IHRC SUBMISSION TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

1. **Information concerning the author(s) of the communication:**

Type: NGO

Name: Islamic Human Rights Commission

Country: UK

Address:

Email:

Website:

Contact’s Officer

1. **Information concerning the Communication**

Type of Communication: Call for input for the preparation of the report of the UN Secretary-General pursuant to the UN General Assembly resolution A/RES/78/234 “A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”, to be presented to the seventy-ninth session of the UN General Assembly.

1. **Information on the State concerned**

United Kingdom; France; Germany

1. **Time covered:**

October 2023-June2024

1. **Facts of the complaint**

*IHRC Statement*

Since the escalation of hostilities between Palestine and Israel on the 7th of October 2023, IHRC believes that the governments of United Kingdom, France and Germany have reached an alarming level of repression against the Pro-Palestine movement. Although the distinction is self-evident and well documented, the conflation of anti-Semitism and anti-Zionism by states is clearly dangerous and malicious, with serious implications for a more toxic environment of hate, a stronger polarization of public opinion, and the resulting criminalization of dissenting views and the impairment of citizenry’s political membership. By advancing the war on terror with a ‘clash of civilisations’ narrative”, all the European countries make use of the same rhetorical device of labelling legitimate criticism as anti-Semitic, with the dangerous effect of conflating critical discourse with hate speech while neglecting the real and pressing issues of rising anti-Semitism and Islamophobia across the region. Undoubtedly, singling out the Muslim community with threats of deportation and criminalisation in a context where antisemitism is very often conflated with legitimate criticism of Israel, creates a climate of fear which is not conducive to freedom of expression. In this regard, the Special Rapporteur on freedom of religion or belief has reported that “collective blame cast on Muslims for terrorist acts […] have fuelled acts of discrimination, hostility and violence against Muslim individuals and communities”. (Human Rights Council, 46th session, 2021) Nevertheless, similar episodes have occurred in Germany; the German Vice Chancellor Robert Habeck [has singled out](https://www.bmwk.de/Redaktion/DE/Downloads/M-O/manuskripte-habeck-ueber-israel-und-antisemitismus-en.pdf?__blob=publicationFile&v=4) Muslim associations to “clearly distance themselves from antisemitism so as not to undermine their own right to tolerance”. Equally, the German President Frank-Walter Steinmeier [called](https://www.aljazeera.com/news/2023/11/8/german-president-says-arab-citizens-must-distance-themselves-from-hamas#:~:text=German%20President%20Frank%2DWalter%20Steinmeier%20says%20Germans%20of%20Arab%20and,the%20country%20have%20triggered%20controversy) on Germans of Arab and Palestinian descent to take steps to distance themselves from anti-Semitism and the Palestinian political group Hamas. The lack of an international definition of terrorism, and a precise understanding of what constitutes “support” for it, may pose problems for any bans, as will also the lack of any agreement on what constitutes legitimate criticism of Israel’s human rights record and what constitutes genuine hate speech.

**Fact of complaint:**

In responding to *preambular paragraph 6, see in detail:*

* + [Attachment 1](https://www.ihrc.org.uk/wp-content/uploads/2024/06/Attachment-1_UN-Secretary-General_Durban.pdf)

*In responding to paragraph 26, see in detail*

* + [Attachment 2](https://www.ihrc.org.uk/wp-content/uploads/2024/06/Attachment-2_merged.pdf)

**Policy Recommendations**

The UN should call on the national authorities of the states of German, France, UK:

* To clarify by legislation of what constitutes “support/apology of terrorism”. The lack of any measures that adequately address what constitutes legitimate criticism of Israel’s human rights record and what constitutes genuine hate speech is contributing to human rights violations. Too broad and vague definitions could be and are being weaponized against pro-Palestinian activists.
* To avoid singling out of the Muslim community with threats of deportation and criminalisation by fuelling a climate of fear which is not conducive to freedom of expression.
* To discourage from using national security and counter-terrorism legislation and measures, along with legislating and or implementing laws regulating civil society organisation or directives addressing law enforcement agencies as a means of targeting critical movements in a manner contrary to international human rights law. An ideologically-driven approach when legislating on counter-terrorism and counter-extremism otherwise can be politicised and weaponised against large segments of Muslim and other dissenting sections of civil society
* To discourage from binding the entitlement to citizenship and residence permit to specific political stances. To protect individuals’ right to citizenship, which admits of no gradations or rankings. In no case should the citizenship acquisition process lead to discrimination between native citizens and citizens with a foreign background, whose citizenry credentials are routinely challenged. A ‘tiered system of entitlement to right’ might amount to saying that a ‘native citizen can commit the same crimes as his or her mid and bottom-tiered peers, but receive a different legal treatment and punishment.

In addition, the UN should:

* establish an ad-hoc body in charge of gathering data, monitoring restrictions on civic space and their impact on racialised groups, especially Muslims and people of Arab-descent and Jewish people, and those perceived as such. The body should be competent in sending public alerts and urgent statements to the national states concerned.
* publish reports every six-months on a specific case of repression, spanning from harassment, censorship, violence, hate speech, illegal arrests to other discriminatory acts.
* address restrictions on peaceful assembly and expression in the Annual Rule of Law Cycle.