigrant and anti-Arab/North African racism towards racism directed at Muslims, although the population targeted by this racism remains substantially the same. A part of public opinion still sometimes draws inaccurate parallels between terrorists, religious extremists and the Muslim population as a whole. In some cases these prejudices are said to prompt discrimination, especially in access to employment in the security sector, with Muslims being refused jobs because of the suspicion hanging over them. (§ 89)
* Acts of islamophobic violence are firmly condemned by leading political figures, including at the very highest level. In recent years a number of courts have taken decisions penalising islamophobic statements or acts or cases of discrimination against persons belonging to the Muslim religion. According to the organisations monitoring islamophobia, the number of intolerant acts against Muslims that are reported falls far short of reality, in particular because are wary of coming forward or lodging complaints for a lack of confidence in the police. The Ministry of the Interior has demonstrated its will to work more closely with Muslim institutions (notably the French Council for Muslim Worship) and North African associations so as to better tackle the racism affecting members of these groups. (§ 90)
* The representatives of the CFCM (French Council for Muslim Worship) report encouraging advances, such as a reinforcement of the Regional Councils for Muslim Worship and of dialogue with the authorities and inter-religious dialogue. ECRI notes that there are nonetheless issues to be settled with regard to the exercise of freedom of religion, particularly concerning the construction of mosques, a field in which it is still hard to eradicate a degree of local reticence concerning such projects. (§ 91)
* ECRI strongly recommends that the French authorities combat all manifestations of racism against Muslims. Vigilance must be maintained and reinforced to ensure that islamophobic acts do not go unpunished. In this connection, ECRI draws attention to its General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims. (§ 92)
* ECRI recommends in particular that the French authorities carry out an information and awareness-raising campaign vis-à-vis public service employees and the majority population so as to prevent unlawful, discriminatory requests that Muslim women wearing the headscarf either remove it or refrain from entering a public place. (§ 93)
* ECRI recommends that the French authorities pursue and reinforce their co-operation with the French Council for Muslim Worship and the regional organisations representing Muslims so as to identify solutions to the remaining problems with regard to the exercise of freedom of religion and to take steps to remove obstacles to the construction of mosques. (§ 94)

*ECRI Report on Georgia (published on 15 June 2010)*

* ECRI notes with deep concern that cases of harassment and verbal and physical abuse against persons belonging to religious minorities[11] have continued to be reported in recent years. There are also instances of interference with places of worship or private property belonging to members of religious minorities. The perpetrators of these acts are generally persons belonging to the local majority population. Such cases are said to occur throughout the country and they generally target non-traditional religious minorities and in particular Jehovah’s Witnesses, but there seems also to be an increasing number of cases where Muslims are victims of this type of harassment. According to some sources, not all of these cases are reported to the Georgian authorities for a number of reasons addressed elsewhere in this report[12]. However, this information is by its nature difficult to verify and would require further exploration from the authorities to try to identify the real extent of the problem. (§ 46)
* ECRI urges the Georgian authorities to pursue and reinforce their efforts to combat violent manifestations of religious intolerance involving physical assault and/or attacks on property effectively.[14] ECRI strongly recommends to this end that the police thoroughly investigate offences committed on religious grounds, including by fully taking the religious motivation of ordinary offences into account. In particular, specific guidelines should be provided to police officers on the steps to be taken when an incident of religious intolerance is reported to them. ECRI encourages the Georgian authorities to consider the possibility of establishing units within each police division which specialise in dealing with such offences and the issuing of ministerial circular letters and other documents to raise awareness among the police of the need vigorously to counter offences motivated by religious hatred. (§ 49)

*ECRI Report on Poland (published on 15 June 2010)*

* Other historical minorities and some groups of non-citizens also consider that they are subject to stereotyping. Some of these stereotypes are old (for example against Russians), while others are new (including those concerning Muslims). ECRI notes that surveys have been conducted into the question of stereotypes concerning some communities (for example, the Roma) and encourages further research into this question. (§ 87)
* … ECRI has been notified of attacks on Muslims in Bialystok and Roma in Nowy Sacz. (§ 114)
* The above are examples of cases involving violence against persons[49]. To these one should add instances of destruction of and/or interference with religious sites. These concern most religious minorities, primarily the Jewish but also the Muslim and the Orthodox Christian, as well as Catholic sites. Although there have been convictions, the representatives of some of the groups in question feel that the law-enforcement authorities do not always pursue these property-cases as actively as they should. (§ 115)
* Other historical minorities’ complaints that ECRI has been informed of concern (i) stereotypes[51], (ii) issues particular to two groups whose situation will be examined in detail below: the Jews and Roma, (iii) threats, (iv) airtime and (v) the obsolete legislation governing the Muslim community (inter alia, requiring its members to pray for the authorities and fixing the seat of their religious leader in Vilnius). Some minorities with kin states consider that part of their problem lies in the reciprocity approach sometimes adopted in practice by some local authorities. ECRI invites the authorities to address all the above questions. It is, of course, clear that criminal law provides an appropriate response to the issue of threats. It is also clear that the law on the Muslim community must be immediately scrapped. Although it is not enforced, it conveys a discriminatory message. ECRI welcomes, therefore, the Government’s initiative to set up – together with the Muslim Religious Union – a panel, which will draft a new act on the relations between the two. (§ 120)
* ECRI recommends that the authorities revisit the scope of application of the 2005 Act on National and Ethnic Minorities and the Regional Language to examine whether adjustments are called for. This examination should be conducted in association with the representatives of the groups claiming protection/additional protection. It also recommends that the law on the Muslim community be immediately scrapped. Finally, it recommends that the authorities continue working with the representatives of historical minorities on the question of restitution of property to their institutions and in the examination of the remaining complaints mentioned above. (§ 123)

*ECRI Report on Spain (published on 8 February 2011)*

* ECRI has been informed that the group most affected by discrimination in the labour market is North African Muslims. One reason cited is the respect of the month of Ramadan which reduces working capacity. (§ 76)
* In its third report, ECRI recommended that the Spanish authorities take steps to counter manifestations of prejudice, discrimination and violence directed against members of Muslim communities. It recommended in particular that the Spanish authorities take all opportunities to challenge associations between these communities and terrorism in public debate. To these ends, ECRI drew the attention of the Spanish authorities to its General Policy Recommendations No. 5 on combating intolerance and discrimination against Muslims[11] and No. 8 on combating racism while fighting terrorism. (§ 129)
* Regarding the link between Muslim communities and terrorism, ECRI commends the Spanish authorities’ handling of the situation following the 2004 terrorist attacks in Madrid and the subsequent trial of the perpetrators in 2007. ECRI is pleased to note that no rise in Islamophobia was detected during either of these periods. (§ 130)
* Certain difficulties for Muslims have been brought to ECRI’s attention, however, notably concerning the building of mosques and burial sites. There has reportedly been some improvement in recent years, but the persisting problem indicates that there is prejudice and discrimination against Muslims. There are currently only 12 Muslim cemeteries and approximately 700 mosques in Spain, for a Muslim population estimated at 1.4 million. ECRI has received consistent reports of obstacles in obtaining permission to build new mosques, particularly in urban areas where they are most needed. This has led to the phenomenon of “garage” mosques, whereby large numbers of Muslims, having no place of worship to attend, gather to pray in a private garage. Local residents are reportedly uncomfortable about the disturbance and there have been claims that illegal activities may be taking place in the garages. (§ 131)
* ECRI stresses the importance of respecting the right to manifest one’s religion, as guaranteed under Article 9 of the European Convention on Human Rights. In view of Spain’s large and growing Muslim population and relatively small number of mosques, it is unreasonable that requests to build new mosques are frequently refused. ECRI considers that the authorities should find ways to overcome this problem in cooperation with Muslim representatives. (§ 132)
* ECRI recommends that the Spanish authorities ensure that the right to worship together with others, in accordance with Article 9 of the European Convention on Human Rights, is respected in practice by granting Muslim communities’ requests to build an adequate number of mosques. (§ 133)
* In its third report, ECRI encouraged the Spanish authorities in their efforts to ensure that the right granted by Spanish law to Muslim pupils to receive religious instruction based on Islam in public schools is enjoyed in practice. (§ 134)
* Concerning religious instruction, ECRI notes a situation that amounts to discrimination. Every public school in the country is required to teach Roman Catholicism, although attendance by pupils is optional. Regarding non-Catholics, where there is a demand of at least ten pupils, a class in their creed or an alternative in ethics must also be offered. ECRI has been informed that there remains an unmet demand for around 400 teachers of Islam. Currently only 46 teachers of this religion are employed in Spain. (§ 135)
* The Islamic Commission has stated that there is no lack of teachers of Islam and that it regularly presents lists of candidates to the Ministry of Education. The Ministry has informed ECRI that it is obliged to reject the majority of these because they do not have university degrees, which are required by all teachers in Spain. ECRI understands the dilemma, but regrets that religious education in schools quite often remains a theoretical possibility for a large number of Muslim pupils. ECRI encourages the authorities to engage Muslim communities in contributing to a solution. (§ 136)
* ECRI recommends again that the Spanish authorities take steps to ensure that the right granted by Spanish law to Muslim pupils to receive religious instruction based on Islam in public schools is enjoyed in practice. (§ 137)
* It appears that the situation differs from one autonomous community to another. Where the State retains competence for education, more teachers of Islam are recruited, while in the autonomous communities having responsibility for education there are usually none at all. Thus, for example, in Andalusia, where education is under the authority of the State, there are 16 teachers of Islam. In Catalonia, which has the highest concentration of Muslim pupils in Spain, there is not a single teacher of Islam. ECRI believes that this situation could be avoided if competence for all matters concerning religious instruction in schools remained at State level. (§ 138)
* ECRI recommends that measures be taken to ensure uniformity in all matters concerning religious instruction in schools. (§ 139)

*ECRI Report on Armenia (published on 8 February 2011)*

* It is also encouraging that there is little or no evidence of anti-Muslim feeling. For example, the numerous Iranians who come to Armenia for studies, business or tourism do not encounter particular problems. (§ 44)

*ECRI Report on Serbia (published on 31 May 2011)*

* The Law on Restitution of Property to Churches and Religious Communities still provides only for the restitution of property confiscated in 1945 or later. This continues to pose a problem to Jewish and Islamic communities who lost property before 1945. The Serbian authorities have informed ECRI that the law provides for the restitution of movable and immovable property. Jewish and Muslim representatives stated that there is discrimination in the restitution of property. It is also to be noted that unregistered religious communities are ineligible to seek property restitution. (§ 12)
* ECRI recommends that the Serbian authorities amend the Law on the Restitution of Property to Churches and Religious Communities to ensure that property confiscated before 1945 is restituted. Furthermore, ECRI strongly urges the Serbian authorities to ensure that the restitution of property is conducted satisfactorily and without discrimination. (§ 13)
* Developments following the declaration of independence by Kosovo resulted in successive waves of violence against targets perceived as related to this issue, in many places in Serbia, at times fuelled by a sharp rise in discourse against Albanians, Muslims and foreigners. (§ 76)
* ECRI urges the Serbian authorities to take immediate action to make sure that all individuals are equally protected by the police against attacks. (§ 80)
* ECRI recommends that the Serbian authorities take measures to combat racist violence including by ensuring that those who engage in such violence are punished. (§ 81)

*ECRI Report on Lithuania (published on 13 September 2011)*

* Since ECRI’s third report, there have been a number of reports of violent allegedly racist incidents, whose racist motivation in most cases has not been confirmed by the Lithuanian authorities […] there are several cases in which, according to ECRI’s information, no investigation was opened. For instance, in autumn 2007, a Member of Parliament rescued an Italian citizen who had been attacked by a neo-nazi on account of his presumed Muslim belief. (§ )

*ECRI Report on Iceland (published on 21 February 2012)*

* ECRI has received information about a private television channel called Omega which engages in hate speech against Muslims and promotes the stereotype of Muslims as terrorists. It has also received reports about Internet sites which diffuse anti-Islam messages as well as several websites set up for the sole purpose of disseminating racist jokes which are popular with teenagers and young people. The authorities stated that they have not taken action because no complaint has been received by the police. (§ 69)
* ECRI recommends that the authorities take steps to monitor the Internet and prevent it from being used to disseminate racist or xenophobic comments and material. It draws their attention to its General Policy Recommendation No. 6 on combating the dissemination of racist, xenophobic and antisemitic material via the Internet. (§ 71)
* ECRI regrets that no efforts have been made to monitor racism and discrimination towards Muslims. As mentioned in the section on Racism in Public Discourse - Media, including the Internet, and publications, a television channel and several websites are known to disseminate hate speech against Muslims. As a result, Muslims in Iceland feel that Islamophobia has become institutionalised, and that the situation is worse than five years ago. ECRI has, in this connection, made a recommendation in § 70 relating to monitoring of the Internet. (§ 103)
* In its third report, ECRI recommended that the Icelandic authorities ensure that the application for the building of a Mosque and Muslim cultural centre be examined without further delay. It encouraged the Icelandic authorities to ensure, in close consultation with the concerned community, that Muslims enjoy adequate premises to practice their religion. (§ 104)
* ECRI is deeply concerned to note that the above issue, on which it commented in its third report and which has been pending for more than 12 years, has not been resolved. Around 1 500 Muslims in Iceland still do not have a mosque in which to worship. Many of them currently practise their religion in premises on the third floor of an office building, which is wholly inadequate for the purposes. (§ 105)
* ECRI was informed that the Muslim Association submitted its application for land and planning permission to the Reykjavik Municipality in 1999 and since then no decision has been taken. Moreover, no communication or explanation for the delay has reportedly been offered. The issue has been complicated by a similar application by another Muslim group, the Islamic Cultural Centre, in 2008. According to reports, the authorities have indicated that the two groups should unite in their application to build a single mosque. (§ 106)
* ECRI considers that the hesitance on the part of the authorities to authorise the appearance of the first mosque in the country could be interpreted as a sign of religious intolerance. Furthermore, it is clearly discrimination based on religion, since other religious minority groups have experienced no trouble receiving land and permission to build places of worship[5]. By stalling on this issue, a clear message is being transmitted that Muslims are not welcome in Iceland. This serves to legitimise anti-Muslim sentiment, such as described above. In ECRI’s view it is essential that the Icelandic authorities solve this issue rapidly. (§ 107)
* ECRI strongly urges the authorities to grant permission for the Muslim communities to build mosques and allocate land in order for them to exercise their right to manifest their religion in worship, as guaranteed under Article 9 of the ECHR. (§ 108)

*ECRI Report on Italy (published 21 February 2012)*

* It has to be said that the situation has not improved since; if anything, indeed, the use of racist and xenophobic discourse in politics appears to be increasing. Politicians at local level but also high-profile members of the national government have targeted Blacks, Africans, Muslims, Roma, Romanians, asylum seekers and migrants in general, by making hostile, if not downright aggressive, remarks about them. Some politicians, including members of the national government, have gone so far as to suggest that foreigners should be segregated in public transport or schools, to refer to members of certain minority groups as “animals” and the arrival in Italy of asylum seekers as an “invasion”, to label all members of one particular group as specialists in crime, to launch a census of all foreigners living in the area, and to call for all Roma to be deported or incarcerated and all their encampments dismantled. In some cases, such remarks were followed by acts of violence against the minority groups in question.[33] As observed above, however, there have been very few criminal prosecutions following such statements and while the latter have in some cases been condemned by other politicians, that does not seem to have stopped them proliferating. (§ 50)
* ECRI urges the Italian authorities to adopt firm measures to tackle the use by political parties or their representatives of xenophobic discourse or discourse that incites racial hatred and, in particular, legal provisions enabling public funding to be withdrawn from parties which promote racism or xenophobia. In this respect, it once again draws the attention of the authorities to the relevant provisions contained in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. (§ 53)
* ECRI notes with regret that sensationalist articles continue to appear in the media, including in the main print media and prime-time television broadcasts. In the media, the Roma and migrants are notably associated with criminal activities and hence with a threat to public security; negative images (some of them conveyed first by politicians) of asylum seekers and Muslims have also been repeatedly disseminated. Such publications and broadcasts serve to poison an already negative climate of opinion regarding minority groups. Some observers, moreover, have made a connection between the publication of such articles and xenophobic incidents that occurred afterwards. (§ 55)
* ECRI reiterates its recommendation that the Italian authorities impress on the media, without encroaching on their editorial independence, the need to ensure that reporting does not contribute to creating an atmosphere of hostility and rejection towards members of minority groups and that the authorities play a proactive role in preventing such an atmosphere from developing. (§ 57)
* It further recommends that the Italian authorities encourage the media to apply systematically the provisions of the Code of Conduct for journalists regarding racial and religious discrimination and to reword these provisions if necessary so that they clearly cover all forms of discrimination based on colour, religion, language, national and ethnic origin and nationality; to provide special training for media professionals on the role of reporting in a multicultural society; and to improve the representation in media professions of persons of migrant origin or belonging to ethnic minorities. (§ 58)
* ECRI notes with regret that anti-Muslim prejudice still exists in Italian society. Opinion polls continue to show that the Italian population is wary of Islam and one third of the population would not want a mosque to be built near their home. This prejudice is reflected in the strong objections raised to many plans to build mosques and in violent attacks on buildings housing mosques or Islamic cultural centres. Muslims also continue to be stigmatised in political discourse and the policy proposals of certain parties. For example, in addition to anti-Muslim statements and provocative behaviour by certain individual members of the Northern League, this party has made a number of proposals for legislation directly targeting Muslims. A proposal made in 2008 sought to impose disproportionate restrictions on the construction of mosques (for example by banning the building of a mosque within 600 metres of a church and by requiring that a local referendum should systematically be held on such plans), even though the current number of mosques can be seen to be insufficient. Another proposal made in 2010 would have had the effect of criminalising the wearing of the burqa, with penalties of as much as a one-year unsuspended prison sentence for wearing of the garment and a fine of € 30 000 for anyone compelling a woman to wear it. In this connection, ECRI notes with interest that UNAR has sought the revocation of a number of discriminatory measures adopted at municipal level concerning wearing of the headscarf, the burqa or a burqini; case law exists authorising the wearing of the headscarf on religious grounds. (§ 152)
* ECRI recommends that the Italian authorities intensify their efforts to combat and effectively prevent racism and discrimination against Muslims. It again draws their attention to its General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims, which proposes a number of legislative measures and policy initiatives that governments can take to this end. (§ 153)
* In its second report, ECRI encouraged the Italian authorities to pursue dialogue with representatives of Muslim communities in order to ensure that the members of these communities are not disadvantaged as regards access to opportunities available to the members of other religious denominations. ECRI notes that relations between the state and the various religious denominations present in Italy are governed inter alia by bi-partite agreements (intese) entered into by central government and the religious communities concerned, with the aim of extending to these religious groups all the privileges recognised to the Catholic Church.[102] According to information supplied by the authorities in November 2010, there is however no demand from Muslim communities for the conclusion of such an agreement at present. (§ 154)
* ECRI notes the creation, in September 2005, of a Council for Italian Islam,[103] a consultative body set up to promote dialogue between the authorities and Muslim communities at national level and to propose tangible measures to foster integration, which is chaired by the Minister of the Interior and has sixteen Muslim members of various origins. ECRI notes that, following the sometimes tense initial debates, this body has been relatively inactive in recent years and its current role is not clear. It nonetheless hopes that a framework for regular, constructive dialogue between the authorities and the Muslim communities will continue to exist in Italy, as this should help facilitate the settlement of a range of practical difficulties that can arise on a day-to-day basis (such as access to a place of worship) and foster integration. In this respect, ECRI again points out that integration must be conceived as a two-way process allowing minority groups to participate fully in society and fostering mutual understanding between the majority population and minority groups. (§ 155)
* ECRI encourages the Italian authorities to pursue a regular, constructive dialogue with the representatives of the various Muslim communities in Italy and, if necessary, to reinforce the structures established to permit such dialogue. (§ 156)

*ECRI Report on Luxembourg (published on 21 February 2012)*

* ECRI was informed by representatives of the Muslim communities that 80% of Muslims in Luxembourg come from the Balkans. ECRI notes with interest that, according to these representatives, the Muslim communities are well integrated in Luxembourg and that Muslims have good relations with the authorities, at both local and national level. ECRI was also informed that Muslims do not encounter any particular problems of discrimination in employment. There is a Muslim quarter at the Merl cemetery, a neighbourhood in Luxembourg City as well as in Esch; Muslims would like the northern municipalities to do likewise. The Muslim representatives told ECRI that the Muslim community conducts prayers in houses fitted out for this purpose, but that there are no Muslim religious buildings meeting the criteria of a mosque. They would, therefore, like to see a mosque in Luxembourg. (§ 90)
* Representatives of the Muslim communities have informed ECRI that the media sometimes convey a very negative image of Muslims in Luxembourg. According to them, the media tend to publish more negative than positive articles about Muslims. The representatives of the Muslim communities also said that Muslims are constantly defending themselves against stereotypes and prejudice linked to terrorism and that the authorities remain passive on this matter. ECRI was informed that awareness-raising campaigns aimed at combating prejudice against Muslims have been conducted, but the latter were not involved. ECRI was told that a study which appeared in August 2010 shows that a degree of intolerance of Muslims exists, 14% of persons having said that they would not like to have persons from this group as neighbours. (§ 91)
* An agreement between the state and the Muslim community (affording the latter the benefit of the special legal regime granted to approved religions) has still not been signed, although a draft was approved by the cabinet. This is due to the fact that the Muslim communities do not have a single representative as required by the Luxembourg state. (§ 92)
* ECRI recommends that the Luxembourg authorities ensure that the Muslim community in the northern municipalities has a cemetery. It also recommends that they ensure that Luxembourg’s Muslim communities have a mosque meeting all the criteria. (§ 93)

*ECRI Report on Montenegro (published on 21 February 2012)*

* One case, involving the vandalisation and desecration of a Muslim property in Tivat (windows were broken and pig excrement thrown into the prayer area), which was originally recorded as the lesser offence of damage to property was later re-classified to the higher offence of inciting national, racial or religious hatred under Article 370 following criticism from individuals, NGOs and political parties. At the time of writing, the case was pending before the High Court. ECRI is encouraged by this demonstration that religious intolerance will be dealt with seriously and hopes that other such cases will be correctly classified in the future. (§ 17)
* There is little evidence of any anti-Muslim feeling, although isolated incidents of religious hatred have occurred (see Criminal law section above). (§ 68)
* ECRI notes that Muslim communities do not complain of any particular discrimination towards them. Isolated incidents of religious hatred targeting Muslims have occurred (see Criminal law section). According to some reports, there are complaints of insufficient burial grounds. (§ 107)

*ECRI Report on Ukraine (published on 21 February 2012)*

* Most, but not all, Muslims in Ukraine are Crimean Tatars living in Crimea. In the religious sphere, Muslims in Ukraine indicate that there is generally a very low level of knowledge about or understanding of Muslims amongst the general population and that there is some tendency amongst the latter to conflate Muslims with terrorists, especially when terrorist attacks in other countries are reported. School textbooks are reported to portray Muslims in a negative light, which perpetuates misconceptions and prejudice. Attacks against Muslim cemeteries continue to occur, in particular in Crimea. (§ 97)
* While the authorities have referred to initiatives taken in 2009 to coordinate the interaction of Muslim communities with the authorities through the establishment of the Council of Representatives of Spiritual Directorates and Centres of Muslims of Ukraine, under the auspices of the State Committee for Nationalities and Religion, it seems that only three of the five Muslim religious associations that operate in Ukraine participate in this Council, and Muslims indicate that their voice is rarely heard. ECRI is moreover concerned that, as presented by the authorities, the objectives of countering manifestations of radicalism in the Muslim religious environment and eliminating the danger of confrontation between the Muslim and Christian communities in Ukraine – which were also amongst the aims pursued in setting up the Council – appear to be placed on an equal footing with that of coordinating dialogue with the authorities. ECRI has some doubts as to the chances of success in fostering dialogue that this Council may have when its very creation is based on an image of Muslims as sources of radicalism and confrontation. It stresses the importance of avoiding negative stereotyping the effect of which is to make Muslims appear as a threat. (§ 98)
* As regards access to land and places of worship, the return of previously nationalised land plots and religious buildings remains of concern for Muslims in Ukraine. In terms of new constructions, much rides on the attitudes of the local authorities concerned. In Simferopol, Muslims have met with difficulties in constructing a mosque; ECRI understands that in early 2011, the Simferopol City Council finally approved a decision to allow the construction of mosque on a plot of land granted for this purpose in 2004. However, other factors also come into play: Muslims in Kyiv have complained that despite burial space having been allocated to Muslims by the municipal authorities, burials of Christians have occurred there, leaving insufficient burial space for Muslims. (§ 99)
* ECRI draws the attention of the authorities to its General Policy Recommendation No. 5 on Combating discrimination and intolerance against Muslims, which proposes a number of measures that the authorities can take to combat prejudice against Muslims, to investigate and punish anti-Muslim offences, and to ensure that adequate provision is made for the exercise of their religious rights. (§ 100)

*ECRI Report on Denmark (published on 22 May 2012)*

* Article 266 b) of the Danish Criminal Code provides that: 1) Any person who, publicly or with the intention of wider dissemination, makes a statement or imparts other information by which a group of people are threatened, insulted or degraded on account of their race, colour, national or ethnic origin, religion or sexual inclination shall be liable to a fine or imprisonment for any term not exceeding two years; 2) when the sentence is meted out, the fact that the offence is in the nature of propaganda activities shall be considered an aggravating circumstance. The Danish authorities have informed ECRI of two cases brought to court under this article since its third report concerning hate speech by politicians against Muslims … (§ 21)
* ECRI notes that there exist concerns among civil society actors and international agencies about the operation of these statutory obligations. Civil society actors have indicated that very few cases are brought to court under Article 266 b), although hate speech against Muslims in particular, especially by some politicians, has been a prevalent problem since ECRI’s third report. They have informed ECRI that in 2010, the police received a total of 29 reports regarding a violation of Article 266 b). Civil society actors have indicated that the prosecution has a very narrow interpretation of this article. Furthermore, ECRI has been informed that those convicted under this provision are usually only required to pay a small fine. (§ 22)
* No statistics are recorded on cases of racism and racial discrimination in the employment sector, but ECRI has received information of discriminatory job advertisements, Islamophobia in the employment market as well as a negative opinion of Central and Eastern European workers apparently held by many Danes. (§ 63)
* ECRI notes with concern reports according to which some media continue to portray minority groups, especially Muslims and Roma, in a negative light. ECRI has also received reports indicating that some media report the ethnic background of a suspected criminal when this is not necessary for understanding the information, but that criminal offences committed by Danes against groups of concern to ECRI are underplayed. Moreover, ECRI is aware of the view among some members of groups of concern to ECRI that they are being denied opportunities to express themselves in the media while no exception is taken to those, including academics, who express racist views in the media. The rhetoric carried by the media concerning groups of concern to ECRI thus has affected the majority population’s perception of such groups with which they otherwise have little day to day interaction. ECRI further notes with concern that those media which incite racial hatred face in practice no legal consequences. In ECRI’s view, efforts need to be made to raise media awareness of the need for responsible journalism. (§ 84)
* ECRI strongly recommends that the Danish authorities impart on the media, by whatever means are practically available without encroaching on their editorial independence, of the need to ensure that the information they provide does not breed a climate of hostility towards members of groups of concern to ECRI. It also recommends that the authorities support any initiatives taken by the media in this field and supply them with the necessary resources to provide initial and in-service training in human rights in general and racism issues in particular. (§ 86)
* ECRI notes with concern reports indicating that since its third report, some politicians, especially from the Danish People’s Party, have continued to make disparaging statements about groups of concern to ECRI in general and Muslims in particular, portraying them in a constantly negative light. As indicated above,[32] some politicians have been brought to court. However, civil society actors have informed ECRI that they have in many instances made complaints against these politicians to no avail. In ECRI’s view, the cumulative effect of these trends has been to produce a climate which has affected negatively specific areas of policy which impact directly on groups of concern to ECRI. ECRI is thus pleased to note reports indicating that the newly elected Danish Government has pledged to ensure a more positive debate on issues pertaining to immigration. ECRI hopes that this will lead to more responsible public discussions of issues pertaining to groups of concern to ECRI by politicians. It wishes in this regard to bring to the authorities’ attention the Charter of European Political Parties for a Non-Racist Society and ECRI’s Declaration on the use of racist, antisemitic and xenophobic elements in political discourse which can serve as useful guidelines on improving political discourse on groups of concern to ECRI in general and Muslims in particular. (§ 87)
* ECRI encourages the Danish authorities to ensure that politicians act responsibly when addressing issues pertaining to groups of concern to ECRI. (§ 88)
* As indicated above[33], some politicians have continued to make negative statements against Muslims since ECRI’s third report. ECRI notes with concern that few have been prosecuted. The Danish authorities have indicated to ECRI that there have been 27 successful prosecutions of persons making racist statements against Muslims between 2000 and 2010.[34] However, ECRI was not provided with a breakdown of the number of successful prosecutions since its third report. Considering the low number of successful prosecutions in the space of a decade, ECRI considers that more efforts still appear necessary to tackle the problem. ECRI hopes that the above-mentioned Danish Government’s pledge for a more positive debate on immigration issues[35] will also benefit the Muslim community. (§ 90)
* As also mentioned above[36], since ECRI’s third report, the media have continued to portray Muslims in a negative light. An EU-wide survey carried out in 2009 by the FRA indicates that 61% of Somalis and 58% of Turks living in Denmark believed that discrimination based on ethnic or immigrant origin was widespread in Denmark. ECRI is not aware of any awareness-raising campaigns on Muslims and Islam that have been carried out since its third report. (§ 91)
* ECRI strongly recommends that the authorities encourage debate within the media on the image which they convey of Islam and Muslim communities and on their responsibility in this respect to avoid perpetuating prejudice and biased information as recommended in its General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims. (§ 92)
* The Danish authorities have informed ECRI that in 2006, a Muslim cemetery was opened in Brøndby. They have further stated that Danish law provides for Muslims to be buried in parts of Christian cemeteries and that there are plans to build a Muslim cemetery in Roskilde. As concerns mosques, the Danish authorities have indicated that, although there are none with minarets, 125 can be found in the country and that these are usually built in buildings such as old factories. There are two applications in Copenhagen to build new mosques, but the authorities have indicated that whether this will be done depends on the financing. There are also plans to build two mosques in Aarhus, but they also encounter problems due to financing. (§ 93)
* ECRI recommends that the authorities take the necessary measures to ensure that the freedom of religious practice is fully guaranteed. In this context particular attention should be directed towards removing unnecessary legal or administrative obstacles to both the construction of sufficient numbers of appropriate places of worship for the practice of Islam and to its funeral rites as recommended in its General Policy Recommendation No. 5. (§ 94)

*ECRI Report on Andorra (published on 22 May 2012)*

* Minority religious communities, in order to acquire legal personality, have to register as non-profit cultural organisations under the Law on Associations of 29 December 2000[24]. Once they acquire legal personality, they can build places of worship. This can provide a practical solution in some cases. The Jewish community, for instance, has founded a cultural association and practices its religion in a small synagogue and a community centre. However, ECRI has been informed that religious communities in Andorra would like to be legally recognised by the State as such (to be granted special status), not as mere cultural associations. Moreover, the Muslim community encounters particular problems with building a mosque. Although it has applied - together with the Andorran National Commission for UNESCO - for permission, the authorities have not issued the authorisation needed to build a mosque. As a result, Muslims practice their religion in two community centres. (§ 98)
* ECRI recommends that the Andorran authorities authorise the building of a mosque for the country’s Muslim community. (§ 99)

*ECRI Report on Sweden (published on 25 September 2012)*

* The authorities have indicated that the considerable difference between the number of cases reported to the Chancellor of Justice and the number prosecuted by him is due partly to the fact that the vast majority of cases reported are a matter for the public prosecutor. However, ECRI notes that other factors also come into play, even when the Chancellor of Justice considers a case to come within his jurisdiction. According to the principle of mandatory prosecution, the Chancellor of Justice has to bring a prosecution if he or she believes that an offence coming within his or her jurisdiction has been committed but when studying the issue also has an obligation[12] to take due account of the goals pursued by protecting freedom of the press. Although this approach is similar to the way in which the European Court of Human Rights interprets Article 10 ECHR, ECRI is concerned that it is not possible to bring private proceedings if the Chancellor of Justice decides not to prosecute in a case of agitation against a national or ethnic group falling within his or her competence.[13] ECRI notes in this context the publication in 2009 by one of Sweden’s major dailies of an opinion piece by the leader of the Sweden Democrats headed ‘Muslims are our greatest foreign threat’. The decision of the Chancellor of Justice in this case to reject an application from an NGO for the opening of a preliminary investigation effectively put an end to any possibility of court proceedings. (§ 18)
* CRI recommends that the Swedish authorities reduce existing obstacles to court proceedings in Sweden in cases of agitation against a national or ethnic group committed via the press or broadcast media. In this respect it recommends in particular that consideration be given to allowing a complainant to bring a private action if the Chancellor of Justice decides not to prosecute a case and allowing the Chancellor of Justice to appeal against a jury’s decision that there is no case to answer. (§ 21)
* ECRI notes with interest that, from 2008, the use by the National Council for Crime Prevention of a broader definition of racist and xenophobic incidents (according to their terminology) has markedly improved the Council’s ability to monitor this type of incident. For 2004-2007 the number of hate-motivated incidents recorded varied between roughly 3 000 and 3 500 a year. When the definition for the relevant incidents was extended, 5 895 hate-motivated incidents were reported to the police in 2008, 5 797 in 2009 and 5 139 in 2010. The 2010 figure represents a drop of over 10% on the previous two years. Still in 2010, and taking the breakdown used in Sweden, of the hate-motivated incidents reported to the police 3 786 (74%) were motivated by xenophobia or racism, 272 (5%) by Islamophobia, 161 (3%) by antisemitism and 119 (2%) by other anti-religious sentiments. (§ 37)
* In its third report, ECRI noted with concern that, at the 2002 municipal elections, the Sweden Democrats saw an almost fourfold increase on the electoral support obtained in 1998 and had consequently won a number of seats in municipal councils. Since then, in the September 2010 general election, the Sweden Democrats polled 5.7% and won twenty seats. The party campaigned on an anti-immigration programme; it has also criticised Islam by depicting it as incompatible with Swedish values. In an opinion piece published in a leading Swedish daily in October 2009, the party leader described the increase in Sweden’s Muslim population as the ‘greatest foreign threat to Sweden since the Second World War’. Other parties working at local level have also expressed anti-Muslim sentiments. (§ 72)
* ECRI is very concerned by this evolution in Sweden’s political landscape. It emphasises that politicians must resist the temptation to take a negative approach to issues affecting persons belonging to groups covered by ECRI’s mandate and must, on the contrary, take a stand against all forms of racism. It recalls the principles set out in the Charter of European Parties for a Non-Racist Society and in ECRI’s Declaration on the Use of Racist, Antisemitic and Xenophobic Elements in Political Discourse, which can be used by politicians as benchmarks for a responsible attitude in political discourse. While the appointment of a special rapporteur on xenophobia and intolerance[33] is a positive step and should provide a better understanding of the factors that have allowed xenophobic and Islamophobic parties to gain ground in Sweden over the past few years, stronger measures could already be taken to combat exploitation of racism and xenophobia in politics. ECRI refers in this connexion to the recommendations already made elsewhere in this report. (§ 73)
* ECRI is concerned by the fact that online racism has continued to grow exponentially since then. Most racist websites contain expressions of antisemitism (typically characterising Jews as being involved in global conspiracies) or Islamophobia (seeing Muslims as invaders threatening Europe). To these may be added online forums where racist comments are becoming more common. (§ 78)
* ECRI recommends that the Swedish authorities continue and step up their efforts to combat racist forms of expression on the Internet. It invites them to ensure that anybody publishing racist comments on the Internet is prosecuted and encourages them to promote initiatives that have already proved useful in combating racist, xenophobic and antisemitic activities on the Internet. (§ 81)
* As mentioned above, over the past few years xenophobia and Islamophobia have gained ground in Swedish politics. Civil society reports that expressions of contempt that would have been condemned a few years ago are now accepted. This shift towards normalisation of intolerant discourse, and even hate speech, may be linked in part to the electoral success of the Sweden Democrats but also to the increase in hate speech on the Internet. It is young people who not only make the most use of the Internet but are also most likely to lack objectivity and a critical attitude with regard to what they are reading; the danger is that they will absorb intolerance and hate speech without having the wherewithal to dissect and combat it. (§ 82)
* At the same time, the removal of the term ‘race’ from a number of legal provisions concerning discrimination, although justified in theory,[37] seems to go hand in hand with a waning of the awareness of racism as a phenomenon that exists in Swedish society. Yet Afrophobia, antisemitism, anti-Gypsyism and Islamophobia are all phenomena which still exist in Sweden, of which not only the discriminatory effects but also the substance must be combated. (§ 83)
* ECRI further notes that a study by the Equality Ombudsman (DO) delivered to the government in 2010 and based on discrimination testing on grounds of sex, ethnicity, beliefs, disability and sexual orientation showed that there was discrimination in housing, especially on the rented housing market, which particularly affected persons with an immigrant background.[40] The authorities have pointed out that the population of segregated areas does change, since once people move up the social ladder they are able to leave. However, leaving these areas is by definition difficult for people facing discrimination in access to housing. It seems that Roma, Muslims, Afro-Swedes and asylum seekers are particularly affected by such discrimination. Some civil-society stakeholders have drawn attention in this context to the fact that legislation in this field is inadequate; others, however, point to a recent case taken to court by the Equality Ombudsman on behalf of a refugee family being charged excessive rent by their landlord, who was found to have breached the law. Action by the Equality Ombudsman similarly made it possible for two friendly settlements to be reached in 2010 between Roma suffering housing discrimination and parties refusing to sell or rent them a flat because of their ethnic origin. While the fact that discrimination was established in these cases is encouraging, it seems that they reflect a situation encountered in particular by persons of non-Swedish origin. (§ 90)
* ECRI further recommends that the Swedish authorities step up their efforts to combat other forms of housing discrimination. Measures could include information campaigns, targeting on the one hand those suffering discrimination, to inform them of their rights and the remedies if their rights are infringed, and on the other property owners, to make them aware of their legal obligations. It would also be useful to study the effectiveness of current legal provisions relating to housing discrimination, particularly in the light of existing research and case-law. (§ 93)
* Moreover, according to civil society, Roma and Muslims continue to be particularly vulnerable to discrimination in access to employment. (§ 97)
* ECRI recommends that the Swedish authorities step up their efforts to combat employers’ prejudices and the resulting discrimination, particularly in access to employment. It recommends in particular that they conduct an information campaign to raise awareness among employers of their responsibilities under the Discrimination Act and of the positive impact that diversity can have in the workplace. (§ 98)
* The authorities have pointed out that many measures taken to address racism in general also serve to counter Islamophobia. The government provides financial support for a number of organisations and initiatives combating various forms of racism and intolerance, including Islamophobia. It also commissioned the Living History Forum to conduct a study into antisemitism and Islamophobia with particular reference to the various ways in which they were expressed and the effectiveness of measures taken to address them.[48] The government has also introduced action plans, based on both Swedish and international law, to combat various forms of violence and domestic oppression;[49] according to the authorities, these plans focus on the wants of the individual and the need to protect women, men, girls and boys from physical injury regardless of religion or culture. (§ 120)
* Whilst acknowledging these initiatives, ECRI notes that the situation of Muslims in Sweden has not improved over the past few years. Anti-Muslim political discourse has become more widespread and the tone has hardened. Some researchers have found that four out of five media reports about Muslims are negative. On the Internet, comments calling Muslims ‘invaders’ of Europe and inciting violence against them have proliferated, and some members of Parliament have made comments on their blogs to the effect that use of violence against Muslim immigrants is inevitable. Identifiable Muslims – for example women wearing veils – are a target for Islamophobic incidents, and there have also been repeated attacks on mosques. The number of incidents reported to the police with an identified islamophobic motive was 252 in 2006, 206 in 2007, 272 in 2008, 194 in 2009 and 272 in 2010.[50] Muslims have also mentioned discrimination in access to employment and at work as well as in access to housing. In early 2011, the Minister for Integration wrote an opinion piece in a leading daily stressing that it was unacceptable to hold an entire group responsible for the actions of a single individual and pointing out Swedish citizens’ responsibility to combat prejudice and Islamophobia. However, the stereotypes linking Muslims to terrorism are still prevalent, which is reported to have adversely affected police conduct towards them. (§ 121)
* ECRI recommends that the Swedish authorities step up their efforts to combat Islamophobia, with particular attention to hate speech on the Internet. It again draws their attention to its General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims, which proposes a range of measures that the authorities can take to this end. (§ 122)
* It also notes with concern that a number of racist incidents within the police have been reported since ECRI’s third report, in particular concerning Afro-Swedes, Roma and Muslims. (§ 159)
* ECRI again recommends that the Swedish authorities establish an independent body entrusted with carrying out investigations of alleged police misconduct, including acts of racism or racial discrimination. (§ 160)

*ECRI Report on Lichtenstein (published on 19 February 2013)*

* Although, according to the authorities, there is no empirical evidence showing that immigrants face particular difficulties in finding employment, ECRI has been informed by civil society of anecdotal but consistent reports of discrimination in access to employment, as well as in remuneration. As concerns discrimination in recruitment, cases in which women of Muslim faith have been refused employment or traineeships because of their headscarf have been reported. The discriminatory intent was apparent because, allegedly, the employers had openly asked the candidates if they would be willing to remove the headscarf while at work and or had invoked the wearing of this garment as a reason for refusing to employ these persons. ECRI has also been informed of cases of discrimination on grounds of language … The above-mentioned reports suggest that comprehensive civil and administrative law provisions prohibiting discrimination on grounds of colour, ethnic origin, citizenship, religion or language in all fields of life including at all stages of employment is urgently needed in order to deter employers from discriminatory behaviour and in order to provide victims with a means of redress. Once these provisions will be in place, an awareness campaign informing employers of the consequences of discriminatory acts should be carried out. (§ 51)
* As was the case in ECRI’s third report, ECRI has been informed that persons of Muslim faith, in particular, women wearing a headscarf and their husbands, have been refused rented accommodation on grounds of their ethnic origin and religion. The discriminatory motive was manifest in cases in which landlords openly stated that they did not wish to rent to Muslim women wearing a headscarf or when, upon discovery that the women of the household wore a headscarf, they decided against rental. Instances of discrimination in housing have also been confirmed by representatives of employers, who have informed ECRI that some employers provide assistance to migrant workers, as persons with a foreign name have greater difficulties than persons of Liechtenstein origin in securing accommodation. The authorities, likewise, have acknowledged that certain non-nationals and persons of a particular ethnicity may be at a disadvantage in finding housing; however, they have stressed that, in the end, everyone finds housing as there is a surplus of accommodation in Liechtenstein. The authorities have also informed ECRI that no measures have been taken to discourage discriminatory behaviour in this field, as a property owner’s decision on rental is considered to be a private matter. ECRI notes in this respect that the 2010 Integration Concept (see the section of this report on Other non-nationals) focuses on the need to provide migrants with information on the expectations of landlords and does not provide for any measure aimed at informing the latter of the obligation not to discriminate. In this connection, the observations made in paragraph 51, as concerns the need for a comprehensive civil and administrative legal framework in the field of anti-discrimination and a subsequent awareness-raising campaign, apply, mutatis mutandis, to the field of housing. (§ 54)
* ECRI notes that the Working Group on the Integration on Muslims, described in ECRI’s third report (see paragraph 84), maintains its role as a platform for dialogue between the Muslim community[26] and the authorities. ECRI however, observes that, in addition to the Working Group, no specific action has been taken in order to combat racist stereotypes and prejudice against the Muslim population. Instances of alleged discrimination in the fields of housing, employment, education and services have been described in the section of this report dedicated to Discrimination in Various Fields. ECRI has also signalled a number of racially motivated physical offences against persons believed to be of Muslim faith and/or their property, in the subsection of this report on Criminal Law Provisions. Lastly, civil society has informed ECRI that there have been cases of verbal abuse of women wearing a headscarf in buses and of pupils at school. In the light of the above, ECRI considers that greater efforts should be made towards fighting prejudice against this community, drawing inspiration from GPR No. 5. Notably, in addition to enacting and/or applying criminal, civil and administrative legislation against racism and racial discrimination, awareness raising initiatives at the local and national level aimed at increasing the acceptance and the understanding of this community are recommended. (§ 66)
* ECRI reiterates its recommendation to the Liechtenstein authorities effectively to fight prejudice against the Muslim community, drawing inspiration from GPR No. 5. Notably, in addition to enacting and/or applying criminal, civil and administrative legislation against racism and racial discrimination, awareness-raising initiatives at the local and national level aimed at increasing the acceptance and the understanding of this community are recommended. In this connection, ECRI recommends the authorities to resume the activities planned by the Equal Opportunities Office under the National Action Plan against Racism, notably: a campaign on religious diversity, a study on the situation of the Muslim population and an intercultural section in the communal library. (§ 67)
* ECRI notes that there continues to be lack of adequate premises for religious and cultural activities as well as a cemetery where the deceased can be buried according to the Muslim rite. As concerns the former, representatives of one of the Muslim communities claim that in 2010, they were forced to stop using a prayer room for non-conformity with the planning regulations of the area, even though they had been assured of the conformity beforehand. According to the same representatives, no alternative cultural/prayer room was found in the following two years. Furthermore, no lawyer would present their grievances in court, thereby leaving them with a sense of exclusion from society. ECRI considers that the authorities should pursue the dialogue with this community in this connection, in order to ascertain the nature of their complaints and find an appropriate solution. In addition, ECRI notes that there have been no developments as concerns the construction of a mosque. According to representatives of the Muslim community, this is primarily due to insufficient funds to buy a plot of land and to carry out the necessary construction work. ECRI has been informed by the authorities that the Muslim community does not receive any financial contribution from the State, because it has failed to organise itself in an umbrella organization, conditio sine qua non for receiving such funds. ECRI recalls in this connection the judgment of the ECtHR in Hasan and Chaush v. Bulgaria, No. 30985/96 of 26 October 2000, finding that State action undertaken with the purpose of forcing a religious community to come together under a single leadership against its own wishes would constitute an interference with freedom of religion. (§ 69)
* As regards the establishment of a Muslim cemetery in Liechtenstein, according to information provided by the authorities, in the course of 2011, certain municipalities[27] had reached a compromise according to which their cemetery chapels could be used for Muslim funerary rites. Only Vaduz had gone one step further, with its council agreeing in March 2009 to assign 45 grave sites, aligned to Mecca and in unused ground, to Muslims. It appears that structural work is still required before these sites can be used and that the local authorities in Vaduz intend only to allow the sites to be used for Muslims from Vaduz. ECRI commends the positive steps that have been taken by the authorities and urges them to finalise a plan for a cemetery which will cater to the needs of Muslims living in the entire State. (§ 70)
* ECRI recommends that the authorities do all that is necessary to make available to the Muslim community appropriate premises in which to practice their religion and culture. ECRI further recommends that the authorities finalise the project/s for a Muslim cemetery, in which deceased of Muslim faith from all parts of the State can be buried. (§ 71)

*ECRI Report on Finland (published on 09 July 2013)*

* ECRI takes note of the information provided by the Finnish authorities that occupational safety and health authorities monitor compliance with the Non-Discrimination Act (21/2004) in working life, including recruitment. However, discrimination in employment, which affects Russian-speakers, immigrants and Roma as well as Muslims, including Somalis[16], still remains a problem in Finland … (§ 65)
* ECRI recommends that the Finnish authorities take further measures to combat the discrimination experienced in the employment sector by groups of concern to ECRI, by ensuring, inter alia, more rigorous implementation of the relevant legislation and by seeing to it that employers and employment agencies are made more aware of the problem. (§ 67)
* … Civil society actors further indicate that Roma and immigrants, including Muslims, are discriminated against in access to bars and nightclubs, but that they tend not to file complaints as it is difficult to prove the discriminatory motive for the refusals they encounter. According to civil society actors, the problem of racial discrimination in access to public places is not taken sufficiently seriously, leading to a degree of impunity in this area. (§ 85)
* ECRI recommends that the Finnish authorities counter racial discrimination in access to public places by conducting awareness campaigns on this subject and by ensuring the implementation of existing legislation on this subject. (§ 86)
* ECRI notes that according to police statistics, the number of racist crimes has declined. According to the latest police report from 2010, 860 hate crimes incidents were recorded, of which 741 had a racist nature. Somalis, Turks, Iraqis and Russian-speakers are the most common victims. Roma are also victims of racist violence, albeit to a lesser extent. Although the Finnish authorities have informed that they are not aware of any murders committed with racist motives, representatives of the Muslim community have reported to ECRI that there have been racist murders, mainly committed by racist groups which publish hate messages on their websites.[24] These representatives indicated that they were satisfied with their collaboration with the police and with the Ministry of the Interior in combating racist crime. They also stated that they were working with these agencies to introduce a system of protection. (§ 88)
* ECRI strongly recommends that the Finnish authorities ensure that racist crimes are duly punished, by making sure that those who commit such crimes are prosecuted and that the prosecutor as well as the courts implement the relevant legislation. ECRI recommends that the authorities improve measures taken to ensure monitoring of racist acts, in order to establish how these are dealt with by the competent authorities, namely the police, the prosecution service and the courts. (§ 90)
* Civil society actors report that some media in Finland do not have much respect for minorities in general, and that racism, antisemitism and xenophobia are expressed openly by them. Representatives of the Muslim community have indicated to ECRI that the media avoid mentioning a person’s religious affiliation in the case of events occurring in Finland, but that they have a tendency to equate Islam with terrorism … (§ 96)
* ECRI recommends that the Finnish authorities encourage the media, by whatever means are practically available and without encroaching on their editorial independence, to ensure that the information and programmes they broadcast do not contribute to breeding a climate of hostility towards members of groups of concern to ECRI. It also recommends that the authorities support any initiatives taken by the media in this field and allocate to them with the necessary resources to provide initial and in-service training in human rights in general and racism issues in particular. (§ 98)
* ECRI notes with interest the establishment in November 2006 of the Islamic Council of Finland, the aims of which include improving dialogue and co-operation between Muslims and other religious groups and fostering understanding of and respect for Islamic culture in Finland and Finnish culture by the Muslim minority. This council is also intended to prevent Islamism or anti-Muslim extremism taking hold in Finland. The council and its terms of reference were established by Muslims from an immigrant background on their own initiative. (§ 123)
* Representatives of the Muslim immigrant community informed ECRI that their community numbers between 50 000 and 60 000 people, although the official figure is 9 500. They indicated an increase in Islamophobia in the country, especially in recent years, with Somalis, as indicated above,[36] being particularly affected, especially by racist violence. They also informed ECRI of a number of cases of incitement to hatred against Muslims which have been brought to court, including one in Tampere which resulted in imprisonment and a fine. Two other cases have been brought against two politicians who were members of the above-mentioned populist party;[37] in one case, the accused was acquitted, while the other was currently under appeal. (§ 124)
* Representatives of the Muslim immigrant community stated that there is no actual mosque in Finland and confirmed that they use premises belonging to the Tatar minority and other places of worship in Helsinki and throughout the country. They indicated that the current mayor of Helsinki is positively disposed towards the idea of building a mosque in the city. ECRI therefore notes that there is no major obstacle in this regard and hopes that practical steps will be taken as soon as possible so that a mosque is built in Helsinki. These representatives also indicated that, although it is very difficult to find sites for Muslim cemeteries, the current government is open to the idea and the Education Ministry has already allocated €30 000 for the purpose. (§ 125)
* ECRI recommends that the Finnish authorities take measures to combat any manifestations of Islamophobia, including by politicians, by ensuring that the relevant legislation is enforced. It also recommends that they draw on its General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims. ECRI encourages the Finnish authorities in their dialogue with the Muslims from an immigrant background concerning the construction of a mosque and Muslim cemeteries and recommends that they ensure that the matter is resolved at the earliest opportunity. (§ 126)

*ECRI Report on Portugal (published on 09 July 2013)*

* There are estimated to be between 40 000 and 60 000 Muslims in the country, mostly coming from former African colonies such as Mozambique and Guinea Bissau. There are 40 mosques in the country and three cemeteries where Muslims can be buried in full respect of Islamic burial rules. ECRI is pleased to note that, according to Muslims themselves, there is full freedom of religion in Portugal and no discrimination on religious grounds. (§ 171)

*ECRI Report on Moldova (published on 15 October 2013)*

* However, intolerant and racist attitudes towards Muslims, black people and Roma are very widespread in the population. ECRI was alerted to the existence of hate speech and intolerant attitudes, for example in connection with the registration of a Muslim community[57] and in the discussions preceding the adoption of the Law guaranteeing equality. ECRI deplores the fact that certain officials and leading politicians are the source of such remarks. (§ 106)
* ECRI recommends that the Moldovan authorities initiate and lead an inter-faith dialogue with a view to promoting tolerance between and towards the different religious groups in Moldova. (§ 113)
* When a Muslim community was registered at the Ministry of Justice, some of its members received anonymous threats. Some were summoned by their municipality to provide an explanation. The prosecuting authorities did not act on the complaint lodged by the community. The seriousness of these threats is illustrated by the fact that even the Minister for Justice of the time who was responsible for registering the community found himself personally threatened by a small group of demonstrators who gathered outside his private residence. (§ 117)
* ECRI recommends that the police and the justice system ensure that criminal law is effectively applied in response to all cases of racially motivated violence against persons belonging to an ethnic or religious minority. (§ 119)
* ECRI has been informed that the situation of some minority religious groups has improved considerably since the last report was published. ECRI accordingly welcomes the fact that the Moldovan authorities have registered the great majority of the minority religious groups which have applied for registration.[74] In 2011, despite strong pressure from the public at large, the first Muslim community was registered.[75] The authorities informed ECRI that the last time an application for registration was refused was in 2010. (§ 146)
* However, some minority religious groups still encounter problems in registering their religious community. The formalities involved are fairly cumbersome. The registration of the Islamic League was challenged in the courts. In response to public pressure, the Prime Minister had promised to reconsider its registration. The appeal against registration was finally dismissed at second instance. (§ 148)
* In 2012, identity checks were carried out on a group of Muslims during their prayers. Some media outlets reportedly convey the message that Islam is an extremist religion. (§ 153)
* In the present climate, Muslim communities have not yet dared to take steps to build a place of worship. The Jehovah’s Witnesses also encounter problems in this area. The restitution of property confiscated from several religious communities is another outstanding issue. (§ 154)
* ECRI recommends that the Moldovan authorities remove the remaining obstacles to the free exercise of religion by minority religious groups, particularly as regards their registration, the building of places of worship and the restitution of confiscated property. (§ 155)

*ECRI Report on Malta (published on 15 October 2013)*

* ECRI is not aware of any noteworthy developments in this field. However, as stated above, persons from North Africa, the Middle East and persons believed to be Arabs are among those most affected by discrimination in housing and access to places of entertainment (see the section of this report on discrimination in various fields). In this connection, the 2009 EU MIDIS survey highlights that 64% of the Muslim respondents claimed they had been discriminated against in the twelve months prior to the interview[43]. This was the highest percentage within the EU. However, it is interesting to note that most Muslims participating in this study believed that this discrimination was not attributed to religion but to their ethnic origin. (§ 72)

*ECRI Report on the Netherlands (published on 15 October 2013)*

* However, ECRI notes with concern the interpretation given to Articles 137c and 137d (on racist insults and incitement to hatred, discrimination and violence) in connection with the court case on Mr Geert Wilders, the founder and leader of the Party for Freedom (the PVV)[21]. The statements on the basis of which he was indicted include the following: (a) “You will see that all the evils that the sons of Allah perpetrate against us and themselves come from the Koran.” (b) “We have to stop the tsunami of Islamisation.” (c) “One in five Moroccan boys is registered with the police as a suspect. Their behaviour results from their religion and culture. You cannot separate the one from the other.” (d) “The Koran is the Mein Kampf of a religion that intends to eliminate others.” (e) “I have had enough of Islam in the Netherlands: no new Muslim immigrants.” (f) “There is a battle going on and we must defend ourselves.” Mr Wilders was also prosecuted on the basis of the inflammatory movie on Islam, Fitna, posted on the Internet on 27 March 2008. Mr Wilders was acquitted on all grounds by the Amsterdam District Court on 23 June 2011[22]. The District Court stated that some of the comments were found to be addressed to a religion (Islam) rather than to the people who practice it and therefore would fall out of the remit of Articles 137c and 137d of the Criminal Code and would not incite to hatred or discrimination, while others had been made in the context of a social debate, in Mr Wilders’ role as a politician[23], which made them admissible. The judgment was not appealed[24]. (§ 19)
* ECRI welcomes that the Public Prosecution Service and the Amsterdam District Court have cited the European Court of Human Rights’ (ECtHR) case law[25] emphasising that the utmost importance has to be accorded to freedom of expression in the context of a political debate and that political discourse cannot be restricted without irrefutable reasons[26]. ECRI also welcomes the District Court’s efforts to distinguish between offending a religion and offending the followers of a religion. However, in its judgment Féret v. Belgium concerning comments made by Mr Daniel Féret, a Belgian politician, the ECtHR pointed out that tolerance and respect for the equal dignity of all human beings is the foundation of a democratic and pluralistic society. Citing ECRI’s General Policy Recommendations and country reports on Belgium, the Court stated that it is of the highest importance to fight against racial discrimination in all its forms and manifestations. Therefore, in principle, sanctioning and preventing all forms of expression which spread, encourage, promote or justify hatred based on intolerance (including religious intolerance) can be considered to be necessary in democratic societies, if the "formalities", "conditions", "restrictions" or "penalties" imposed are proportionate to the legitimate aim pursued[27]. The ECtHR held that interfering with a politician’s freedom of expression by a criminal conviction can pursue the legitimate aim of protecting the reputation or the rights of others. In another decision concerning a politician’s comments (Le Pen v. France[28]) the ECtHR stated that the interference by a criminal conviction was necessary, as the applicant’s comments certainly had presented the “Muslim community” as a whole in a disturbing light likely to give rise to feelings of rejection and hostility. According to the ECtHR, the applicant had opposed the French to a community whose religious convictions were explicitly mentioned and whose rapid growth was presented as a latent threat to the dignity and security of the French people. Furthermore, as concerns the District Court’s argument that some of the statements made were addressed to a religion and not to its followers, ECRI underlines that the statements mentioned in paragraph 19 points (a) and (c) of this report do address followers of Islam in particular and would, in ECRI’s view, qualify as racist speech or incitement to hatred. (§ 20)
* ECRI recommends that the authorities ensure that the existing legislation against racism and racial discrimination and the case law of the European Court of Human Rights is applied in all cases, in the public and private sphere, including when the statements at issue have been made by politicians. (§ 22)
* In ECRI’s view, the findings of the two studies, which are described below, beg for a more firm response from the authorities as concerns discrimination in employment and for more targeted action in this respect as concerns vulnerable groups[72]. The 2010 Discrimination Monitor published by the Social and Cultural Planning Bureau, upon request of the Ministry of Social Affairs, focused on the situation of non-Western migrants in the Dutch labour market. The study included interviews with 106 recruitment officers and enquired into their recruitment practices, concluding that they were discriminatory. The study highlights that the applications of candidates of non-Western origin were not retained because of : lack of language proficiency; the way they presented themselves during job interviews; marked religious characteristics (such as a beard or a headscarf); and previous negative experiences with employees of non-Western origin … (§ 70)
* While the authorities have informed ECRI that there has not been a dramatic increase in the number of cases of racial discrimination practiced by the entertainment industry (in particular, hotels, restaurant, bars and discotheques), they, together with representatives of civil society and anti-discrimination bodies, have confirmed that it is a recurrent problem … Likewise, RADAR, the local anti-discrimination Bureau for the Rotterdam area, found in one of its inquiries that a number of discotheques had a discriminatory policy against persons believed to be Muslim and Antillean. Representatives of organisations of other vulnerable groups (groups of concern to ECRI) have also informed ECRI of discriminatory practices adopted in their respect by discotheques. (§ 93)
* Since ECRI’s third report, a number of queries and complaints had been submitted to the ETC by Muslim women wearing headscarves, regarding the policy of some fitness centres not to allow any head covering garments. In all of these cases, the ETC had concluded that the refusal was direct or indirect discrimination without an objective justification. As part of its follow-up procedure, the ETC had brought its opinions to the attention of the State Secretary of Sports. (§ 97)
* ECRI recommends that, in addition to maintaining and reinforcing the door policy panels, the authorities ensure a more vigorous enforcement of criminal law provisions against racism and racial discrimination, as well as equal treatment legislation in the field of access to places of entertainment. ECRI further recommends that when investigations reveal that an entrance policy is discriminatory, the businesses operating in the entertainment industry be duly punished, including through the withdrawal of the establishment’s licence permit. (§ 98)
* In 2010 a government was formed by the People's Party for Freedom and Democracy (VVD) and the Christian Democratic Appeal (CDA) with the support of the Freedom Party (PVV), the latter known for its anti-Muslim anti-immigrant discourse. A significant part of the agreement on parliamentary support (transposed into the Coalition Agreement and the Policy Statement) focused on immigration. This government fell in April 2012, due to the withdrawal of the PVV’s support in connection with the government’s approval of budget cuts. At the time of the ECRI delegation’s visit a new government had not yet been formed, however, the political landscape had changed further to the parliamentary elections of 12 September 2012, which saw the VVD and the Dutch Labour party (two pro-European parties) acquiring more than the majority of seats in parliament and the PVV losing 11 seats (from 24 to 13). In this section, ECRI will analyse the climate of opinion and political discourse present in the Netherlands since ECRI’s third report; it looks with interest and optimism to the policies and approaches which will be adopted by the new cabinet. (§ 104)
* That said, ECRI notes that, on many occasions, the settlement of Eastern Europeans in the Netherlands for work purposes as well as Islam as a whole and Muslims, as a result, have been portrayed by politicians and media as a threat to Dutch society. After Wilders’ statement concerning the need to “stop the tsunami of Islamisation” ... (§ 108)
* ECRI recommends that the authorities reconsider whether any action should be taken in relation to the website inviting Dutch nationals to lodge their complaints about Central and Eastern Europeans living in the country on issues such as nuisance, pollution, problems related to housing, competition on the job market and/or any similar initiatives. (§ 109)
* ECRI would also like to address certain very worrying statements made in public or broadcast by the PVV, notably its Secretary Geert Wilders. The movie Fitna posted on the internet on 27 March 2008 provides a harrowing and acutely inflammatory portrait of Islam and of Muslims[91]. By using crude, distressing and shocking images, the film runs a parallel between the Koran (notably a number of its Suras) and Imams with terrorism, incitement to genocide, desire to rule the world and violence towards women and LGBTs[92][93]. Furthermore, during a parliamentary debate on 16 September 2009, Mr Wilders proposed to introduce a “head rag tax” (a pejorative name for headscarves) which would consist in requiring women to obtain a permit to wear a headscarf and the imposition of a yearly fee of 1 000 Euros. The money, according to the proposal, would be used to finance shelters for women attempting to abandon Islam. In the PVV’s 2010-2015 election programme, the word "head rag tax" was not mentioned; however the proposal to tax the wearing of head scarves was included. In this last respect, ECRI is also pleased that a number of political parties condemned this proposal. Once again, however, ECRI notes that no action (judicial or disciplinary) was taken further to this. In this respect, other than Articles 58 to 60 of the Rules of Procedure of the Parliament, prohibiting insults and providing for the possibility of excluding a Member of Parliament (MP) from a session in such case, there is no provision expressly targeting racist insults and providing disciplinary sanctions in case of breach. (§ 110)
* ECRI has been informed that, in addition to invoking the principle of freedom of expression to justify the statements made by the PVV in the course of the last five years, the Prime Minister has also stated that it was his intention not to react to all of Mr Wilders’ provocations, so that his statements would fall flat and there would be no rippling effect at the level of the media. In this last respect, ECRI takes note of the strategy chosen. However, it has highlighted (and continues to do so) in its Declaration on the use of racist, antisemitic and xenophobic elements in political discourse, as well as in its recommendations in country reports, that all political leaders should take a public stance against the expression of racist and xenophobic attitudes for a number of reasons: Europe’s history shows that political discourse that promotes religious, ethnic or cultural prejudice and hatred threatens social peace and political stability; this type of discourse conveys prejudices and stereotypes in respect of vulnerable groups and strengthens the racist and xenophobic content of debates on immigration and asylum; and it conveys a distorted image of Islam portraying this religion and its followers as a threat. Therefore, it ultimately damages the long-term cohesion of society, allows racial discrimination to gain ground and encourages racist violence. (§ 111)
* ECRI was informed that the opinion of the population in the Netherlands was divided as concerns the outcome of the trial against Geert Wilders. While part of the population agreed with the decision, inter alia on freedom of expression grounds, another part of the population was angered because it felt it legitimised the stigmatisation of the Muslim population. (§ 112)
* ECRI recommends that the authorities ensure that a provision prohibiting racist insults and providing for measures and/or sanctions to be taken in case of its breach be introduced either in the Parliament’s Rules of Procedure or in a separate Code of Ethics for Members of Parliament. ECRI further recommends that all political parties take a firm stand against racist discourse targeting a group of persons on grounds of their “race”, religion, nationality, language or ethnic origin. (§ 113)
* Lastly, according to a study of the University of Amsterdam, since ECRI’s third report there have been many non-violent demonstrations against the presence or plans to build a mosque[95]. Parliamentary questions were submitted in 2011 and 2012 to the Minister of Interior and Kingdom Relations by the PVV as concerns plans to build a mosque in two municipalities. In both cases the Minister replied that, while he could understand people’s fear about changes in their immediate surroundings, he reassured the population that the mosque would not cause any troubles and that the Netherlands recognises freedom of religion and that part of this principle includes the right to have a place to worship. ECRI welcomes the authorities’ stance on this issue. (§ 115)
* The POLDIS data published by the authorities for the period 2008-2010 suggests that the number of racist offences and offences with racist motivation against Muslims has decreased. Nonetheless, it should be noted that it is often difficult to establish whether the motive of an offence is the religious affiliation or the ethnicity of the victim. At the same time the data provided shows that the number of reported incidents and offences against Moroccans has increased. Furthermore, according to data provided by the MDI, the majority of discriminatory statements reported on the Internet and the social media concerned Muslims (and Jews). (§ 137)
* … According to a study on Islamophobia published in 2012 by the University of Amsterdam, between 2005 and 2010, a total of 117 violent attacks were perpetrated against mosques in the Netherlands[99]. The incidents include vandalism, spray painting on the premises, arson, telephone threats and the hanging of a dead sheep on the building. (§ 129)
* ECRI strongly recommends that the authorities provide a strong response to violent racist incidents, in particular as concerns the widespread attacks to mosques, with a wide array of measures, from political statements to increased provision of funds earmarked for the security of mosques to the vigorous enforcement of criminal law provisions against racism and racial discrimination. (§ 130)
* ECRI in its third report also called on the Dutch authorities to: oppose publicly and vigorously all manifestations of anti-Muslim sentiment in politics; refrain from promoting debate on policies that have as their main objective the polarisation of Dutch society around issues of relevance to the Muslim communities and from adopting any such policies; refrain from adopting policies that discriminate against Muslims directly or indirectly; challenge generalisations and associations made in public debate and the media between the Muslim communities and terrorism (as per its GPR No. 8 on combating racism while fighting terrorism). (§ 138)
* The above-mentioned recommendations have been widely discussed in the section of this report on climate of opinion and political discourse. In addition to what has already been said, ECRI is concerned about another bill targeting specifically the Muslim community and proposing once again the banning of all face-covering garments in public, including in public buildings, educational institutions, hospitals and public transport[104]. The Council of State[105] has issued an opinion in this respect, recommending that the draft law not be sent to Parliament; despite this, the bill is pending before the Parliament. ECRI stresses once again its view that such measures increase the feelings of victimisation and stigmatisation among Muslims and reinforce the problem of discrimination or exclusion of Muslim women generally in everyday life. (§ 139)
* ECRI strongly recommends that the authorities abandon once and for all the proposal to ban all face-covering garments in public. It further recommends that the authorities refrain from adopting laws that discriminate against Muslims directly or indirectly. (§ 140)
* The discrimination experienced by persons of Muslim faith or believed to be of Muslim faith in various fields of life has been widely discussed in the section on discrimination in various fields of this report. (§ 141)

*ECRI Report on the Russian Federation (published on 15 October 2013)*

* … Occasional attacks against Muslims occur. In April 2012, a prominent Muslim figure was fatally stabbed in Moscow in what is thought by some to be a religious or ethnically motivated attack and an investigation is currently underway. Mosques, religious buildings and cemeteries are targets of vandalism and arson … (§ 81)
* ECRI notes that many people in the Russian Federation assert that the country has a long tradition of inter-ethnic tolerance and peace that continues today. However, a Levada-Center opinion poll carried out in January 2011 indicated that 58% of Russians agreed with the nationalist slogan “Russia for Russians”. Another 62% supported the slogan “Stop Feeding the Caucasus!”, a reference to generous Government funding for development of the mainly Muslim North Caucasus. (§ 92)
* In recent times, the authorities, including the President, have called upon the media to refrain from xenophobic statements which fuel aggression in the public. In particular, they have made repeated appeals to the media urging them to be careful about the terminology used in reporting on terrorist attacks. In April 2011, for instance, the President underlined that journalists were using the words “shahid” (martyr) in an inappropriate context, offending Muslims. (§ 98)
* ECRI recommends that the authorities ensure that media that infringe the prohibition on incitement to racial hatred are duly prosecuted and punished. (§ 102)
* ECRI recommends that the Russian Federation authorities, without interfering with the independence of the media, encourage the latter to verify that the various codes of conduct for media professionals and declarations of journalists constitute an effective means of combating all forms of racist discourse in the media and strengthen them if necessary. (§ 103)
* ECRI recommends that the authorities encourage any initiative aimed at offering journalists training in human rights in general and in particular in issues concerning the fight against racism and racial discrimination. (§ 104)
* The Russian Federation is home to 20 million Muslims according to official figures and 23 million according to unofficial estimates. The Muslim population is made up mainly of the traditional Muslim people of the Russian Federation but also Muslim migrants from Central Asia. ECRI notes that, other than some occasional acts of violence and vandalism (see the section on Racist Violence), according to most Muslims, the situation now is better than it was five years ago. There has been good support, including financial, from the State for numerous social, religious and educational projects and events. (§ 129)
* One grievance of the Muslim communities is the difficulty in obtaining land or permission for the construction of mosques. This is a widespread problem at local level in regions where they are a minority and can be attributed to religious intolerance on the part of local people, who have protested, and the authorities. The result is an insufficient number of places of worship. (§ 130)
* ECRI recommends that the authorities grant permission for Muslim communities to build a sufficient number of mosques in order for them to exercise their right to manifest their religion in worship. (§ 131)

*ECRI Report on Slovenia (published on 16 September 2014)*

* Although racist attacks are not frequent in Slovenia[9], isolated incidents do occur. According to one report[10], Roma, Muslims and persons belonging to a visible ethnicity are the most frequent victims of racist violence … (§ 64)
* According to the latest annual report of the hotline (up to 2010), in the period September 2008 to August 2009, there was an average of 23 reports per month concerning hate speech, while from September 2009 to August 2010, the average rose to 31 reports per month, which represents a 26% increase. Hate speech content was mostly found on web pages, forums and social networks and targeted mainly Roma, LGBT people and Muslims. (§ 71)
* ECRI encourages the authorities to continue monitoring the Internet to prevent it from being used to disseminate racist comments and material and to prosecute and punish those who incite racial hatred, violence or intolerance. (§ 73)
* ECRI notes that there are some 50 000 Muslims in Slovenia and two distinct communities, the Islamic Community in Slovenia and the Slovenian Muslim Community. On 9 July 2007, the Government and the Islamic Community concluded an Agreement on the Legal Status of the Islamic Community in Slovenia. The terms of the agreement regulate 11 areas, including the legal personality of the Islamic community, freedom of organisation and conduct of religious and educational activities, and preserving historical and cultural heritage. (§ 138)
* ECRI is pleased to note that the problem highlighted in its second and third reports concerning the obstacles to the construction of a mosque seem now to be resolved. An agreement was finally reached in December 2008 and the Municipality of Ljubljana has made available a site close to the city centre for the construction of an Islamic Religio-Cultural Centre. In November 2011, a design for the first mosque in the country was selected. All the necessary permits have been granted, financing is assured and construction work is due to commence in September 2013. (§ 140)
* ECRI has been informed that Muslims do not experience any obvious discrimination in Slovenia. Nevertheless, they have raised one issue of contention. Recently enacted legislation on animal protection forbids slaughter without prior stunning. Concerned by this “anti-halal” law, one of the Islamic communities applied for an exemption for ritual slaughter. This was refused. At the time of writing this report, a challenge to the constitutionality of the law was being prepared. ECRI considers that exceptions limited to religious needs should be permitted, bearing in mind that the law will affect also the Jewish community and its requirements for kosher meat. (§ 141)
* ECRI invites the authorities to adopt a religiously sensitive approach to the question of ritual slaughter of animals and to find solutions which take into account religious freedom. (§ 142)
1. The full texts of ECRI reports can be found on the [ECRI HUDOC database](https://hudoc.ecri.coe.int/eng#{%22sort%22:[%22ECRIPublicationDate%20Descending%22]}) [↑](#footnote-ref-1)